

Executive

COMCD8 Unclaimed Funds Law Changes

R.C. *169.08, 109.572, 122.58, 169.01-169.03, 169.05-169.07, and 169.13-169.16*

(1) Allows for the payment of interest to claimants in accordance with a formula devised in the 2009 Ohio Supreme Court case of *Sogg v. Zurz*, 121 Ohio St.3d 449 (2009), its progeny, and final settlement agreement, and removes the current prohibition against the payment of interest on funds in the possession of the state. Specifies time frames and amounts of interest allowed to claimants, as follows: (a) For properties received by the state on or before July 26, 1991, interest applied is six per cent per annum from the date the state received the property up to and including July 26, 1991; (b) For properties received by the state for the period from July 27, 1991, up to and including August 2, 2000, no interest is applied; and (c) For properties held by the state on August 3, 2000, or after, interest must be paid at the applicable required rate per annum for the period held from August 3, 2000, or the date of receipt, whichever is later, up to and including the date the claim is paid.

(2) Includes references to the newly created authority for the Attorney General to request owner information and claim unclaimed funds when collecting verified amounts owed to the state, and creates a setoff priority for state claims filed by the Attorney General's office under this authority as well as a priority for state claims for child support filed by the Department of Job and Family Services.

(3) Provides that the contents of unclaimed safe-deposit boxes are unclaimed funds and authorizes the Superintendent of Financial Institutions to report to the Superintendent of Unclaimed Funds the proceeds from the sale of property removed from safe-deposit boxes unclaimed for three years after the closing, liquidation, or dissolution of a financial institution.

(4) Establishes the reporting deadline for safe-deposit contents as a date that is not earlier than the first day of February and not later than the first day of April of each year for property dormant as of the preceding thirtieth day of June.

(5) Removes the newspaper publication requirement for out-of-state addresses and addresses in foreign countries and replaces it with authority to post the notice on the Department of Commerce's internet web site or the state public notice web site.

(6) Increases the threshold value amount from \$10 to \$50 as the minimum value of items of unclaimed funds that triggers the Director's duty to maintain the owner's name on a list available in the Director's office indicating whose funds are being held by the state under the Unclaimed Funds Law.

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(7) Authorizes an FBI background check for Ohio residents applying to be "finders," as is done currently for out-of-state applicants.

Fiscal effect: In relation to (1), more than \$15 million will be paid from the Unclaimed Funds Trust Fund (Fund 5430) to a settlement administrator for interest payments on unclaimed funds pursuant to the ruling of the Supreme Court in *Sogg v. Zurz*. For (2), if unclaimed funds owners owe money either to the state or for child support, these amounts will be deducted before the claimant is paid, and credited to the appropriate state fund or the Child Support Payment Central custodial fund. The other changes could lead to an increase in the unclaimed funds that are reported and claimed, as well as some minimal administrative savings to Fund 5430.

COMCD6 **Bedding and Stuffed Toy Manufacturers and Importers Reporting**

R.C. **3713.06**

Reduces from two to one the number of reports that bedding and stuffed toy manufacturers and importers must submit annually to the Superintendent of Industrial Compliance.

Fiscal effect: None.

COMCD9 **Revolving Loan Program for Underground Storage Tanks**

R.C. **3737.883, 3737.02**

Creates the Underground Storage Tank Revolving Loan Program, to be administered by the State Fire Marshal or designee.

Requires that interest-free loans be made under the program to political subdivisions that seek to take action with regard to underground storage tanks when the tanks' owners or operators cannot be identified or cannot pay the costs of the action, provided that the political subdivision spends its own funds equal to at least 5% of the loan amount.

Requires that the loans be financed through fines and penalties collected by the Bureau of Underground Storage Tanks and loan repayments.

Permits a political subdivision to take legal action to recover costs incurred if the tank owner or operator is identified or is determined to have been or be able to pay the costs of action taken by the political subdivision.

Fiscal effect: Potential minimal increase in expenditures in the Underground Storage Tank Administration Fund (Fund 6530) in implementing and operating the revolving loan program.

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COMCD5 **Historical Boilers Licensing Board Vacancies****R.C. 4104.33**

Requires the Director of Commerce to fill vacancies on the Historical Boilers Licensing Board instead of requiring vacancies to be filled in the manner provided for during initial appointments, which gives the Governor, the President of the Senate, and the Speaker of the House appointment authority. Specifies that the Director's appointments do not require the advice and consent of the Senate.

COMCD7 **Prevailing Wage Threshold Index****R.C. 4115.034**

Changes the index used to calculate biennial changes to the threshold levels that are used to determine whether a horizontal public improvement project is subject to Ohio's Prevailing Wage Law, from the U.S. Department of Commerce's Bureau of the Census Implicit Price Deflator for Construction to the construction cost index published by the Engineering News-Record or, should that index cease to be published, a similar recognized industry index chosen by the Director of Commerce.

Fiscal effect: Because the U.S. Department of Commerce no longer publishes the Price Deflator for Construction Index, the threshold adjustment has been calculated using the Building Cost for Skilled Labor Index published by McGraw-Hill's Engineering News-Record in its absence. As a result, there is no substantive change to prevailing wage threshold adjustments.

COMCD1 **Administrative Assessments****Section: 241.10**

Specifies that the Division of Administration Fund (Fund 1630) is entitled to receive assessments from all operating funds of the Department, subject to OBM approval.

Fiscal effect: Provides a method to pay for the Department's centralized services, such as communications, fiscal administration, human resources, legal, legislative affairs, quality control, training, employee development, and support services.

Executive**COMCD2 Unclaimed Funds Payments****Section: 241.10**

Requires GSF Fund 5430 appropriation item 800625, Unclaimed Funds-Claims, to be used to pay claims under R.C. 169.08 and appropriates additional amounts for this purpose if necessary.

COMCD3 Fire Department Grants**Section: 241.10**

(1) Earmarks up to \$2,146,802 each year from SSR Fund 5460 appropriation item 800639, Fire Department Grants, for grants to volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships.

(2) Requires the grants to be used to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in the grant recipient's jurisdiction.

(3) Limits grant awards for firefighting or rescue equipment or gear or fire department costs of providing fire protection services to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded, and to \$15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training, which could be in addition to any grant funds awarded for equipment or fire protection services.

(4) Requires the State Fire Marshal to determine the total amounts to be allocated for each eligible purpose.

(5) Requires the State Fire Marshal to administer the grant program in accordance with rules adopted as part of the State Fire Code, which may further define eligible entities and establish criteria for the awarding and expenditure of grant funds.

(6) Permits any appropriations in excess of the amount allocated for the grants to be used to administer the grant program.

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COMCD4 Cash Transfers to the Division of Real Estate Operating Fund

Section: 241.10

Allows the Director of OBM, upon the request of the Director of Commerce, to transfer up to \$500,000 in cash from the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium.
