

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

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AGO - 16

Minimum Basic Training Requirements for Peace Officers and Eligibility for Appointment

R.C.109.73, 109.742, 109.744, 109.751, 109.761, 109.77

R.C.109.73, 109.742, 109.744, 109.751, 109.761, 109.77

(1) No provision.	(1) Removes the current requirement that the Ohio Peace Officer Training Commission recommend , that the Attorney General adopt rules requiring, and that peace officer basic training programs include a specific number of training hours for topics related to domestic violence and protection orders (15), crisis intervention (6), and missing children and child abuse and neglect cases, and replaces it with a requirement that there be training on those subjects.	(1) Same as the House.
(2) No provision.	(2) Requires each agency or entity that appoints or employs peace officers to report to the Ohio Peace Officer Training Commission the guilty plea to a felony or a specified misdemeanor of any person who is serving the agency or entity in a peace officer capacity.	(2) Same as the House.
(3) No provision.	(3) Requires certain peace officers who terminate employment and are subsequently hired as peace officers to complete an unspecified amount of training in crisis intervention instead of six hours of such training.	(3) Same as the House.
(4) No provision.	(4) Expands to include "equivalent service as determined by the Executive Director of the Ohio Peace Officer Training Commission" the criteria under which a person who was employed as a county, township, or municipal peace officer on January 1, 1966 may receive an original appointment on a permanent basis as a peace or law enforcement officer without complying with certain training requirements.	(4) Same as the House.

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Fiscal effect: It is possible that, as a result of eliminating the minimum number of hours of training related to the various topic areas listed above, that the Peace Officer Training Academy Fund (Fund 4210) may experience a loss in revenue. However, according to representatives of the Ohio Peace Office Training Commission, this is not the intention and it is the goal of the Commission is to create efficiencies by expanding the use of on-line course training. As such, local law enforcement agencies may realize a cost savings related to travel, overtime and over-night expenses.

Fiscal effect: Same as the House.

2	AGO - 20	License Fees to Carry a Concealed Handgun	
			R.C. 109.731, 311.42, 2923.125, 2923.1213
(1) No provision.		(1) No provision.	(1) Replaces the existing fee for a license or renewal of a license to carry a concealed handgun (CCW) with a fee of \$55 plus, for certain residents, the actual cost of having a background check performed by the FBI.
(2) No provision.		(2) No provision.	(2) Replaces the existing fee for an emergency CCW license with a fee of \$15 plus the actual cost of having a background check performed by the Bureau of Criminal Identification and Investigation (BCII), and possibly the FBI.
(3) No provision.		(3) No provision.	(3) Requires the sheriff to waive the fee for an emergency license to carry a concealed handgun for an applicant who is a retired peace officer, a retired person described in R.C. 109.77(B)(1)(b), and certain retired federal law enforcement officers, unless the person retired as a result of mental disability.

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(4) No provision.		4) No provision.	(4) Requires the counties to distribute all fees deposited into the sheriff's concealed handgun issuance expense fund except \$40 of each fee paid for a regular license and \$15 of each fee paid for a temporary emergency license to the Attorney General to be used to pay the cost of background checks performed by the BCII and the FBI and to cover administrative costs associated with issuing the license. Fiscal effect: Uncertain.
3	AGO - 15	Law Enforcement Continuing Professional Training Reimbursements	
No provision.		<div>R.C.109.802, 109.803</div> <div>Specifies that a public appointing authority that complies with certain reporting requirements may be reimbursed the costs from the Law Enforcement Assistance Fund for each peace officer or trooper who timely complies with the continuing professional training requirements, whether or not other peace officers or troopers have timely complied. Eliminates the prohibition on the carrying of a firearm or carrying out duties by a peace officer or trooper who has failed to complete required continuing professional training. Fiscal effect: This provision is not expected to increase annual training reimbursement expenditures made from the Law Enforcement Assistance Fund (Fund 5L50). Additionally, state and local law enforcement agencies could also experience a commensurate gain in revenues in the form of training reimbursements for which they might not otherwise have been eligible.</div>	<div>R.C.109.802, 109.803</div> <div>Same as the House. Fiscal effect: Same as the House.</div>

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
4	AGO - 11	Domestic Violence Shelters Fund		
R.C. 2743.191, 3113.37				
Abolishes the Domestic Violence Shelters Fund (Fund 4170), and states that money currently required to be deposited in that fund be deposited in the Reparations Fund (Fund 4020) and permits Fund 4020 to be used for providing assistance to domestic violence shelters.			No provision.	No provision.
Fiscal effect: None.				

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5	AGO - 18	Attorney's Fees Paid from the Reparations Fund		
No provision.			No provision.	<div>R.C.2743.51</div> <div>Modifies the amount of attorney's fees, incurred to obtain a restraining order, custody order, or other order to separate a victim from an offender, that are an "allowable expense" under the Crime Victims Reparations Law such that: (1) "allowable expense" includes attorney's fees not exceeding \$1,320 (\$2,500 under current law), at a rate not exceeding \$60 (\$150 under current law) per hour, incurred for those services, if the attorney has not received payment under another specified provision of that law for assisting a claimant with a reparations award application (current law) and provided that the attorney or the attorney's law firm may only receive such attorney's fees in an amount that does not exceed a cumulative total of \$30,000 in any calendar year (new provision), (2) the \$30,000 maximum does not apply to a legal aid society attorney or a legal aid society (new provision), and (3) attorney's fees for the specified services may include an amount for reasonable travel time incurred while performing them, assessed at a rate not exceeding \$30 per hour (new provision).</div> <div>Fiscal effect: Potential savings, annual magnitude uncertain.</div>

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6	AGO - 17	Reparations Fund Payments for Electronic Monitoring		
No provision.			No provision.	<div>R.C. 2903.214</div> <div>(1) Limits the amount that may be paid from the Reparations Fund for the installation and monitoring of electronic monitoring devices ordered for indigent respondents by courts in connection with protection orders requested under R.C. 2903.214 to \$300,000 per year, (2) permits the Attorney General to promulgate rules governing payments for such devices in such cases from the Reparations Fund, and (3) changes from mandatory to permissive the current requirement that the cost of installation and monitoring for an indigent respondent in such cases be paid out of the Reparations Fund.</div> <div>Fiscal effect: This provision will likely result in an annual cost savings for the Reparations Fund (Fund 4020). Under current law, if certain individuals are found to be indigent, costs of installing and monitoring electronic monitoring devices is paid from this state fund. Since this provision of current law is relatively new, it is uncertain how much is currently expended on monitoring costs annually, therefore, the potential cost savings is uncertain as well.</div>

Attorney General		Main Operating Appropriations Bill		H. B. 1
Executive		As Passed by the House		As Reported by Senate Finance and Financial Institutions
7	AGO - 21	Award of Gasoline Purchase Card for Playing a Skill-Based Amusement Machine		
No provision.		No provision.		R.C. 2915.01 Allows a gasoline purchase card with a value not exceeding \$10 to be awarded as a prize for playing a skill-based amusement machine even if the machine is not located at a gasoline station or if the card is not redeemable at the location of, or at the time of playing, the machine. Fiscal effect: None.
8	AGO - 19	Definition of "Peace Officer" and "Law Enforcement Officer"		
(1) No provision.		(1) No provision.		R.C. 2921.51, 3937.41, 4501.271 (1) Expands the definition of "peace officer" that applies to the prohibition against impersonating a peace officer and the statute allowing a peace officer to file a request with the Bureau of Motor Vehicles to prohibit the disclosure of the officer's residence address contained in motor vehicle records of the Bureau.
(2) No provision.		(2) No provision.		(2) Expands the definition of "law enforcement officer" that applies to the prohibition against an insurer considering the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, and applies the prohibition to an investigator of the Bureau of Criminal Identification and Investigation in addition to law enforcement officers. Fiscal effect: Negligible direct effect on the state and any of its political subdivisions.

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9	AGO - 14	Law-Related Education	<div>Section: 223.10</div> <div>No provision.</div>	<div>No provision.</div>
10	AGO - 1	County Sheriffs' Pay Supplement	<div>Section: 223.10</div> <div>Requires GRF appropriation item 055411, County Sheriffs' Pay Supplement, be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code, and 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, County Sheriffs' Pay Supplement.</div>	<div>Section: 223.10</div> <div>Same as the Executive.</div>

Attorney General			Main Operating Appropriations Bill		H. B. 1	
Executive			As Passed by the House		As Reported by Senate Finance and Financial Institutions	
11	AGO - 2	County Prosecutors' Pay Supplement				
Section: 223.10			Section: 223.10		Section: 223.10	
Requires GRF appropriation item 055415, County Prosecutors' Pay Supplement, be used for the purpose of supplementing the annual compensation of county prosecutors as required by section 325.111 of the Revised Code, and 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, County Prosecutors' Pay Supplement.			Same as the Executive.		Same as the Executive.	
12	AGO - 3	Workers' Compensation Section				
Section: 223.10			Section: 223.10		Section: 223.10	
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, requires the advance payments be subject to adjustment, requires the Bureau of Workers' Compensation to transfer quarterly payments for the support of the Attorney General's Workers' Compensation Fraud Unit, and requires the amounts of these quarterly payment be mutually agree upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.			Same as the Executive.		Same as the Executive.	

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AGO - 4

Corrupt Activity Investigation and Prosecution

Section: 223.10 Requires GSF Fund 6290 appropriation item 055636, Corrupt Activity Investigation and Prosecution, be used as provided for under current law (section 2923.35 of the Revised Code) to dispose of the proceeds, fines, and penalties deposited in the state treasury to the credit of the Corrupt Activity Investigation and Prosecution Fund (Fund 6290).	Section: 223.10 Same as the Executive, but also authorizes automatic appropriation increases if additional amounts are necessary for this purpose.	Section: 223.10 Same as the House.
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AGO - 6

Attorney General Pass-Through Funds

Section: 223.10 Requires 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 Department of Youth Services and the Department of Public Safety.	Section: 223.10 Same as the Executive.	Section: 223.10 Same as the Executive.
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AGO - 5

General Holding Account

Section: 223.10 Requires Holding Account Redistribution Fund appropriation item 055631, General Holding Account, be used to distribute moneys under the terms of relevant court orders received from settlements in a variety of cases involving the Office of the Attorney General.	Section: 223.10 Same as the Executive, but also authorizes automatic appropriation increases if additional amounts are necessary for this purpose.	Section: 223.10 Same as the House.
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16	AGO - 7	Antitrust Settlements			
	Section: 223.10	Requires Holding Account Redistribution Fund appropriation item 055632, Antitrust Settlements, be used to distribute court-ordered settlements in which the Attorney General represents the state or a political subdivision under section 109.81 of the Revised Code.	Section: 223.10	Same as the Executive, except (1) clarifies the source appropriation item's revenues, and (2) authorizes automatic appropriation increases if additional amounts are necessary for this purpose.	Section: 223.10 Same as the House.
17	AGO - 8	Consumer Frauds			
	Section: 223.10	Requires Holding Account Redistribution Fund appropriation item 055630, Consumer Frauds, be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Attorney General under certain sections of the Revised Code to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments.	Section: 223.10	Same as the Executive, but also authorizes automatic appropriation increases if additional amounts are necessary for this purpose.	Section: 223.10 Same as the House.
18	AGO - 9	Organized Crime Commission Account			
	Section: 223.10	Requires Holding Account Redistribution Fund appropriation item 055601, Organized Crime Commission Account, be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses political subdivisions incur when their law enforcement officers participate in an organized crime task force.	Section: 223.10	Same as the Executive, but also authorizes automatic appropriation increases if additional amounts are necessary for this purpose.	Section: 223.10 Same as the House.

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19	AGO - 10	Fund Abolishments		
Section: 223.10			Section: 223.10	Section: 223.10
(1) Requires the Director of Budget and Management transfer the cash balance in the Domestic Violence Shelters Fund (Fund 4170) to the Reparations Fund (Fund 4020) and authorizes that funds received for deposit in the state treasury on or after July 1, 2009 that would otherwise have been credited to Fund 4170 be credited to Fund 4020, and abolishes Fund 4170 once the transfer has been completed.			(1) No provision.	(1) No provision.
(2) Requires the Director of Budget and Management transfer the cash balance in the Asbestos Abatement Fund (Fund 6740) to the General Revenue Fund (GRF), and abolishes Fund 6740 once the transfer has been completed.			(2) Same as the Executive.	(2) Same as the Executive.
(3) Abolishes the Bingo License Refunds Fund (Fund R003).			(3) Same as the Executive.	(3) Same as the Executive.

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20	AGE - 2	Civil Penalties Against Long-Term Care Providers	
R.C.	173.28	R.C. 173.28	R.C. 173.28
Permits the Director of Aging to impose civil fines for violating prohibitions against (1) subjecting a long-term care facility resident or community long-term care services recipient to retaliation for filing a complaint or (2) denying the Long-Term Care Ombudsperson access to a long-term care facility or community-based long-term care site to investigate a complaint.		Same as the Executive.	Same as the Executive.
Provides that the imposition of civil fines may be in lieu of the existing criminal fines for violating the prohibitions, and requires the Attorney General to collect unpaid civil fines.		Same as the Executive.	Same as the Executive.
Fiscal effect: There could be a decrease in local prosecutorial costs if the Department of Aging fines a long-term care provider for violations rather than seeks action through the criminal courts. As a result, local courts would lose the fine revenues associated with these cases. Instead, these fines would be deposited into the Regional Long-Term Care Ombudsman Program Fund (Fund 4C40), used by the Department. The amount deposited would depend on the number of violations. The Attorney General's Office may realize an increase in costs if the Office is required to prosecute cases to collect any unpaid fines.		Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

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DOH - 30

Asbestos Hazard Abatement

R.C.	<i>3710.01, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.12, 3710.13, and 3710.141</i>	R.C.	<i>3710.01, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.12, 3710.13, and 3710.141</i>
Requires ODH to deny the application for an asbestos hazard abatement contractor's license to any person who has been found civilly liable under environmental protection laws.		Same as the Executive	
Removes ODH's authority to: (1) in an emergency, waive certification requirements for certain types of asbestos hazard abatement workers; and (2) approve alternatives to worker protection requirements that contractors and asbestos hazard evaluation specialists must follow.		Same as the Executive.	
Authorizes ODH to: (1) deny, suspend, or revoke a license or certificate under the Ohio Asbestos Abatement Law for a violation or threatened violation of certain federal asbestos regulations, (2) serve by personal delivery the Director of Health's order pertaining to an asbestos proceeding, and (3) issue orders to unlicensed or uncertified persons requiring any action necessary to meet a public health emergency involving asbestos. If immediate action is not taken, the Attorney General, at the request of the Director of Health, may commence a civil action for civil penalties and injunctions.		Same as the Executive, but adds clarifying/technical language to the section that specifies that the Department may deny, suspend, or revoke a license or certificate if the holder violates any of the specified provisions.	
Clarifies that a licensee or certificate holder's right to demand a hearing relating to the Ohio Asbestos Abatement Laws is limited to ten business days after receiving notice of the right to a hearing.		Same as the Executive.	

No provision.

No provision.

No provision.

No provision.

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
Clarifies what constitutes an "asbestos hazard abatement activity" and an "asbestos hazard abatement project" and clarifies which provisions in the Ohio Asbestos Abatement Law apply to each of those terms.	Same as the Executive.	No provision.
Revises the definition of "asbestos hazard abatement activity" to: (1) lower the amount of asbestos-containing materials needed to qualify as such an activity and (2) include the operation and maintenance of friable asbestos containing materials.	Same as the Executive.	No provision.
Creates a threshold amount of friable asbestos-containing material that must be involved for an asbestos hazard abatement activity to constitute an "asbestos hazard abatement project."	Same as the Executive.	No provision.
Revises the definition of "friable asbestos-containing material" to (1) change the method by which the amount of asbestos in "friable asbestos-containing material" is determined and (2) specifically include previously non-friable material that has become damaged.	Same as the Executive.	No provision.
Includes inspectors as persons who are considered "asbestos hazard evaluation specialists" and expands the description of specialists' duties to apply to suspect materials.	Same as the Executive.	No provision.
Expands the possible duties of an "asbestos hazard abatement project designer" to include the oversight of an asbestos hazard abatement activity.	Same as the Executive.	No provision.
Removes from the definition of "asbestos hazard abatement air-monitoring technician" the exception relating to a certified industrial hygienist in training.	Same as the Executive.	No provision.
Expressly limits only to asbestos hazard abatement contractors an existing prohibition against persons contracting to perform any aspect of an asbestos hazard abatement project without a written contract containing	Same as the Executive.	No provision.

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<div>specified provisions.</div> <div>No provision.</div> <div>Fiscal effect: It is possible that ODH could experience an increase in costs related to this provision. However, ODH could realize a gain in fee revenue to offset this. Additionally, the provision allows ODH to request that the Attorney General begin proceedings for civil actions and civil penalties and injunctions, which could increase costs to the Attorney General. The amount would depend on the number of actions required.</div>	<div>Requires that an asbestos hazard abatement contractor notifies the Department at least 10 business days before beginning an asbestos hazard abatement project (currently it is 10 days).</div> <div>Fiscal effect: Same as the Executive.</div>	<div>No provision.</div>

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22	DPS - 17	Cash Transfers from Reparations Fund to Disaster Preparedness Fund	
Section: 512.20			
Transfers \$350,000 in cash in each of FYs 2010 and 2011 from the Reparations Fund (SSR Fund 4020), which is used by the Attorney General, to the Disaster Preparedness Fund (SSR Fund 5EX0), which is used by the Department of Public Safety.		No provision.	No provision.

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Other Taxation Provisions

23	TAX - 56	Protected Public Record Status for Investigators of the Bureau of Criminal Identification and Investigation	
No provision.	No provision.	<div>R.C. 149.43, 149.45, 319.28, 319.54</div> <div>Exempts from the definition of a public record the residential and familial information of investigators of the Bureau of Criminal Identification and Investigation. Requires county auditors to use initials in place of names of protected individuals on any record made available to the general public on the Internet or a publicly accessible database.</div> <div>Fiscal effect: May increase county auditors' costs.</div>	