

Executive

As Passed by the House

As Reported by Senate Finance

AGOCD5 Authority in Regulating Charitable Trusts

No provision.

No provision.

R.C. 109.33

Permits the Attorney General to contract with experts for assistance in regulating charitable trusts as an alternative to employing experts for assistance.

Fiscal effect: The Attorney General may experience greater efficiencies and potential cost savings by allowing certain experts to be retained via contract rather than employed (presumably with benefits) at a higher cost.

AGOCD3 Continuing Professional Training for Peace Officers and Troopers

R.C. 109.802, 109.803

(1) Changes the required number of hours of continuing professional training for peace officers and troopers each calendar year from "up to twenty-four hours" to "four hours," and eliminates the restriction that the training can only be required if there is state funding available for reimbursement of training costs.

(1) No provision.

(1) No provision.

(2) Eliminates the Law Enforcement Assistance Fund (Fund 5L50), which is used by the Attorney General to provide state reimbursement to appointing authorities for such training.

(2) No provision.

(2) No provision.

(3) Eliminates requirements that the Attorney General adopt rules regarding the reimbursement of public appointing authorities for the cost of continuing professional training programs.

(3) No provision.

(3) No provision.

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(4) Eliminates requirements that the Ohio Peace Officer Training Commission administer a program for reimbursement of these costs and eliminates the ability of an appointing agency to apply for reimbursement.

(4) No provision.

(4) No provision.

Fiscal effect: State and local law enforcement agencies may experience an increase in costs associated with continuing professional training, as these changes (1) mandate 4 hours of continuing professional training per year (instead of requiring up to 24 hours when state reimbursement is available as under current law) and (2) eliminate the Law Enforcement Assistance Fund, which funds the current state reimbursement program. However, according to the Attorney General, the Ohio Peace Officer Training Academy (OPOTA) will continue to extend free regional training opportunities which were significantly expanded in FY 2011. OPOTA, via the Police Officers' Training Academy Fee Fund (Fund 4210), will also continue to develop and post new eOPOTA courses on the Ohio Law Enforcement Gateway (OHLEG).

AGOCD1 Consumer Sales Practices Act Annual Report Date Change

R.C. 1345.05

R.C. 1345.05

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Changes the date by which the Attorney General is required to report to the Governor and the General Assembly on its operations regarding the Consumer Sales Practices Act from January 1st to January 31st of each year.

Same as the Executive.

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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AGOCD6 State Liens in Foreclosure Cases

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		R.C. 2329.192
(1) No provision.	(1) No provision.	(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) No provision.	(2) No provision.	(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) No provision.	(3) No provision.	(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 answer if certain items are disputed.
(4) No provision.	(4) No provision.	(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) No provision.	(5) No provision.	(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) No provision.	(6) No provision.	(6) Requires that the interest of any undisputed state lien transfer to the proceeds of the sale of the real estate.

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Fiscal effect: There may be some savings in terms of reducing the time and effort that state agencies, including the Attorney General, might otherwise have expended on protecting state liens in actions for judicial sale of real estate.

AGOCD2 Law Enforcement Agency Reports – Seized or Forfeited Property

R.C. 2981.11

(1) Eliminates the requirement that a law enforcement agency that has any seized or forfeited property during any calendar year prepare and send to the Attorney General an annual report with respect to the agency's acquisition and disposition of that property.

(2) Eliminates the requirement that the Attorney General send a notice to the President of the Senate and Speaker of the House of Representatives of the receipt of the reports described above.

Fiscal effect: State and local law enforcement agencies may experience a minimal annual decrease in administrative costs as a result of no longer being required to produce and send an annual report detailing any seized or forfeited property to the Attorney General. Additionally, the Attorney General may experience a negligible decrease in administrative costs associated with collecting these reports and sending notices to the President of the Senate and Speaker of the House of Representatives.

R.C. 2981.11

(1) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 2981.11

(1) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: Same as the Executive.

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DASCD23 Attorney General Certification for Certain State Construction Contracts

No provision.

No provision.

R.C. 153.01

Requires that any construction management contract with a construction manager at risk or any design-build contract with a design-build firm, and any accompanying bond, be submitted to the Attorney General for approval.

Fiscal effect: None. In approving additional construction delivery methods, H.B. 153 of the 129th G.A. omitted the requirement that the Attorney General approve contracts under the new delivery methods, as is required for other types of construction contracts.

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AGECD3 Legal Representation for State and Regional Long-Term Care Ombudsperson Programs

R.C. 173.23

Requires the Attorney General to provide legal counsel to the Office of the State Long-Term Care Ombudsperson Program and to represent any representative of the Office against whom any legal action is brought in connection with the representative's duties, in place of ODA's existing duty to ensure that legal counsel is available and legal representation is provided for these purposes.

Requires the Attorney General to provide legal counsel to the regional long-term care ombudsperson programs and to represent any representative of a regional program against whom any action is brought in connection with the representative's official duties.

Fiscal effect: The Attorney General is already providing some legal representation to the Office of the State Long-Term Care Ombudsperson Program. If additional representation was provided, then costs could increase to the Attorney General, but would decrease for ODA or the regional programs.

R.C. 173.23

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 173.23

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

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OBMCD2 Pre-Securitization Tobacco Payments

Section: 512.20

(1) Specifies that all moneys received by the state in connection with releases from disputed payment accounts or amounts previously withheld under the Tobacco Master Settlement Agreement that do not constitute pledged receipts for the Buckeye Tobacco Settlement Financing Authority Tobacco Settlement Bonds, Series 2007, are to be deposited into the Pre-Securitization Tobacco Payments Fund (Fund 5LS0), which the bill creates.

(2) Requires the Director of OBM to determine, in consultation with the Attorney General, the amounts needed to fund tobacco enforcement-related activities and allows the Director to transfer cash in those amounts from Fund 5LS0 to the Tobacco Oversight Administration and Enforcement Fund (Fund U087).

(3) Permits all amounts determined to be in excess of the tobacco enforcement needs of the Attorney General to be transferred from Fund 5LS0 to the GRF. Abolishes Fund 5LS0 once all pre-securitization Tobacco Master Settlement Agreement payments have been received and transferred to either Fund U087 or the GRF.

(4) Permits the Director of OBM, upon the request of the Attorney General, to transfer up to \$3.0 million cash from the General Reimbursement Fund (Fund 1060) to Fund U087 in FY 2013.

Section: 512.20

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Section: 512.20

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

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Fiscal effect: According to OBM, up to \$60 million could be deposited into Fund 5LS0 for distribution to Fund U087 or the GRF, based on the aggregate amount of disputed or withheld payments. However, any payments are likely to be received over the course of the next several fiscal years.

Fiscal effect: Same as the Executive.

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COMCD7 Unclaimed Funds Law Changes

R.C. 169.01, 169.02, 169.03, 169.06, 169.08, 169.13, 169.14, and 169.16

No provision.

Requires the Director of Commerce to adopt rules for the payment of simple interest on allowed claims at a rate to be determined by the Director, and requires that any returns on investment or interest earned beyond what is paid as interest to the owner be retained to fund the cost of administering the Unclaimed Funds program.

No provision.

No provision.

Requires the written agreement between an owner of unclaimed funds and a person who assists in their recovery (a "finder") to disclose that the Director of Commerce will direct the Director of Budget and Management to pay from the unclaimed funds any legal amount specified in the agreement directly to the finder, and requires the agreement to specify that any such fee will be deducted from the direct payment and that the remaining unclaimed funds will be paid directly to the owner.

No provision.

No provision.

Requires the Director of Budget and Management, instead of the Auditor of State as required under current law, to make the payment of unclaimed funds when the owner of the unclaimed funds has entered into an agreement with a finder to locate, deliver, recover, or assist in the recovery of those unclaimed funds.

No provision.

No provision.

Requires each person that files a claim for unclaimed funds with the Director of Commerce under a finder's agreement to include a copy of the agreement with the claim.

No provision.

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No provision.

Allows the Director of Commerce to establish a reasonable fee for the processing and delivery of any payment made to a finder pursuant to such an agreement, payable by the finder.

No provision.

No provision.

Requires an applicant for registration by the Division of Unclaimed Funds as a finder to undergo a criminal records check conducted by the Bureau of Criminal Identification and Investigation, or a vendor approved by the Bureau, and requires the applicant to pay the fee required to conduct the background check.

No provision.

No provision.

Requires the Director of Commerce to notify owners of unclaimed funds, without an address known by the Department of Commerce or residing out of state, by public notice posted on the Department's web site. Current law requires that public notice be published in a newspaper of general circulation in the county of the owner's last known address or, if the owner resides in a foreign country, by other means of publication that the Director finds most effective.

No provision.

No provision.

Replaces the term "unclaimed funds" with "property presumed abandoned" throughout the Unclaimed Funds Law.

No provision.

Fiscal effect: Potential increase in the amounts disbursed under the Unclaimed Funds program by allowing interest to accrue on amounts claimed. Negligible increase in administrative costs for the Department of Commerce and the Office of Budget and Management for processing claims involving finders. Corresponding negligible savings for the Auditor of State.

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Other Taxation Provisions

TAXCD33 Distribution of Casino Tax Proceeds

R.C. *5753.03, Section 812.20*

Creates the Peace Officer Training Academy Fund (Fund 5LR0) and the Criminal Justice Services Casino Tax Revenue Fund (Fund 5LM0) to receive the portion of casino tax proceeds (2%) allocated for the purpose of supporting law enforcement training efforts of the Peace Officer Training Academy and the Department of Public Safety's Division of Criminal Justice Services.

Stipulates that the portion of casino tax proceeds (3%) allocated to the Ohio State Racing Commission Fund (Fund 5JK0) is for use by the Commission to promote pari-mutuel horse racing.

Specifies that the portion of casino tax proceeds (2%) allocated to the Problem Casino Gambling and Addictions Fund (Fund 5JL0) is for use by the Department of Alcohol and Drug Addiction Services.

Provides that these amendments are exempt from the referendum and will take effect immediately when the act becomes law.

Fiscal effect: None. Current law already requires amounts credited to Ohio Law Enforcement Training Fund (Fund 5JN0) to be allocated to the Ohio Peace Officer Training Academy (85%) and the Division of Criminal Justice Services (15%). This provision creates funds to receive the resulting monies and from which appropriations may be made.

No provision. Included in H.B. 508, As Introduced.

No provision. Included in H.B. 508, As Introduced.