
Executive

COMCD19 Holder of unclaimed funds held harmless**R.C. 169.07, Section 701.30**

Holds harmless the holder of unclaimed funds upon delivery of the funds to the COM Director so long as the holder acted in good faith and in compliance with the Unclaimed Funds Law.

Imposes a 14-days-after-service-of-process timeframe on the requirement that the holder notify the Director of any proceedings instituted against the holder.

Absolves the state of liability it may otherwise have beyond the value of the unclaimed funds delivered to the Director if the holder fails to timely give such notice.

Permits the Director to take any action the Director considers necessary or expedient to protect the interests of the state, including permitting, rather than requiring as under current law, the Director to intervene and assume the defense of the proceedings described above.

Requires the Director to reimburse the holder for the amount paid to the Director by the holder if the Director does not intervene and judgment is entered against the holder.

Provides that no person has a claim for any change in the market value of unclaimed funds occurring after delivery to the state or after sale of such property by the state.

States that the amendment to the provisions of the Unclaimed Funds Law holding a holder harmless following delivery of unclaimed funds to the state is intended to clarify that the Director is not required to hold the holder harmless or intervene on behalf of a holder if the holder failed to act in good faith or in compliance with the Unclaimed Funds Law.

Fiscal effect: Potential reduction in defense costs incurred by COM.

COMCD14 Unclaimed funds finder agreements**R.C. 169.13**

Prohibits a person from receiving compensation for, or engaging in any activity for the purpose of, recovering unclaimed funds or the contents of a safe deposit box without first having entered into an agreement with the owner or owner's legal representative that complies with the Unclaimed Funds Law.

Fiscal effect: None.

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COMCD16 Unclaimed funds small estate affidavit**R.C. 169.18**

Creates an affidavit to allow the heirs or next of kin of a decedent to claim the decedent's unclaimed funds without requiring letters testamentary or letters of administration to be issued upon the estate.

Fiscal effect: Potentially could increase the number of claims filed under the Unclaimed Funds Law, and most likely affects smaller claims. Claims are paid from DPF Fund 5430 appropriation item 800625, Unclaimed Funds – Claims.

COMCD18 Residential Mortgage Lending Act fee increase**R.C. 1322.09, 1322.10, 1322.20, 1322.21**

Increases from \$500 to \$750 the initial registration and renewal fee for mortgage brokers, lenders, and servicers for each office maintained by the registrant. Increases from \$100 to \$150 the late fee for renewal for each registered office maintained by a mortgage broker, lender, and servicer.

Increases from \$150 to \$250 the initial license and renewal fee for mortgage loan originators. Increases from \$100 to \$150 the late renewal fee for mortgage loan originators.

Authorizes the Superintendent of Financial Institutions to charge an additional assessment for renewal fees for mortgage brokers, lenders, servicers, and mortgage loan originators if the amount billed under the statute are less than the estimated expenditures for the following fiscal year.

Fiscal effect: Increases revenue deposited into the Consumer Finance Fund (Fund 5530). The estimated gain is \$1.9 million annually and will support COM's Consumer Finance Section's costs of their current regulatory responsibilities.

COMCD5 Ohio Investor Recovery Fund**R.C. 1707.47, 1707.471, and Section 243.30**

Establishes the Ohio Investor Recovery Fund (Fund 5XK0) for victims of securities fraud that have not received restitution from the person that committed the violation pursuant to a final order issued by COM's Division of Securities or a final court order in civil or criminal proceeding initiated by the Division.

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Requires the Division to adopt rules necessary to administer Fund 5XK0, including rules governing the processes for both of the following: (1) reviewing applications for restitution assistance awards, and (2) suspending awards or making a prorated payment of awards when the fund balance approaches or reaches a balance below \$250,000.

Requires Fund 5XK0 to consist of cash transfers from the Division of Securities Fund (Fund 5500) and limits the cash transfers to not more than \$2.5 million in any fiscal year. Specifies the maximum award from Fund 5XK0 for each claimant is the lesser of \$25,000 or 25% of the amount of monetary injury suffered by the victim as specified in the final order.

Subrogates the state to the rights of a person awarded restitution assistance from Fund 5XK0.

Allows the OBM Director, upon request of the COM Director and with Controlling Board approval, to transfer \$2.5 million in both FY 2022 and FY 2023 from Fund 5500 to Fund 5XK0.

Fiscal effect: Reduces the cash balance in Fund 5500.

COMCD4 Elder financial exploitation**R.C. 1707.49**

Requires an employee of a securities dealer or investment adviser to report suspected financial exploitation of an account holder (age 60 or older or eligible to receive adult protective services) using the employer's protocols and permits the securities dealer or investment advisor to place a hold on any transaction impacted by the suspected exploitation.

Defines financial exploitation as either (1) the wrongful or unauthorized taking, withholding, directing, appropriation, or use of money, assets, or property of an eligible adult, or (2) any act or omission by a person, including the use of a power of attorney or guardianship of an eligible adult, to do certain activities.

Requires a securities dealer or investment adviser to report any transactional hold placed to COM's Division of Securities and the county department of job and family services.

Provides a qualified immunity to a person who in good faith makes a report or places a transactional hold.

Considers records made available to a state agency under these provisions to be "investigatory records" and requires records relating to reports and transactional holds to be held for five years.

Fiscal effect: None.

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COMCD9 Plumbing inspector certification**R.C. 3703.01, conforming change in R.C. 3703.03**

Removes certification of plumbing inspectors from COM's Division of Industrial Compliance's responsibility and authority but retains the Board of Building Standard's plumbing inspector certification.

Eliminates prohibitions on boards of health that do not employ certified plumbing inspectors from inspecting plumbing or collecting fees for inspecting plumbing and contracting with other boards of health to inspect plumbing on their behalf.

Fiscal effect: Eliminating the double certification for some plumbing inspectors, will reduce revenue deposited into the Industrial Compliance Operating Fund (Fund 5560). The certification fee is \$100 for the initial certification and \$60 for the renewal certification.

COMCD3 Sale of second-hand bedding and toys**R.C. 3713.02**

Requires any person or entity wishing to sell second-hand bedding or used toys to register with the Superintendent of Industrial Compliance within COM.

Fiscal effect: None. According to COM, this is a technical change. The registration fee (\$50) is deposited into the Industrial Compliance Operating Fund (Fund 5560).

COMCD12 Small Government Fire Department Services Revolving Loan Fund**R.C. 3737.17, Section 243.30**

Permits the OBM Director, after certification of the COM Director, to transfer funds from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10), if additional resources are needed.

Specifies that certified amount cannot exceed the amount appropriated to the program for the biennium period for which the certification is made.

Allows the OBM Director, upon the request of the COM Director and Controlling Board approval, to transfer up to \$600,000 in cash from Fund 5460 to Fund 5F10 during the biennium.

Fiscal effect: H.B. 110 appropriates \$600,000 in both FY 2022 and FY 2023 under Fund 5F10 appropriation item 800635, Small Government Fire Departments.

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COMCD11 Self-service gas stations**R.C. 3741.14**

Requires self-service gas stations to comply with the most recent version of National Fire Protection Association Standard Number 30A, as incorporated into the State Fire Code, instead of the outdated version 30A-1990 cited in current law.

Fiscal effect: None.

COMCD10 Building inspection fee adoption**R.C. 3791.07**

Transfers the authority to establish fees for inspections carried out by the Division of Industrial Compliance from the Board of Building Standards to the Superintendent of Industrial Compliance.

Fiscal effect: Uncertain.

COMCD13 Fire investigation**R.C. 3929.87**

Specifies that when conducting an arson investigation as required by law, the State Fire Marshal or other authorized person must do so "to the extent practicable and in a manner consistent with accepted standards of investigation."

Fiscal effect: None.

COMCD15 D-4 liquor permit – club oaths**R.C. 4303.17**

Eliminates the requirement that the following submissions required of a club applying to the Division of Liquor Control for a D-4 liquor permit be done under oath: (1) A statement of the organization controlling the club certifying that the club is operated in the interests of a reputable organization, and (2) the roster of the membership of the club.

Fiscal effect: None.

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COMCD17 To-go cocktails - 2 oz. limitation

R.C. 4303.185

Prohibits a to-go cocktail sold by a liquor permit holder from containing more than two ounces of spirituous liquor.

Fiscal effect: None.

COMCD7 Authority to recommend an ancillary trustee

R.C. 4735.05

Expands the authority of the Superintendent of Real Estate and Professional Licensing to recommend ancillary trustees relating to deceased, revoked, suspended, incapacitated, or incarcerated licensed brokers.

Fiscal effect: None.

COMCD8 Real estate broker and salesperson contact information

R.C. 4735.14

Requires each licensed real estate broker or salesperson to notify the Superintendent of Real Estate and Professional licensing of a change in personal residence address within 30 days after the change.

Requires each licensee to maintain a valid email address on file with the Division of Real Estate and Professional Licensing and to notify the Superintendent of any changes in its email address within 30 days after the change.

Fiscal effect: None.

COMCD1 Real Estate Education and Research Fund

R.C. 4735.15

Reduces the portion of triennial real estate broker's and salesperson's license fees to be credited to the Real Estate Education and Research Fund (Fund 5470) from \$3 per fee to \$1.50 per fee.

Fiscal effect: Reduces revenue deposited into Fund 5470, however, will increase the revenue deposited into the Division of Real Estate Operating Fund (Fund 5490), the fund into which these license fees are first deposited. Revenue deposited into Fund 5470 amounted to nearly \$69,000 in FY 2020.

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COMCD6 Division of Real Estate and Professional Licensing rule making authority**R.C. 4781.04**

Explicitly states that COM's Division of Real Estate and Professional Licensing has authority to adopt rules with respect to manufactured home dealers, brokers, and salespersons.

Fiscal effect: None.

COMCD2 Division of Industrial Compliance manufactured homes oversight**R.C. 4781.07, 4781.281, 4781.56, and 4781.57**

Makes several technical changes to replace references to the former Manufactured Homes Commission with references to the Division of Industrial Compliance (the current Division holding the responsibility for these duties).

Fiscal effect: None.

COMCD20 Unclaimed fund payments**Section: 243.20**

Requires DPF Fund 5430 appropriation item 800625, Unclaimed Funds-Claims, to be used to pay claims under R.C. 169.08 and permits the COM Director to request that the OBM Director appropriate additional amounts if needed. Appropriates the additional amounts.

COMCD21 Division of Real Estate and Professional Licensing**Section: 243.20**

Requires DPF Fund 4B20 appropriation item 800631, Real Estate Appraisal Recovery, to be used to pay settlements, judgements, and court orders under R.C. 4763.16. Permits the COM Director to request that the OBM Director appropriate additional amounts if needed. Appropriates the additional amounts.

Requires DPF Fund 5480 appropriation item 800611, Real Estate Recovery, to be used to pay settlements, judgments, and court orders under R.C. 4735.12 and, as above, appropriates additional amounts for this purpose if necessary.

Requires DPF Fund 5VD0 appropriation item 800653, Real Estate Home Inspector Recovery, to be used to pay settlements, judgements, and court orders under R.C. 4764.21 and, as above, appropriates additional amounts for this purpose if necessary.

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COMCD22 Fire Department Grants

Section: 243.20

- (1) Requires that DPF Fund 5460 appropriation item 800639, Fire Department Grants, be used to make grants to volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships.
- (2) Requires the grants to be used to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in the grant recipient's jurisdiction.
- (3) Earmarks up to \$1,000,000 in each fiscal year from DPF Fund 5460 appropriation item 800639, Fire Department Grants, to pay for the State Fire Marshal's costs of providing certain firefighter training classes at no cost to selected students, and allows the State Fire Marshal to establish the qualification and selection process for such classes.
- (4) Earmarks up to \$3,500,000 in each fiscal year from DPF Fund 5460 appropriation item 800639, Fire Department Grants, to be used for Multi-Agency Radio Communication System (MARCS) grants. Establishes the criteria for the awarding of these grants, including authority for the State Fire Marshal to give a preference to grants that will enhance emergency communication networks in the geographic region that includes and is adjacent to the applicant's jurisdiction. Specifies that the awards may be up to \$50,000 annually per recipient.
- (5) Limits grant awards for firefighter 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 up 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. Requires the State Fire Marshal to determine the total amounts to be allocated for each eligible purpose.
- (6) Requires the State Fire Marshal to administer the grant program in accordance with rules adopted as part of the State Fire Code, which may further define eligible entities and establish criteria for the awarding and expenditure of grant funds.
- (7) Permits any appropriations in excess of the amount allocated for the grants to be used to administer the grant program.

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COMCD23 Cash transfers to Division of Real Estate Operating Fund**Section: 243.30**

Allows the OBM Director, upon the request of the COM Director and Controlling Board approval, to transfer up to \$500,000 in cash from the Real Estate Education and Research Fund (Fund 5470) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium.

Allows the OBM Director, upon the request of the COM Director and Controlling Board approval and if the Real Estate Recovery Fund (Fund 5480) cash balance exceeds \$250,000 during the biennium, to transfer cash from Fund 5480 to Fund 5490, such that the amount available in Fund 5480 is not less than \$250,000.

COMCD24 Cash transfers to Real Estate Appraiser Operating Fund**Section: 243.30**

Allows the OBM Director, upon the request of the COM Director and Controlling Board approval and if the Real Estate Appraiser Recovery Fund (Fund 4B20) cash balance exceeds \$200,000 during the biennium, to transfer cash from Fund 4B20 to the Real Estate Appraiser Operating Fund (Fund 6A40), such that the amount available in Fund 4B20 is not less than \$200,000.

COMCD25 Cash transfers to Home Inspector Operating Fund and the Home Inspector Recovery Fund**Section: 243.30**

Allows the OBM Director, upon the request of the COM Director and Controlling Board approval, to transfer up to \$500,000 in cash from the Division of Securities Fund (Fund 5500) as follows: up to \$400,000 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to \$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0).

Requires the OBM Director, in consultation with the COM Director, to establish a repayment schedule to fully repay the cash transferred from the Divisions of Securities Fund (Fund 5500) when revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed sufficient to sustain operations.

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OBMCD9 OBM oversight over certain fund allocations

R.C. 121.08, 121.084, 169.05, 901.91, 1121.30, 1181.06, 1321.21, 1707.37, 1733.321, 3701.831, 3737.71, 3745.014, 4735.211, 4763.15

Eliminates the Director of Budget and Management's oversight regarding internal agency fund assessments and allocations for the following funds: Division of Administration Fund, Unclaimed Funds Trust Fund, Division of Securities Fund, Industrial Compliance Operating Fund, Division of Real Estate Operating Fund, Real Estate Appraiser Operating Fund, State Fire Marshal's Fund, Banks Fund, Consumer Finance Fund, Credit Unions Fund, and Financial Institutions Fund (all administered by the Department of Commerce); the Department of Agriculture's operating funds; the Department of Health's operating funds; and the Environmental Protection Agency's Central Support Indirect Fund.

Fiscal effect: None.