

Executive

AGOCD11 State Lien Protection in Judicial Sales of Real Estate

R.C. 2329.192

- (1) Requires, generally, that a party seeking a judicial sale of real estate include a state lienholder as a party defendant unless no state lien has been recorded against the owner of the real estate for which the judicial sale is sought.
- (2) Presumes the appearance of the state lienholder for jurisdictional purposes and requires the court to take judicial notice that the state has a lien against the real estate subject to a judicial sale.
- (3) Allows the state lienholder to file an answer to the complaint or any other pleading if the amount, validity, or priority of the state lien is not identified as disputed and requires the state lienholder to file the above described answer if the amount, validity, or priority of the state lien is identified as disputed.
- (4) Requires that, as part of any order confirming the sale of the lands and tenements that is subject to any undisputed state lien or distributing the proceeds of any judicial sale of real estate, the undisputed state lien is protected as if the state had appeared in the action and filed an answer asserting the state lien.
- (5) Requires that notice be given to the state lienholder and the Attorney General if any party asserts a dispute as to the amount, validity, or priority of the state lien or of any lien or other interest that has priority over the state lien.
- (6) Requires that the interest of any undisputed state lien transfer to the proceeds of the sale of the real estate.

Fiscal effect: Potential cost savings for the Office of the Attorney General and certain state agencies as a result of the Attorney General being required to defend state agencies in foreclosure proceedings only in cases when there is a dispute as to a state lien or interest.

AGOCD1 County Sheriffs' Pay Supplement

Section: 221.10

- (1) Requires GRF appropriation item 055411, County Sheriffs' Pay Supplement, be used for the purpose of supplementing the annual compensation of county sheriffs as required R.C. 325.06.
- (2) Permits the Director of Budget and Management, at the request of the Attorney General, to transfer appropriation from GRF appropriation item 055321, Operating Expenses, to GRF appropriation item 055411.

Executive**AGOCD2 County Prosecutors' Pay Supplement****Section: 221.10**

(1) Requires GRF appropriation item 055415, County Prosecutors' Pay Supplement, be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by R.C. 325.111.

(2) Permits the Director of Budget and Management, at the request of the Attorney General, to transfer appropriation from GRF appropriation item 055321, Operating Expenses, to GRF appropriation item 055415.

AGOCD3 Workers' Compensation Section**Section: 221.10**

(1) Permits the Workers' Compensation Fund (Fund 1950) to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided by the Attorney General to those two state agencies.

(2) Requires the advance payments to be subject to adjustment.

(3) Requires the Bureau of Workers' Compensation to transfer quarterly payments for the support of the Attorney General's Workers' Compensation Fraud Unit.

(4) Requires that the amounts of these quarterly payment be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

AGOCD4 Attorney General Pass-Through Funds**Section: 221.10**

Requires that FED Fund 3E50 appropriation item 055638, Attorney General Pass-Through Funds, be used to receive federal grant funds (generally pertaining to criminal justice activities such as law enforcement or victim services) provided to the Attorney General by other state agencies, including, but not limited to, the departments of Youth Services and Public Safety.

Executive**AGOCD5 General Holding Account****Section: 221.10**

(1) Requires that Holding Account Redistribution Fund appropriation item 055631, General Holding Account, be used to distribute money under the terms of relevant court orders or other settlements received in cases involving the Attorney General.

(2) Appropriates the additional amounts necessary for this purpose.

AGOCD6 Antitrust Settlements**Section: 221.10**

(1) Requires that Holding Account Redistribution Fund appropriation item 055632, Antitrust Settlements, be used to distribute money under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Attorney General.

(2) Appropriates the additional amounts necessary for this purpose.

AGOCD7 Consumer Frauds**Section: 221.10**

(1) Requires that Holding Account Redistribution Fund appropriation item 055630, Consumer Frauds, be used for distribution of money from court-ordered judgments against sellers in actions brought by the Attorney General under certain R.C. sections to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments.

(2) Appropriates the additional amounts necessary for this purpose.

Executive**AGOCD8 Organized Crime Commission Distributions****Section: 221.10**

(1) Requires that Holding Account Redistribution Fund appropriation item 055601, Organized Crime Commission Account, be used by the Organized Crime Investigations Commission to reimburse political subdivisions for expenses incurred when their law enforcement officers participate in an organized crime task force.

(2) Appropriates the additional amounts necessary for this purpose.

AGOCD9 Collection Outside Counsel Payments**Section: 221.10**

(1) Requires that Holding Account Redistribution Fund appropriation item 055650, Collection Outside Counsel Payments, be used for the purpose of paying contingency counsel fees for cases where debtors mistakenly paid the client agencies instead of the Attorney General's Revenue Recovery/Collections Enforcement Section.

(2) Appropriates the additional amounts necessary for this purpose.

AGOCD10 Cash Transfers to Tobacco Oversight Administration and Enforcement Fund**Section: 521.33**

Requires the Director of Budget and Management, on July 1, 2013, or as soon as possible thereafter, to transfer the cash balance from the following funds to the Tobacco Oversight Administration and Enforcement Fund (Fund U087) used by the Attorney General:

(1) Tobacco Settlement Enforcement Fund (Fund T087) used by the Department of Taxation.

(2) Education Technology Trust Fund (Fund S087) used by eTech Ohio.

(3) Southern Ohio Agricultural Development Trust Fund (Fund K087) used by the Southern Ohio Agricultural and Community Development Foundation.

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Abolishes each of the three above-noted funds subsequent to completion of the cash transfer. Cancels any existing encumbrances against their related appropriation items and reestablishes those cancelled encumbrances against TSF Fund U087 appropriation item 055402, Tobacco Settlement Oversight, Administration, and Enforcement. Appropriates the transferred cash and reestablished encumbrances.

Requires the Director of Budget and Management, on July 1, 2014, or as soon as possible thereafter, to transfer the cash balance in the Law Enforcement Improvement Trust Fund (Fund J087) to Fund U087. Abolishes Fund J087 subsequent to completion of the cash transfer. Cancels any existing encumbrances against TSF Fund J087 appropriation item 055635, Law Enforcement Technology, Training, and Facility Enhancements, and reestablishes those cancelled encumbrances against TSF Fund U087 appropriation item 055402, Tobacco Settlement Oversight, Administration, and Enforcement. Appropriates the transferred cash and reestablished encumbrances.

Fiscal effect: The amount of cash that could be transferred to Fund U087 is estimated at up to approximately \$145,000 in FY 2014 and as much as \$500,000 or so in FY 2015.

Executive**DASCD10 Surety Bonds for State Elected Office Holders and Other Officials**

R.C. *109.06, 111.02, 113.02, 117.03, 121.11*

(1) Eliminates the requirement that statewide elected office holders give a surety bond to the state that has been issued by a surety provider approved by the Governor, and instead allows the bond to be issued by any surety provider authorized to do business in the state.

(2) Removes the requirement for the Governor to approve surety and fix the amounts of surety for bonds of cabinet-level department appointees (but maintains the current law's minimum threshold of \$10,000 for such surety bonds). Allows DAS to procure a schedule in addition to a blanket bond from a duly authorized corporate surety provider authorized to do business in the state instead of from any duly authorized corporate surety for such appointees and any other officer the Governor designates.

(3) Removes the current authority for the director of each department, with the Governor's approval, to require any officer or employee in the director's department, to give a surety bond.

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AGRCD3 Prohibitions and Penalties under Concentrated Animal Feeding Facilities Law

R.C. 903.30, 903.99

Requires the Attorney General, upon the written request of the Director of Agriculture, to prosecute any person who violates or fails to perform any duty required by specified provisions of the Concentrated Animal Feeding Facilities Law, a rule adopted by the Director under that Law, or an order or term or condition of a permit issued by the Director under that Law or rules adopted under it.

Establishes the following three tiers of violations and penalties under this provision: 1). Negligent – Not more than 90 days in jail or no more than a \$10,000 fine or both. Defines a person is negligent with respect to circumstances when, because of a lapse from due care instead of because of a substantial lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist. 2). Reckless – Not more than one year in jail or no more than a \$10,000 fine or both. 3). Intentional – Felony subject to not more than 3 years in jail and a fine between \$10,000 - \$25,000. (Current law prescribes different penalties for violating the Concentrated Animal Feeding Facilities Law. They range from a guilty of a misdemeanor of third degree on a first offense, to a misdemeanor of first degree on a third or subsequent offense, and to not more than \$25,000 fine for specified violations.)

Fiscal effect: May increase in costs for the Department of Agriculture, the Attorney General, and local courts related to the prosecution of offenders. These costs would be partially offset through fine revenues collected as a result of prosecution.
