

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

1

COM - 27

Federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" (S.A.F.E. Act) Implementation

R.C. 109.572, 1321.51, 1321.52, 1321.521, 1321.531, 1321.532, 1321.533, 1321.534, 1321.535, 1321.536, 1321.54, 1321.55, 1321.551, 1321.552, 1321.59, 1321.591, 1321.592, 1321.593, 1321.594, 1321.595, 1321.60, 1321.99, 1322.01, 1322.02, 1322.023, 1322.024, 1322.031, 1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 1322.061, 1322.064, 1322.07, 1322.071, 1322.072, 1322.075, 1322.081, 1322.09, et al, Section 701.70

No provision.	In order to comply with the federal SAFE Act, the bill does all of the following:	No provision.
(1) No provision.	(1) Requires the licensure of loan originators who are employed by or associated with registered mortgage lenders under the Mortgage Loan Law (R.C. 1321.51 to 1321.60) or registered mortgage brokers under the Mortgage Brokers Law (R.C. 1322.01 to 1322.12). Specifies an application fee and annual renewal fee of \$150 and any other fee required by the Nationwide Mortgage Licensing System and Registry (NMLS&R).	(1) No provision.
(2) No provision.	(2) Specifies that loan originators are individuals who for compensation or gain, or in anticipation of compensation or gain, do any of the following: (a) take or offer to take a residential mortgage loan application; (b) assist or offer to assist a buyer in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs; (c) offer or	(2) No provision.

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

	negotiate terms of a residential mortgage loan; (d) issue or offer to issue a commitment for a residential mortgage loan to a buyer. Exempts clerical or purely administrative staff, real estate brokers, persons acting solely as loan processors or underwriters, certain licensed attorneys, and others from licensure.	
(3) No provision.	(3) Requires loan originators to furnish certain information to the NMLS&R, including fingerprints for a criminal background check and their personal history and experience, and to obtain a unique identifier from the NMLS&R.	(3) No provision.
(4) No provision.	(4) Establishes standards for license issuance, including: (a) completing at least 20 hours of pre-licensing instruction reviewed and approved by the NMLS&R, (b) obtaining a specified score on a written test developed by the NMLS&R and administered by a NMLS&R-approved test provider, (c) obtaining and maintaining a surety bond in an amount that reflects the dollar amount of loans originated by the loan originator, (d) completing continuing education in a course or program of study reviewed and approved by the NMLS&R, and (e) submitting Mortgage Call Reports of condition to the NMLS&R.	(4) No provision.
(5) No provision.	(5) Specifies that all privilege and confidentiality protections under state or federal law continue to apply to information after it has been provided to the NMLS&R or shared with other state and federal regulatory officials with mortgage industry oversight authority.	(5) No provision.
(6) No provision.	(6) Permits the Superintendent of Financial Institutions to establish relationships or enter into contracts with the NMLS&R to collect and maintain records and process transaction fees related to loan originator licenses.	(6) No provision.

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

Fiscal effect: Potential gain in revenue to the Consumer Finance Fund (Fund 5530), dependent on the number of applicants and licensees. Potential increase in administrative costs to conform to the changes made by the bill.

2	COM - 28	Registrants under the Mortgage Loan Law	
		R.C. 109.572, 1321.20, 1321.51, 1321.52, 1321.53, 1321.533, 1321.535, 1321.536, 1321.54, 1321.55, 1321.551, 1321.57, 1321.59, 1321.591, 1321.592, 1321.593, 1321.594, 1321.595, 1321.60, 1321.99, Section 701.70	
No provision.		Makes numerous revisions to the laws governing registered mortgage lenders, including with respect to the following:	No provision.
(1) No provision.		(1) Expands the activities requiring registration.	(1) No provision.
(2) No provision.		(2) Requires a civil and criminal records check of each applicant for a certificate of registration or of those persons who have the authority to control the operations of the applicant.	(2) No provision.
(3) No provision.		(3) Requires that the designated operations manager of a registrant be a licensed loan originator.	(3) No provision.
(4) No provision.		(4) Permits registrants to be bonded rather than maintain a specified net worth.	(4) No provision.
(5) No provision.		(5) Specifies additional grounds for suspension or revocation of certificates of registration, and additional fines for violations.	(5) No provision.

Department of Commerce			Main Operating Appropriations Bill		H. B. 1	
Executive			As Passed by the House		As Reported by Senate Finance and Financial Institutions	
(6) No provision.			(6) Provides additional disclosure and other requirements and creates new prohibitions, including the use of unfair, deceptive, or unconscionable means to collect any claim.		(6) No provision.	
(7) No provision.			(7) Permits borrowers injured by a violation of or failure to comply with certain provisions of the law to bring an action for the recovery of damages.		(7) No provision.	
			Fiscal effect: Potential gain in revenue to the Consumer Finance Fund (Fund 5530) if additional entities would be required to register as mortgage lenders. Potential increase in administrative costs to conform to the changes made by the bill. Potential increase in civil court caseloads if new cases arise from the additional disclosures, requirements, and prohibitions.			
3	COM - 29	Independence of the Superintendent and Division of Financial Institutions				
			R.C.	121.07	R.C.	121.07
No provision.			Eliminates the provision of current law stating that the Superintendent of Financial Institutions and the Division of Financial Institutions are independent of and not subject to the control of the Department or the Director of Commerce when performing any of the examination or regulatory powers vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code.		No provision.	
No provision.			No provision.		Provides that, in the absence of the Superintendent, a deputy superintendent may perform those functions for a limited period of time if written authorization is given by the Superintendent.	

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
4	COM - 22	Fee for Administering Unclaimed Funds	<div>R.C.169.08</div> <div>No provision.</div> <div>Eliminates the requirement that the Director of Commerce retain in the Unclaimed Funds Trust Fund (Fund 5043) 5% of the total amount of unclaimed funds payable to a claimant as a fee for administering the funds.</div> <div>Fiscal effect: Loss of several million dollars per year in revenue, depending on claims paid. Based on FY 2008 claims paid of \$57.8 million, the 5% administrative fee generated approximately \$3.0 million.</div>	<div>R.C.169.08</div> <div>Same as the House.</div> <div>Fiscal effect: Same as the House.</div>
5	COM - 30	Mortgage Brokers/Loan Officers Law Changes	<div>R.C.1322.01, 1322.02, 1322.022, 1322.023, 1322.03, 1322.031, 1322.04, 1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 1322.061, 1322.062, 1322.063, 1322.064, 1322.065, 1322.07, 1322.071, 1322.072, 1322.074, 1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 1322.11, 1343.011, 1345.01, 1345.05, 1345.09, 1349.31, 1349.43, Section 701.70</div> <div>(1) No provision.</div> <div>(2) No provision.</div> <div>(1) Eliminates the licensing of loan officers and makes conforming changes relative to the elimination of the loan officer license and the creation of the loan originator license.</div> <div>(2) Makes numerous revisions relative to the registration of mortgage brokers, including with respect to the following: (a) exemption of mortgage bankers from the law, application for which carries an annual fee of \$350, (b) the penal sum of the</div>	<div>(1) No provision.</div> <div>(2) No provision.</div>

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

(3) No provision.	<div>required surety bond, (c) continuing education required of a registrant's operations manager, (d) disclosure requirements, and (e) prohibitions.</div> <div>(3) Prohibits an individual from acting as a loan originator (who must be employed by or associated with a mortgage broker) without first having obtained a license from the superintendent, the fee for which is \$150 annually.</div> <div>Fiscal effect: Potential gain in fee revenue to the Consumer Finance Fund (Fund 5530) dependent on the number of applicants and licensees. Potential increase in administrative costs to conform to the changes made by the bill.</div>	(3) No provision.
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6

COM - 4

Mortgage Broker and Loan Officer License Fees

R.C. 1322.03, 1322.031, 1322.04, 1322.041	R.C. 1322.03, 1322.031, 1322.04, 1322.041	R.C. 1322.03, 1322.031, 1322.04, 1322.041
(1) Increases the application and renewal fees for a mortgage broker certificate of registration from \$350 to \$500.	(1) Same as the Executive, but also requires the application and renewal fees to include any additional fee required by the Nationwide Mortgage Licensing System and Registry (NMLS&R).	(1) Same as the Executive.
(2) Increases the application and renewal fees for a loan officer license from \$100 to \$150.	(2) Same as the Executive, but changes the reference from a loan officer to a loan originator and also requires the application and renewal fees to include any additional fee required by the NMLS&R.	(2) Same as the Executive.
(3) Increases the threshold at which an applicant must pay for the Superintendent's excess costs of investigation outside Ohio from \$350 to \$500 for a mortgage broker's certificate and from \$100 to \$150 for a loan officer license.	(3) Same as the Executive, but changes the reference from loan officer to loan originator.	(3) Same as the Executive.
(4) Removes the provision exempting persons registered under the Mortgage Loan Law (R.C. 1321.51 to 1321.60) from having to pay such fees when applying for or renewing	(4) Same as the Executive.	(4) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

a mortgage broker certificate of registration.

Fiscal effect: Gain in revenue of approximately \$488,000 per year to the Consumer Finance Fund (Fund 5530).

Fiscal effect: Same as the Executive, though the amount of revenue may vary due to the variations in scope between the current loan officer license and the proposed loan originator license.

Fiscal effect: Same as the Executive.

7	COM - 8	Video Service Authorization Program Funding		
R.C. 1332.24, 1332.25		R.C. 1332.24, 1332.25, Section 713.10	R.C. 1332.24, 1332.25	
(1) Permits the Director of Commerce to collect an annual assessment on video service providers, except for those classifications of video service providers exempted by rule of the Director based on the scope of the subscriber base or the purpose of the video service.		(1) Same as the Executive, but removes the discretion of the Director of Commerce to exclude video service providers from the assessment.	(1) Same as the House.	
(2) Directs the assessment revenue to the Video Service Authorization Fund (Fund 5X60).		(2) Replaces the Executive provision by directing the assessment revenue to the Division of Administration Fund (Fund 1630).	(2) Same as the Executive.	
(3) Requires the assessment to (a) be based on actual administrative costs in overseeing the video service authorization program and (b) allocated proportionately among the video service providers using a competitively neutral formula established by rule.		(3) Replaces the Executive provision with provisions that (a) limit the total amount assessed to the lesser of \$450,000 per fiscal year or the actual, current fiscal year administrative costs to carry out the video service authorization program, (b) require the assessment to be based on subscriber counts as of December 31st of the preceding calendar year and submitted by January 31st, and (c) specify that subscriber count information submitted by a video service provider is trade secret information that cannot be disclosed except by court order, and thus, is not a public record.	(3) Same as the House, but reduces the annual assessment cap to \$350,000 or the actual, current fiscal year administrative costs.	
(4) No provision.		(4) Adds to the Director of Commerce's enforcement authority by permitting the Director to enforce payment of the new video service assessment.	(4) Same as the House.	

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
<p>(5) Grants rulemaking authority to the Director of Commerce to carry out the duties under the Video Service Authorization Law.</p>	<p>(5) No provision.</p>	<p>(5) No provision.</p>
<p>(6) Requires the Director of Commerce to send to each video service provider written notice of its proportional amount of the total assessment by July 1 of each year and requires providers to pay that amount within 14 days after the notice is sent.</p>	<p>(6) Same as the Executive, but requires the notice to be sent by June 1 and requires payment 30 days after the notice is sent. However, for FY 2010, requires video service providers to submit subscriber counts for the preceding calendar year by October 9, 2009, requires notice of assessment by October 16, 2009, and requires payment by October 30, 2009.</p>	<p>(6) Same as the House, but requires providers, including for FY 2010, to pay the assessment on a quarterly basis no more than 45 days after the end of each calendar quarter.</p>
<p>(7) Requires the Director of Commerce, on an annual basis, to reconcile the amount collected with the actual fiscal year administrative costs and either charge each assessed provider its respective proportion of any insufficiency or proportionately credit the provider's next assessment for any excess collected.</p>	<p>(7) Same as the Executive, but requires the Director to reconcile the amount collected with the total, current amount assessed.</p>	<p>(7) No provision.</p>
<p>Fiscal effect: Gain in revenue to the Video Service Authorization Fund (Fund 5X60), sufficient to fund operating costs. The current authorization application and amendment fees paid by video service providers have generated minimal revenue to Fund 5X60, making the Department rely on the Division of Administration Fund (Fund 1630) to support the video service authorization (VSA) program. For FY 2009, the VSA's program's budget is \$336,800, as approved by the Controlling Board.</p>	<p>Fiscal effect: Same as the Executive, but a gain in revenue to the Division of Administration Fund (Fund 1630) of up to \$450,000 per year.</p>	<p>Fiscal effect: Same as the Executive, but a gain in revenue to the Video Service Authorization Fund (Fund 5X60) of up to \$350,000 per year.</p>

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

8	COM - 2	Securities License and Filing Fees				
	R.C.	1707.17	R.C.	1707.17	R.C.	1707.17
	Increases the following fees: (1) securities dealer license and annual renewal fee from \$100 to \$200; (2) investment advisor's license and annual renewal fee from \$50 to \$100; (3) investment advisor's notice filing fee from \$50 to \$100; (4) securities salesperson license and annual renewal fee from \$50 to \$60; and (5) investment advisor representative's license and annual renewal fee from \$35 to \$50.		Same as the Executive.		Same as the Executive, but eliminates the proposed fee increases for an investment advisor representative's license and license renewal described in (5).	
	Fiscal effect: Gain in revenue of about \$4.7 million per year to the Division of Securities Fund (Fund 5500).		Fiscal effect: Same as the Executive.		Fiscal effect: Same as the Executive, but a gain in revenue of about \$4.3 million to Fund 5500.	
9	COM - 3	Securities Dealer or Investment Adviser License Transfer Fees				
	R.C.	1707.18	R.C.	1707.18		
	Increases the fee for every salesperson's license that is transferred from \$10 to \$15, in the case of a transfer of a dealer's license and the licenses of its salespersons to a successor entity.		Same as the Executive.		No provision.	
	Increases the fee for every investment adviser representative's license that is transferred from \$10 to \$15, in the case of a transfer of an investment adviser's license and the licenses of its investment adviser representatives to a successor entity.		Same as the Executive.		No provision.	
	Fiscal effect: Potential gain in revenue to the Division of Securities Fund (Fund 5500).		Fiscal effect: Same as the Executive.			

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
10	COM - 21	Securities Investor Education and Enforcement	<div>R.C. 1707.37, Section 241.10</div> <div><div>(1) No provision.</div><div>(2) No provision.</div><div>(3) No provision.</div><div>(4) No provision.</div></div> <div><div>(1) Creates the Division of Securities Investor Education and Enforcement Expense Fund (Fund 5GK0) to pay the expenses of the Division relating to education or enforcement for the protection of securities investors and the public.</div><div>(2) Specifies that the fund is to consist of all money received in settlement of violations of the Securities Law (Chapter 1707. of the Revised Code) and any cash transfers.</div><div>(3) Provides that if the Director of OBM and the Director of Commerce determine that money in Fund 5GK0 is in excess of \$1 million at the end of a fiscal year and that any amount of that excess is not needed to defray the qualifying expenses of the Division of Securities, the Director of OBM may transfer that amount to the GRF.</div><div>(4) Requires the Director of OBM, upon the request of the Director of Commerce, to transfer up to \$485,000 in cash in each fiscal year from the Division of Securities Fund (Fund 5500) to Fund 5GK0.</div></div> <div>Fiscal effect: Supports the new program with an appropriation of \$485,000 each fiscal year.</div>	

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
11	COM - 1	State Fire Marshal's Fund Transfers		
	R.C. 3737.71	Allows the Director of OBM, at any time and upon determining that the money in the State Fire Marshal's Fund (Fund 5460) exceeds the amount necessary to defray ongoing operating expenses in a fiscal year, to transfer the excess to the GRF.	R.C. 3737.71 Same as the Executive.	R.C. 3737.71 Same as the Executive.
		Fiscal effect: Potential gain in revenue to the GRF and corresponding decrease in available cash in Fund 5460.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the House.
12	COM - 26	Residential Construction Advisory Committee		
			R.C. 3781.10, 3781.12, 3781.19, 4740.14	R.C. 3781.01, 3781.10, 3781.12, 3781.19, 4740.14, Section 747.10
	(1) No provision.		(1) Requires the Residential Construction Advisory Committee (RCAC) to provide the Board of Building Standards (BBS) with any rule RCAC recommends to update or amend the state residential building code or to update or amend rules that BBS adopts that relate to the certification of entities that enforce the state residential building code.	(1) Same as the House, but adds that BBS is prohibited from adopting any rules to update or amend the state residential building code or the rules BBS adopts that relate to the certification of entities that enforce the state residential building code unless BBS first receives a recommendation from RCAC.
	(2) No provision.		(2) Permits any person to petition RCAC to recommend a rule to BBS regarding the state residential building code or relating to the certification of entities that enforce the state residential building code. After receiving such a petition, requires RCAC to provide BBS with any rule it recommends regarding the state residential building code or relating to the certification of entities that enforce the state residential building code.	(2) Same as the House, but clarifies that persons may not petition BBS concerning any rules regarding the state residential building code or rules the board adopts that relate to the certification of entities that enforce the state residential building code since persons may petition RCAC for this purpose.

Department of Commerce		Main Operating Appropriations Bill	H. B. 1
Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions	
(3) No provision.	(3) Requires RCAC to provide BBS with a written report of its findings for each consideration RCAC makes in regards to its recommendations relating to the residential building code, certification of building officials who enforce the state residential building code, and the interpretation of the residential building code.	(3) Same as the House.	
(4) No provision.	(4) No provision.	(4) Requires that the residential building code adopted by BBS include sanitation and plumbing standards.	
(5) No provision.	(5) No provision.	(5) Permits, instead of requires as provided in current law, RCAC to model the residential building code it recommends on a residential building code a national model code organization issues.	
(6) No provision.	(6) No provision.	(6) Removes the authority of the Director of Commerce to appoint all RCAC members and instead, requires the Speaker of the House, the President of the Senate, and the Director of Commerce to appoint certain RCAC members. Requires all the members appointed by the Director of Commerce to be chosen from lists submitted by specified organizations, instead of just certain members as under current law.	
(7) No provision.	(7) No provision.	(7) Sets an expiration date for the terms of current RCAC members at 180 days after the effective date of this provision and requires new appointments to be made to RCAC upon the expiration. Requires the terms of the members initially appointed to be staggered in a certain way. Requires all successive terms to last for three years (the period specified in continuing law) after the expiration of the initial appointments.	
		Fiscal effect: Minimal, if any.	Fiscal effect: Same as the House.

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
13	COM - 5	Boiler Inspection and Related Occupational License Fees
<div>R.C.4104.07, 4104.101,4104.18</div> <div>(1) Eliminates a current law requirement that a renewal fee of \$45 be paid to the Treasurer of State before the renewal of any certificate of operation for a boiler.</div> <div>(2) Increases the following inspection fees for boilers: (a) Annual inspection fee from \$45 to \$50; (b) Biennial inspection fee from \$90 to \$100; (c) Triennial inspection fee from \$135 to \$150; and (d) Quinquennial inspection fee from \$225 to \$250.</div> <div>(3) Increases the examination application fee for a boiler and pressure vessel inspector from \$50 to \$150.</div> <div>(4) Increases the application permit fee for making any installation or major repair or modification of a boiler from \$50 to \$100.</div> <div>(5) Increases the application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses from \$50 to \$75</div> <div>(6) Increases the fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license from \$35 to \$50.</div> <div>Fiscal effect: Gain in revenue of approximately \$645,000 per year to the Industrial Compliance Operating Fund (Fund 5560).</div>	<div>R.C.4104.07, 4104.101,4104.18</div> <div>(1) Same as the Executive.</div> <div>(2) Same as the Executive.</div> <div>(3) Same as the Executive.</div> <div>(4) Same as the Executive.</div> <div>(5) Same as the Executive.</div> <div>(6) Same as the Executive.</div> <div>Fiscal effect: Same as the Executive.</div>	<div>R.C.4104.07, 4104.101,4104.18</div> <div>(1) Same as the Executive.</div> <div>(2) Same as the Executive.</div> <div>(3) Same as the Executive.</div> <div>(4) Same as the Executive.</div> <div>(5) Same as the Executive.</div> <div>(6) Same as the Executive.</div> <div>Fiscal effect: Same as the Executive.</div>

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
14	COM - 6	Elevator Inspection Fees	
R.C.	4105.17	R.C. 4105.17	R.C. 4105.17
(1) Requires a fee to be paid for the inspection or attempted inspection by a general inspector before the operation of an elevator after an adjudication under the Elevator Law.		(1) Same as the Executive.	(1) Same as the Executive.
(2) Increases the fee for inspections or attempted inspections of elevators by a general inspector from \$20 to \$120.		(2) Same as the Executive.	(2) Same as the Executive.
(3) Changes the amount of the additional fee the Superintendent of Industrial Compliance (proposed to be the Superintendent of Labor) may assess for the reinspection of an elevator under specified conditions from \$125 plus \$5 for each floor where the elevator stops to \$120 plus \$10 for each floor where the elevator stops.		(3) Same as the Executive.	(3) Same as the Executive.
(4) Increases the fee for issuing or renewing a certificate of operation for an elevator that is inspected every six months from \$200 plus \$10 for each floor where the elevator stops to \$220 plus \$12 for each floor where the elevator stops.		(4) Same as the Executive.	(4) Same as the Executive.
Fiscal effect: Gain in revenue of about \$729,000 per year to the Industrial Compliance Operating Fund (Fund 5560).		Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
15	COM - 25	Sunday Liquor Sales	<div>R.C. 4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 4301.365, 4301.366, 4303.182, Section 743.10, Section 743.11</div>	
	(1) No provision.		(1) Changes local option elections on Sunday sales of intoxicating liquor allowing sales between 1 p.m. and midnight to instead allow sales between 11 a.m. and midnight.	(1) No provision.
	(2) No provision.		(2) Authorizes certain Sunday liquor sales to begin at 11 a.m. even if the sales were previously approved by the voters to commence at 1 p.m., but allows voters to hold an election to revert the time of commencement to 1 p.m. under certain conditions.	(2) No provision.
	(3) No provision.		(3) Requires the Superintendent of Liquor Control to publish notice in a newspaper of general circulation in each county to inform the electors that they may petition to hold an election to revert the first hour of sales back to 1 p.m.	(3) No provision.

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
		<p>Fiscal effect: Potential gain in revenue to the Liquor Control Fund (Fund 7043) if expanded Sunday hours leads to greater sales. One-time increase, potentially in the hundreds of thousands of dollars, from Fund 7043 for required newspaper advertising. Potential costs for municipalities and townships to hold special elections. Minimal increase for counties to provide petitioners with voter or street lists, notify affected permit holders by certified mail, and hear protests filed against a local option election. Potential overall decrease in the number of local option questions on ballots since persons with a license that allows for 1 p.m. Sunday liquor sales may be content to sell at 11 a.m., opting not to file petitions to sell beer or intoxicating liquor at 10 a.m, as may be done under current law.</p>	
16	COM - 35	Serving or Consumption of Alcohol on State Property	
No provision.		No provision.	<div>R.C.4301.85</div> <div>States that the serving or consumption of beer or intoxicating liquor must not be prohibited in a facility that is owned or leased by the state and that is used by visiting foreign military units for training.</div>

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
17	COM - 32	D-5I Permits that May Be Issued in a Municipal Corporation or Township		
No provision.			No provision.	<div>R.C. 4303.181</div> <div>Authorizes a D-5I liquor permit (retail food establishment or food service operation meeting certain criteria in revitalization districts) to be issued in a municipal corporation or township in which the number of D-5 permits issued equals or exceeds (as opposed to only exceeds, as in current law) the number of those permits that may be issued in that municipal corporation or township under the population quota restrictions established by law.</div> <div>Fiscal effect: Potential gain in revenue to the Undivided Liquor Permit Fund (Fund 7066) if additional D-5I permits are issued. The fee for such a permit is \$2,344. Proceeds in Fund 7066 are distributed to the GRF, the Statewide Treatment and Prevention Fund (Fund 4750), and the local taxing district where the permit was issued. There would also be a gain in revenue to the Liquor Control Fund (Fund 7043) from the \$100 liquor permit application fee that accompanies all permanent liquor permits.</div>

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
18	COM - 31	Liquor Permits in Certain Community Entertainment Districts		
No provision.			No provision.	<div>R.C. 4303.182</div> <div>Expands the permit holders eligible for a D-6 liquor permit (Sunday liquor sales) to specified liquor permit holders (rather than only a D-5j liquor permit holder, which is issued to retail food establishments and food service operations in community entertainment districts) for a permit premises that is located in a specified community entertainment district to allow Sunday sales of liquor between certain hours whether or not that sale has been approved by local option election.</div> <div>Fiscal effect: Potential gain in revenue to the Undivided Liquor Permit Fund (Fund 7066) if additional D-6 Sunday liquor sales permits are issued. The fee for such a permit is \$400 or \$500, depending on the type of permit holder receiving the D-6 permit. Proceeds in Fund 7066 are distributed to the GRF, the Statewide Treatment and Prevention Fund (Fund 4750), and the local taxing district where the permit was issued. There would also be a gain in revenue to the Liquor Control Fund (Fund 7043) from the \$100 liquor permit application fee that accompanies all permanent liquor permits.</div>

Executive			As Passed by the House			As Reported by Senate Finance and Financial Institutions		
19	COM - 18	Changes to the Real Estate Brokers Law						
R.C.	4735.01, 4735.03, 4735.05, 4735.051, 4735.052, 4735.06, 4735.07, 4735.09, 4735.10, 4735.12, 4735.13, 4735.14, 4735.141, 4735.15, 4735.16, 4735.17, 4735.18, 4735.182, 4735.19, 4735.21, 4735.211, 4735.22 (repealed), 4735.23 (repealed), 4735.32, 4735.55, 4735.58, 4735.71, 4735.72, 4735.74, 4735.99, 4767.05, 4767.07, 4767.08, Section 815.10		R.C.	4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 4735.22 (repealed), 4735.23 (repealed), 4767.05, 4767.07, 4767.08, Section 815.10		R.C.	4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 4735.22 (repealed), 4735.23 (repealed), 4767.05, 4767.07, 4767.08, Section 815.10	
(1) Increases the application fee for a real estate broker’s license from \$69 to \$100 and the renewal fee from \$49 to \$75.			(1) Same as the Executive, but reduces the increase in the renewal fee to \$60.			(1) Same as the House.		
(2) Increases the fee for application for a real estate salesperson’s license from \$49 to \$75 and the associated renewal fee from \$39 to \$60.			(2) Same as the Executive, but reduces the increase in the application fee to \$60 and reduces the increase in the renewal fee to \$45.			(2) Same as the House.		
(3) Increases the additional renewal fee for brokers that have between 11 and 20 salespersons from \$64 to \$75 and increases the additional renewal fee for brokers for every ten real estate salespersons or fraction of that number above 20 from \$37 to \$40.			(3) No provision.			(3) No provision.		
(4) Increases the fee for reactivation or transfer of a license by a real estate salesperson from \$20 to \$25.			(4) Same as the Executive.			(4) Same as the Executive.		
(5) Increases the fee for a branch office license from \$8 to \$15.			(5) Same as the Executive.			(5) Same as the Executive.		
(6) Reduces the amount of certain application and renewal fees that must be credited to the Real Estate Education and Research Fund from \$4 to \$1.			(6) Same as the Executive.			(6) Same as the Executive.		

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
(7) Eliminates the option for a real estate broker or salesperson license application fee to be partially refundable and makes non-refundable the fees for reactivation or transfer of a license.	(7) No provision.	(7) No provision.
(8) Increases the maximum fine for a violation committed by a licensed real estate broker or salesperson from \$2,500 to \$5,000.	(8) No provision.	(8) No provision.
(9) No provision.	(9) Reduces from \$1 million to \$500,000 the Real Estate Recovery Fund cash balance threshold at which real estate brokers and salespersons must pay a special assessment of a maximum of \$10 per license year for renewal.	(9) Same as the House.
(10) Requires any civil penalties collected for operating as a real estate broker or salesperson without a license to be deposited into the Real Estate Operating Fund (Fund 5490) instead of the Real Estate Recovery Fund (Fund 5480).	(10) No provision.	(10) No provision.
(11) Makes various changes to the complaint process regarding licensed real estate brokers and salespersons and unlicensed persons.	(11) No provision.	(11) No provision.
(12) Requires a licensee to notify the Superintendent of Real Estate in writing, within 15 days, if the licensee has been convicted of certain crimes, violated certain laws, engaged in discriminatory practices regarding housing accommodations, or is required to permanently surrender any professional license, certificate or registration by order of anyone other than the Superintendent.	(12) No provision.	(12) No provision.
(13) Changes the experience requirements to qualify for a real estate broker's license. Changes the nature of the classroom instruction that may be used to fulfill the ten hours of instruction required for real estate brokers and salespersons.	(13) No provision.	(13) No provision.

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
(14) Changes the provision that allows payment out of the Real Estate Recovery Fund to require the application for payment to be filed in the Court of Common Pleas of Franklin County, instead of any court of common pleas as under current law.	(14) Same as the Executive.	(14) Same as the Executive.
(15) Makes various other changes to the regulation of real estate brokers, salespersons, and so forth as well as to the administration and enforcement of Chapter 4735. of the Revised Code.	(15) No provision.	(15) No provision.
(16) Repeals current law that (a) prohibits the sale of cemetery lots or cemetery interment rights without a written agreement identifying the lot or location, (b) prohibits persons who sell cemetery lots from promising or guaranteeing (or authorizing or permitting any person to promise or guarantee) future profits from the resale or repurchase of the real estate, and (c) and permitting commissions on the sale of cemetery lots in such reasonable amounts as may be fixed by the board of trustees of the cemetery company or association.	(16) Same as the Executive.	(16) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

Fiscal effect: (a) Gain in revenue of approximately \$563,000 per year to the Real Estate Operating Fund (Fund 5490) from license fee increases; (b) Gain in revenue of approximately \$200,000 to \$300,000 per year to Fund 5490 and corresponding loss to the Real Estate Education and Research Fund (Fund 5470) from the redirection of fees, based on revenue to Fund 5470 in recent years; (c) Potential gain in revenue to the Real Estate Operating Fund (Fund 5490) from the redirection of certain fines and penalties and corresponding loss in revenue to the Real Estate Recovery Fund (Fund 5480), depending on violations. In recent fiscal years, total fine and penalty revenue has ranged from \$65,300 to \$257,000; (d) Potential negligible increase in Franklin County Court of Common Pleas caseload from the requirement that all Fund 5480 payment cases be assigned to that jurisdiction; (e) Provides greater flexibility for the Division of Real Estate and Professional Licensing to carry out its duties by removing or lengthening various time limitations in addressing complaints.

Fiscal effect: Same as the Executive, but reduces the revenue gain to Fund 5490 in (a) by approximately \$344,000 per year because of the lowered or eliminated fee increases, eliminates the fiscal effects noted in (c) and (e); potential gain in revenue to the Real Estate Recovery Fund (Fund 5480) if that fund's cash balance is below the lowered assessment threshold on July 1 of each year .

Fiscal effect: Same as the House.

20	COM - 7	Real Estate Appraiser Licensing Law Changes			
R.C.	4763.01, 4763.03, 4763.04, 4763.05,4763.07,4763.09, 4763.11, 4763.13, 4763.14, 4763.17, Section 815.10	R.C.	4763.01, 4763.03, 4763.04, 4763.05,4763.07,4763.09, 4763.11, 4763.13, 4763.14, 4763.17, Section 815.10	R.C.	4763.01, 4763.03, 4763.04, 4763.05,4763.06, 4763.07,4763.09, 4763.11, 4763.13, 4763.14, 4763.17, Section 815.10
(1) Expands the definition of "appraisal report" to include appraisal review and appraisal consulting service and defines those terms.		(1) Same as the Executive.		(1) Same as the Executive.	

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
(2) Changes the procedure for service of subpoenas to compel witnesses by allowing subpoenas to be made by certified mail, return receipt requested, rather than only by sheriffs and constables.	(2) Same as the Executive.	(2) Same as the Executive.
(3) Establishes that, instead of having to meet the continuing education requirements for appraisers, a state-registered real estate appraiser assistant must meet those continuing education requirements only after two years in that position.	(3) Same as the Executive.	(3) Same as the Executive.
(4) Increases the maximum initial license and annual renewal fee for a certified or registered real estate appraiser from \$125 to \$175; increases the maximum fee for appraiser assistants from \$50 to \$100.	(4) Same as the Executive.	(4) Same as the Executive.
(5) Changes the time periods for the Division of Real Estate and Professional Licensing to act on a complaint.	(5) Same as the Executive.	(5) Same as the Executive.
(6) Changes the procedures the Superintendent of Real Estate and Professional Licensing must follow in handling and investigating a complaint, including eliminating the requirement of a mandatory meeting but enabling a mediation meeting. Suggests the Real Estate Appraiser Board impose a fine of up to \$2,500 per violation, as a discretionary action.	(6) Same as the Executive.	(6) Same as the Executive.
(7) No provision.	(7) No provision.	(7) Extends from three months to twelve months the grace period for renewal of an expired real estate appraiser certificate, license, or registration before the holder of that certificate, license, or registration is required to reapply and retake the examination.
(8) No provision.	(8) No provision.	(8) Prohibits an individual from engaging in the practice of real estate appraisal during the grace period for renewal of an expired certificate, license, or registration until all renewal fees and the late filing fee have been paid.

Executive	As Passed by the House	As Reported by Senate Finance and Financial Institutions
<div>(9) No provision.</div> <div>Fiscal effect: No difference in the total fee amounts paid by an applicant, as the portion paid that is deposited into the Real Estate Appraiser Recovery Fund (Fund 4B20) will be decreased accordingly for each fee using authority granted in rule. Therefore, there would be a gain in revenue to the Real Estate Appraiser Operating Fund (Fund 6A40) due to the increased portion of an applicant's fee being deposited there and a corresponding decrease in revenue to Fund 4B20. Potential decrease in administrative costs.</div>	<div>(9) No provision.</div> <div>Fiscal effect: Same as the Executive.</div>	<div>(9) Grandfathers in any individuals whose real estate appraiser certificate, license, or registration expired between October 1, 2008 and the effective date of this provision so that the extended grace period will apply to those individuals.</div> <div>Fiscal effect: Same as the Executive regarding the fee changes and administrative costs, but the extension of the renewal grace period would lower the additional revenue that would otherwise be gained by Fund 6A40 because there may be more circumstances in which a lower amount of fees would be collected. This is because the total of the retake application fee and the certification, license, or registration fee for someone being reinstated outside of the current grace period of three months would be more than the total of the appraiser renewal fee and late filing fee for someone that would now qualify for renewal under the extended grace period.</div>

Department of Commerce		Main Operating Appropriations Bill	H. B. 1
Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
21	COM - 17	Merger of Division of Labor and Worker Safety with Division of Industrial Compliance	
Sections: 121.04, 121.08, 121.083, 121.084, 124.11, 3301.55, 3703.01, 3703.03 to 3703.08, 3703.10, 3703.21, 3703.99, 3713.01 to 3713.10, 3721.071, 3722.02, 3722.04, 3722.041, 3743.04, 3743.25, 3781.03, 3781.102, 3781.11, 3783.05, 3791.02, 3791.04, 3791.05, 3791.07, 4104.01, 4104.02, 4104.06 to 4104.101, 4104.12, 4104.15 to 4104.19, 4104.21, 4104.33, 4104.42 to 4104.44, 4104.48, 4105.01, et al. Section 241.20		Sections: 121.04, 121.08, 121.083, 121.084, 124.11, 3301.55, 3703.01, 3703.03 to 3703.08, 3703.10, 3703.21, 3703.99, 3713.01 to 3713.10, 3721.071, 3722.02, 3722.04, 3722.041, 3743.04, 3743.25, 3781.03, 3781.102, 3781.11, 3783.05, 3791.02, 3791.04, 3791.05, 3791.07, 4104.01, 4104.02, 4104.06 to 4104.101, 4104.12, 4104.15 to 4104.19, 4104.21, 4104.33, 4104.42 to 4104.44, 4104.48, 4105.01, et al. Section 241.20	
(1) Combines the Division of Labor and Worker Safety and the Division of Industrial Compliance in the Department of Commerce into the Division of Labor in the Department of Commerce, which will be led by the Superintendent of Labor.		(1) Same as the Executive.	(1) No provision.
(2) Transfers the duties of the Superintendent of Labor and Worker Safety, the Division of Labor and Worker Safety, the Superintendent of Industrial Compliance, and the Division of Industrial Compliance to the Superintendent of Labor and the Division of Labor.		(2) Same as the Executive.	(2) No provision.
(3) Renames the Industrial Compliance Operating Fund the Labor Operating Fund.		(3) Same as the Executive.	(3) No provision.
Fiscal effect: Potential minimal increase in administrative costs in the short term to effectuate the merger, but potential long-term decreases in administrative costs to the extent that operations are streamlined.		Fiscal effect: Same as the Executive.	

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
22	COM - 9	Small Government Fire Departments		
Section: 241.10			Section: 241.10	Section: 241.10
Permits, notwithstanding R.C. 3737.17, GSF Fund 5F10 appropriation item 800635, Small Government Fire Departments, to be used to provide loans to private fire departments.			Same as the Executive.	Same as the Executive.
23	COM - 10	Unclaimed Funds Payments		
Section: 241.10			Section: 241.10	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, ensuring that unclaimed funds owners receive the funds due them.			Same as the Executive.	Same as the Executive.
24	COM - 11	Unclaimed Funds Transfers		
Section: 241.10			Section: 241.10	Section: 241.10
Requires the Director of Commerce to transfer up to \$200 million of unclaimed funds to the GRF prior to June 30, 2010 and another \$85 million of unclaimed funds to the GRF prior to June 30, 2011.			Same as the Executive, but increases the amount of unclaimed funds that may be transferred to \$250 million in FY 2010 and to \$135 million in FY 2011.	Same as the House.

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
25	COM - 34	Transfers from Financial Institutions Funds Prohibited		
No provision.			No provision.	<div>Section: 241.10</div> <div>Prohibits the Director of OBM and the Controlling Board from transferring moneys in the Financial Institutions Fund (Fund 4X20), the Banks Fund (Fund 5440), the Savings Institutions Fund (Fund 5450), or the Credit Unions Fund (Fund 5520) to any other fund.</div> <div>Requires interest earned on moneys in each of the above funds to be credited to each of the respective funds.</div>

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

26

COM - 12

Fire Department Grants

Section: 241.10

Earmarks from SSR Fund 5460 appropriation item 800639, Fire Department Grants, (1) up to \$760,000 in each fiscal year to make annual grants to volunteer fire departments of up to \$10,000 or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster, and (2) up to \$887,140 in each fiscal year for full or partial reimbursement to local units of government and fire departments for firefighter training and equipment, with priority given to fire departments that serve small villages and townships.

Section: 241.10

Replaces the executive provisions with provisions that (a) earmark up to \$1,647,140 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; (b) require 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; (c) limit 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, (d) require the State Fire Marshal to determine the total amounts to be allocated for each eligible purpose, (e) require 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

Section: 241.10

Same as the House.

Executive

As Passed by the House

As Reported by Senate Finance and Financial Institutions

and establish criteria for the awarding and expenditure of grant funds, and (f) permit any such appropriations in excess of the amount allocated for the grants to be used to administer the grant program.

27	COM - 24	Cash Transfers to the Real Estate Operating Fund		
			Section: 241.10	Section: 241.10
	No provision.		Requires the Director of OBM, upon the request of the Director of Commerce, to transfer to the Real Estate Operating Fund (Fund 5490), (a) \$1.3 million over the FY 2010-FY 2011 biennium from the Real Estate Education and Research Fund (Fund 5470) and (b) \$600,000 over the FY 2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 5480).	Same as the House.
28	COM - 23	Division of Securities Technology Upgrades		
			Section: 241.10	Section: 241.10
	(1) No provision.		(1) Permits such sums as are necessary over the biennium to be spent from SSR Fund 5500 appropriation item 800617, Securities, to support the development and implementation of information technology solutions designed to better protect the interests of investors, the public, and the securities industry.	(1) Same as the House.
	(2) No provision.		(2) Requires that these improvements enhance the ability to monitor complaints and actions against persons under Chapter 1707. of the Revised Code or defined as fraudulent in that chapter or any other deceptive scheme or practice in connection with the sale of securities.	(2) Same as the House.

Department of Commerce			Main Operating Appropriations Bill	H. B. 1
Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
(3) No provision.			(3) Permits the Director of Commerce to seek assistance from DAS in developing and implementing these information technology improvements.	(3) Same as the House.
29	COM - 13	Increased Appropriation - Merchandising		
Section: 241.10 Specifies that the Division of Liquor Control must use LCF Fund 7043 appropriation item 800601, Merchandising, for operating expenses to pay for liquor products. Provides for additional appropriations that may be necessary.			Section: 241.10 Same as the Executive.	Section: 241.10 Same as the Executive.
30	COM - 14	Development Assistance Debt Service		
Section: 241.10 Establishes that LCF Fund 7043 appropriation item 800633, Development Assistance Debt Service, is to pay debt service on bonds issued to support the Chapter 166 loan program operated by the Department of Development and appropriates additional sums if necessary.			Section: 241.10 Same as the Executive.	Section: 241.10 Same as the Executive.
31	COM - 15	Revitalization Debt Service		
Section: 241.10 Requires that LCF Fund 7043 appropriation item 800636, Revitalization Debt Service, be used to pay debt service on bonds issued for the urban revitalization component of the Clean Ohio bond program and appropriates additional amounts if necessary.			Section: 241.10 Same the Executive.	Section: 241.10 Same as the Executive.

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
32	COM - 16	Administrative Assessments		
Section: 241.10			Section: 241.10	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, in order to pay for centralized services such as communications, fiscal administration, human resources, legal, legislative affairs, quality control, training, employee development, and support services.			Same as the Executive.	Same as the Executive.

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
33	BDP - 2	Savings Associations and Savings Banks of Other States Eligible for Public Deposits	
No provision.		R.C. 135.03, 135.06, 135.08, and 135.32	R.C. 135.03, 135.06, 135.08, and 135.32
		Specifies that any savings association or savings bank located in Ohio, which is doing business under the authority of another state, is eligible to become a public depository. Withdraws public depository eligibility from any bank doing business under authority of another country.	Same as the House.
		Fiscal effect: None.	Fiscal effect: Same as the House.

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
34	FUN - 1	Reporting of Preneed Cemetery and Preneed Funeral Contracts		
No provision.			No provision.	R.C. 1721.211, 4717.31 Authorizes a licensed funeral director who sells preneed funeral contracts and who also sells preneed cemetery merchandise and services contracts to meet the annual preneed cemetery contract reporting requirement by filing the necessary documentation with the Board of Embalmers and Funeral Directors along with or as part of the annual preneed funeral contract report.
No provision.			No provision.	Authorizes a cemetery company or association that sells preneed cemetery merchandise and services contracts and that also sells preneed funeral contracts to meet the annual funeral contract reporting requirement by filing the necessary documentation with the Division of Real Estate of the Department of Commerce along with or as part of the annual preneed cemetery contract report.

Executive		As Passed by the House	As Reported by Senate Finance and Financial Institutions
35	DOH - 23	Cash Transfer from Liquor Control Fund to Alcohol Testing and Permit Fund	
Section: 289.20		Section: 289.20	Section: 289.20
Specifies that the Director of Budget and Management must set a schedule to transfer cash from LCF Fund 7043, Liquor Control, used primarily by the Department of Commerce, to SSR Fund 5C00, Alcohol Testing and Permit, used by the Department of Health, to meet the operating needs of the Alcohol Testing and Permit Program. Allows the Director to transfer amounts as determined by the transfer schedule.		Same as the Executive.	Same as the Executive.