

# Greenbook

## LBO Analysis of Enacted Budget

### Department of Commerce

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Attachment:

    Appropriation Spreadsheet

# LBO Greenbook

## Department of Commerce

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### Quick look...

- Total budget appropriates approximately \$237.3 million in FY 2020 and \$237.5 million in FY 2021.
  - The Department operates with no GRF moneys.
  - Almost all of the budget is funded through fees from regulated businesses and professions.
- H.B. 166 provides funding to implement three new programs or initiatives starting this biennium:
  - (1) Web-based liquor permit and licensing pilot program, (2) home inspector licensing program, (3) Cemetery Grant Program, and (4) new consumer finance regulatory responsibilities required by enactments of H.B. 123, H.B. 199, and S.B. 10 of the 132<sup>nd</sup> General Assembly.
  - Increases real estate fees to support the Division of Real Estate and Professional Licensing’s current regulatory responsibilities.

Fund Group	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Dedicated Purpose	\$209,144,681	\$254,698,780	\$217,351,760	\$217,369,783
Internal Service Activity	\$14,398,818	\$15,163,737	\$17,160,000	\$17,350,000
Federal	\$2,733,687	\$2,746,280	\$2,770,675	\$2,754,999
Total	\$226,247,187	\$272,608,797	\$237,282,435	\$237,474,782
% change	--	20.5%	-13.0%	0.1%

## Overview

### Agency overview

The Department of Commerce (COM) regulates a wide array of industries and professions across Ohio. It oversees (1) state-chartered financial institutions, (2) the securities market in the state, (3) Ohio’s Unclaimed Funds Program, (4) the building trades, including state labor laws, (5) the Ohio Fire Code, including fire and explosion investigations and firefighter training, (6) the alcoholic beverage industry in the state, and (7) the state’s medical marijuana cultivator, processor, and testing program. Overall, there are seven operating divisions corresponding to these regulatory responsibilities, as well as the Division of Administration which provides department-wide management oversight. As of July 2019, the Department of Commerce employs just over 1,000 people.

### Appropriation summary

The budget appropriates approximately \$237.3 million in FY 2020 and \$237.5 million in FY 2021. The table shown above in the “Quick look” section presents the appropriations by fund group. Of the total budget for the FY 2020-FY 2021 biennium, \$434.7 million (91.6%) of all

appropriations is for the Department's regulatory and oversight functions supported by fees and other revenues deposited into funds of the Dedicated Purpose Fund Group.

Table 1 below shows appropriations for the FY 2020-FY 2021 biennium by functional category. These categories correspond to the eight operating divisions within the Department, except for the Division of Financial Institutions and the Division of Securities, which are grouped together in this Greenbook. This breakdown also shows funding for the Medical Marijuana Control Program.

Overall, the Unclaimed Funds Program accounts for the greatest share of the budget at \$160.9 million (33.9%) of the appropriations for FY 2020-FY 2021. Regulatory activities under the divisions of (1) Industrial Compliance and Labor, (2) State Fire Marshal's Office, (3) Financial Institutions & Securities, (4) Real Estate and Professional Licensing, as well as the program (5) Medical Marijuana Control combined account for \$207.8 million (43.7%) of the FY 2020-FY 2021 budget. The Division of Liquor Control's liquor permitting and spirituous liquor franchise operations account for \$71.5 million (15.1%) of the budget. Finally, the Division of Administration accounts for \$34.5 million (7.3%) of spending.

<b>Table 1. FY 2020-FY 2021 Budget by Functional Category (in millions)</b>				
<b>Functional Category</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>Biennial Total</b>	<b>% of Total</b>
Unclaimed Funds	\$80.5	\$80.5	\$160.9	33.9%
Industrial Compliance and Labor	\$30.7	\$30.9	\$61.7	13.0%
State Fire Marshal	\$31.1	\$31.7	\$62.8	13.2%
Financial Institutions & Securities	\$28.2	\$29.4	\$57.7	12.2%
Liquor Control	\$36.2	\$35.3	\$71.5	15.1 %
Real Estate and Professional Licensing	\$6.9	\$7.2	\$14.1	3.0%
Medical Marijuana Control	\$6.4	\$5.1	\$11.6	2.4%
Administration	\$17.2	\$17.4	\$34.5	7.3%
<b>Total</b>	<b>\$237.3</b>	<b>\$237.5</b>	<b>\$474.8</b>	

Note: Figures may not add to totals due to rounding.

## **New initiatives and other features of the budget**

### **Division of Real Estate license fees**

H.B. 166 increases various real estate brokers, salespersons, and foreign real estate dealers and salespersons fees shown in Table 2. The fee increases range from \$5 to \$63. The bill also codifies the current practice of issuing triennial licenses for real estate brokers and salespersons. In total, the fee increases are estimated to generate \$692,000 per year and will support the Division of Real Estate and Professional Licensing's existing costs of their current regulatory responsibilities. The last time these fees were increased was in 2009. These fees are collected by the Division and deposited into the Division of Real Estate Operating Fund

(Fund 5490). At the end of FY 2019, the Division regulated over 49,000 brokers and salespersons.

<b>Table 2. New Real Estate Fees Enacted by H.B. 166</b>			
<b>Fee</b>	<b>Previous Amount</b>	<b>Enacted Amount</b>	<b>\$ Change</b>
Broker license application	\$100	\$135	\$35
Salesperson license application	\$60	\$81	\$21
Transfer from broker license to salesperson license	\$25	\$34	\$9
Notice of intention by broker to join a specified business entity	\$25	\$34	\$9
Reactivation or transfer of a broker's license	\$25	\$34	\$9
Reactivation or transfer of a salesperson's license	\$25	\$34	\$9
Branch office license	\$15	\$20	\$5
Foreign real estate salesperson's license and renewal	\$50	\$68	\$18
Fee for education course provider or course provider applicant whose fee payment was returned	\$100	\$135	\$35
Foreign real estate dealer examination	\$75	\$101	\$26
Foreign real estate salesperson examination	\$50	\$68	\$18
Cap of foreign real estate dealer's fee for each salesperson employed by the dealer	\$150	\$203	\$53
Renewal of three year real estate broker's license	\$180	\$243	\$63
Renewal of three year real estate salesperson's license	\$135	\$182	\$47
Late renewal of real estate broker's license	\$90	\$121.50	\$31.50
Late renewal of real estate salesperson's license	\$67.50	\$91	\$23.50

## **Home inspector licensure**

S.B. 255 of the 132<sup>nd</sup> General Assembly created the Ohio Home Inspector Law and requires individuals who perform home inspections to obtain a license from the newly created Ohio Home Inspector Board of the Division of Real Estate and Professional Licensing. The home inspector license is valid for three years and application and renewal fees are limited to \$250. Fees will be deposited into the Home Inspectors Fund (Fund 5VC0). Additionally, the bill created the Home Inspection Recovery Fund (Fund 5VD0), which consists of a special annual assessment between \$3 and \$5 per year depending on prior year fund balances, to each licensee applying for an initial license or a renewal of a home inspector license. The fund is to be used to pay judgments against home inspectors when a final judgment is granted by a court.

The Board will adopt rules for the program and begin licensing home inspectors in FY 2020. The budget appropriates \$500,000 in both FY 2020 and FY 2021 for home inspector responsibilities under two line items: Fund 5VC0 appropriation item 800652, Real Estate Home

Inspector Operating, and Fund 5VDO appropriation item 800653, Real Estate Home Inspector Recovery. To support these appropriations, uncodified law of H.B. 166 permits the Director of the Office of Budget and Management (OBM), with Controlling Board approval, to make cash transfers up to \$490,000 to Fund 5VC0 and up to \$10,000 to Fund 5VDO from the Division of Securities Fund (Fund 5500). This funding will allow the Department to hire three full-time employees (one licensing specialist and two investigators) to administer the licensure program. The bill also requires the directors of Budget and Management and Commerce to establish a repayment schedule to fully repay the cash transferred from Fund 5500 to Fund 5VC0 and Fund 5VDO.

There are approximately 450 home inspectors statewide who are certified by the International Association of Certified Home Inspectors. Based on estimates from the American Society of Home Inspectors, the Department estimates 2,500 home inspectors will need to be licensed.

### **Cemetery Grant Program**

H.B. 168 of the 132<sup>nd</sup> General Assembly established the Cemetery Grant Program to be administered by the Division of Real Estate and Professional Licensing. The grant is to be used to provide funds to not-for-profit cemeteries to (1) defray the costs of exceptional maintenance or (2) train cemetery personnel in the maintenance and operation of cemeteries. Grant amounts are up to \$1,000. The bill requires that \$1 of each \$2.50 burial permit fee (40% of the total permit fee) be deposited into the Cemetery Grant Fund (Fund 5SE0) to support the program. Burial permit fees are otherwise deposited into the Cemetery Registration Fund (Fund 4H90). The budget appropriates \$100,000 in both FY 2020 and FY 2021 under Fund 5SE0 appropriation item 800651, Cemetery Grant Program. In FY 2019, COM oversaw 4,200 total active cemeteries owned by for-profit, nonprofit, religious, and local entities.

### **Other new initiatives funded under H.B. 166**

The appropriations enable the Department to (1) implement a web-based pilot program for the liquor permit system and (2) hire new staff under the Division of Financial Institutions to support increased regulatory responsibilities as a result of enactments of several consumer finance measures in the 132<sup>nd</sup> General Assembly.

Under the Division of Liquor Control, the appropriations will allow the Division to implement a pilot program enabling liquor permit holders and applicants to apply, submit payments, and schedule inspections in a web-based portal. The estimated cost for the pilot program is \$5.0 million in FY 2020 and \$3.5 million in FY 2021 and appropriated under line item 800646, Liquor Regulatory Operating Expenses.

Funding under line item 800607, Consumer Finance, will allow the Department to hire three full-time employees under the Consumer Finance Section of the Division of Financial Institutions. The need for additional employees is to support increased workload in this regulatory area caused by the enactment of three consumer finance laws in the 132<sup>nd</sup> General Assembly: (1) H.B. 199 which created the Residential Mortgage Lending Act, (2) H.B. 123 which modified the Short-term, Small, and Mortgage Loan Laws, and (3) S.B. 10 which created the Ohio Consumer Installment Loan Act.

Lastly, H.B. 166 establishes the Manufacturing Mentorship Program to expose minors who are 16- or 17-years old to manufacturing occupations in the state through temporary employment with an employer. The program is to be implemented and administered by employers.

## Vetoed provision

The Governor vetoed one budget bill provision related to the Department. The vetoed provision would have removed a prohibition, scheduled to take effect April 6, 2020, on the manufacture, sale, delivery, or possession of mesh crib liners in the absence of safety standards promulgated by the U.S. Consumer Product Safety Commission. The provision also would have removed the corresponding fine of up to \$500 per day for violating the prohibition. Since the veto has the effect of returning to current law, the Division of Industrial Compliance will continue enforcing this prohibition.

## Analysis of FY 2020-FY 2021 budget

### Introduction

This section provides an analysis of the funding for each appropriation line item (ALI) in COM's budget. For organizational purposes, these ALIs are grouped into eight major categories based on their funding purposes. The analysis for an ALI with a lower category or subcategory designation will appear before that for an ALI with a higher category or subcategory designation. That is, the analysis for an ALI with a category designation of C1:8 will appear before the analysis for an ALI with a category designation of C2:1 and the analysis for an ALI with a category designation of C1:3 will appear before the analysis for an ALI with a category designation of C1:8.

To aid the reader in locating each ALI in the analysis, the following table shows the category in which each ALI has been placed, listing the ALIs in order within their respective fund groups and funds. This is the same order the ALIs appear in the COM section of the budget bill.

In the analysis, each appropriation item's actual expenditures for FY 2019 and appropriations for FY 2020 and FY 2021 are listed in a table. Following the table, a narrative describes how the appropriation is used and any changes affecting the appropriation in H.B. 166. If the appropriation is earmarked, the earmarks are listed and described.

**Categorization of COM's Appropriation Line Items for Analysis of FY 2020-FY 2021 Budget**

Fund	ALI	ALI Name		Category
<b>Dedicated Purpose Fund Group</b>				
4B20	800631	Real Estate Appraisal Recovery	6:5	Real Estate and Professional Licensing
4H90	800608	Cemeteries	6:6	Real Estate and Professional Licensing
4X20	800619	Financial Institutions	4:1:1	Financial Institutions and Securities
5430	800602	Unclaimed Funds – Operating	1:1	Unclaimed Funds
5430	800625	Unclaimed Funds – Claims	1:2	Unclaimed Funds
5440	800612	Banks	4:1:2	Financial Institutions and Securities

**Categorization of COM's Appropriation Line Items for Analysis of FY 2020-FY 2021 Budget**

Fund	ALI	ALI Name		Category
5460	800610	Fire Marshal	3:1	State Fire Marshal
5460	800639	Fire Department Grants	3:2	State Fire Marshal
5470	800603	Real Estate Education/Research	6:3	Real Estate and Professional Licensing
5480	800611	Real Estate Recovery	6:2	Real Estate and Professional Licensing
5490	800614	Real Estate	6:1	Real Estate and Professional Licensing
5500	800617	Securities	4:2:1	Financial Institutions and Securities
5520	800604	Credit Union	4:1:3	Financial Institutions and Securities
5530	800607	Consumer Finance	4:1:4	Financial Institutions and Securities
5560	800615	Industrial Compliance	2:1	Industrial Compliance and Labor
5F10	800635	Small Government Fire Departments	3:3	State Fire Marshal
5FW0	800616	Financial Literacy Education	4:1:5	Financial Institutions and Securities
5GK0	800609	Securities Investor Education/Enforcement	4:2:2	Financial Institutions and Securities
5HV0	800641	Cigarette Enforcement	3:6	State Fire Marshal
5LC0	800644	Liquor JobsOhio Extraordinary Allowance	5:2	Liquor Control
5LN0	800645	Liquor Operating Services	5:1	Liquor Control
5LP0	800646	Liquor Regulatory Operating Expenses	5:3	Liquor Control
5SE0	800651	Cemetery Grant Program	6:6	Real Estate and Professional Licensing
5SJ0	800648	Volunteer Peace Officers' Dependent Fund	3:4	State Fire Marshal
5SU0	800649	Manufactured Homes Regulation	6:7	Real Estate and Professional Licensing
5SY0	800650	Medical Marijuana Control Program	7:1	Medical Marijuana Control
5VC0	800652	Real Estate Home Inspector Operating	6:8	Real Estate and Professional Licensing
5VD0	800653	Real Estate Home Inspector Recovery	6:8	Real Estate and Professional Licensing
5X60	800623	Video Service	6:9	Real Estate and Professional Licensing
6530	800629	UST Registration/Permit Fee	3:5	State Fire Marshal
6A40	800630	Real Estate Appraiser – Operating	6:4	Real Estate and Professional Licensing
<b>Internal Service Activity Fund Group</b>				
1630	800620	Division of Administration	8:1	Administration
1630	800637	Information Technology	8:2	Administration
<b>Federal Fund Group</b>				
3480	800622	Underground Storage Tanks	3:5	State Fire Marshal
3480	800624	Leaking Underground Storage Tanks	3:5	State Fire Marshal



## Category 1: Unclaimed Funds

This category of appropriation line items provides for the safekeeping and return of moneys designated as “unclaimed” to their rightful owners. In the meantime, the Division of Unclaimed Funds uses a portion of reported unclaimed funds to support housing loan guarantees. The funds have also been used in recent years to support operations of other state programs through transfers to the GRF.

### C1:1: Unclaimed Funds – Operating (ALI 800602)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5430 ALI 800602, Unclaimed Funds – Operating	\$7,872,868	\$10,452,421	\$10,465,295
% change	--	32.8%	0.1%

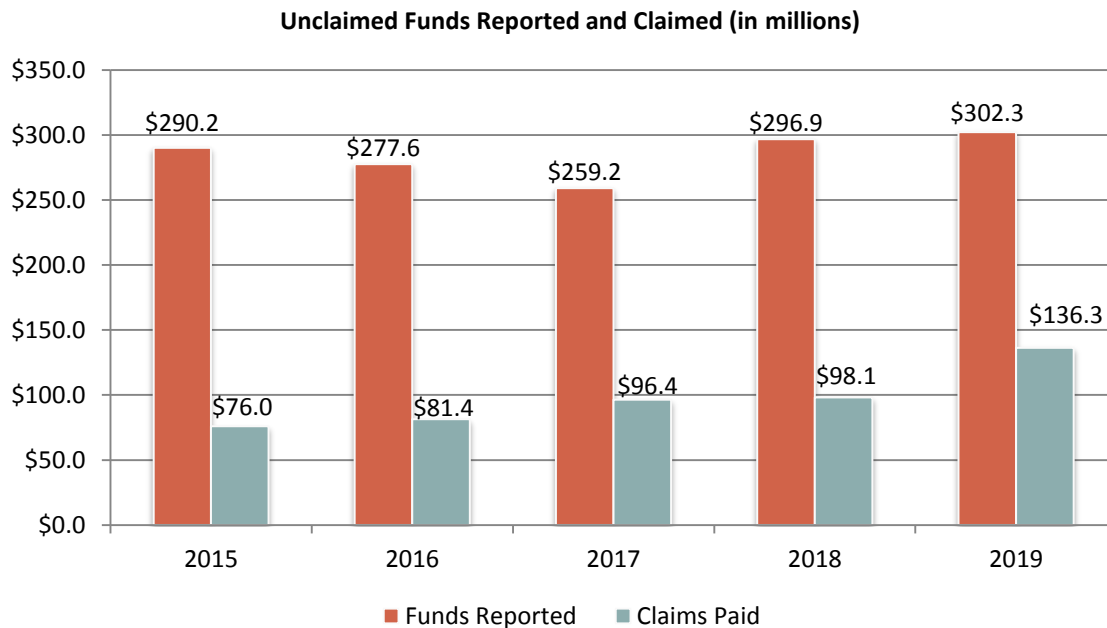
This line item pays the operating and administrative expenses of the Division of Unclaimed Funds. The Division is comprised of administrative, claims processing, compliance, and accountability sections. The Division is a part of the Ohio Business Gateway, which allows businesses to electronically file reports and remit funds into the state’s unclaimed funds account using the Automated Clearing House (ACH). All claims are initiated through the Division’s “Online Treasure Hunt” web feature that allows people to search and make claims for money owed to them.

### C1:2: Unclaimed Funds – Claims (ALI 800625)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5430 ALI 800625, Unclaimed Funds – Claims	\$135,977,062	\$70,000,000	\$70,000,000
% change	--	-48.5%	0.0%

This item pays for claims of money under the Unclaimed Funds Law, including the interest that accumulated while the money was held in trust by the state. Because there is always the potential that claims made exceed the amount appropriated, H.B. 166 includes the language appropriating the additional amounts as needed.

The Unclaimed Funds Program is statutorily responsible for the safekeeping and return of moneys designated as unclaimed due to death, inadvertence, or forgetfulness. State law requires that these funds be reported to the state for safekeeping after the owners have left the funds unclaimed for a period of time, typically five years. Common sources of unclaimed funds include dormant checking and savings accounts, insurance proceeds, unclaimed wages and employment benefits, uncashed checks and money orders, undelivered stock and dividends, forgotten rent or utility deposits, and intangible contents of safe deposit boxes. These unclaimed funds are held in a custodial account under the Treasurer of State. As the chart below shows, the program collected \$302.3 million and paid \$136.3 million in claims to current or former Ohio residents in FY 2019. The chart also summarizes the unclaimed funds reported and claims paid from FY 2015 to FY 2019.



Until the rightful owner is located, unclaimed funds support economic development throughout Ohio. The Ohio Development Services Agency and the Ohio Housing Finance Agency use these resources to guarantee and fund low- and moderate-income housing programs. Unclaimed funds also guarantee performance bonds for the Minority Business Bonding Fund.

## Category 2: Industrial Compliance and Labor

This category of appropriations funds the building code development, inspection, plan review, licensing, and permit services related to the commercial and residential construction industry and manufactured homes industry. The Bureau of Wage and Hour Administration, which enforces the prevailing wage, minimum wage, and minor labor laws, is also included in this category.

### C2:1: Industrial Compliance (ALI 800615)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5560 ALI 800615, Industrial Compliance	\$26,839,299	\$30,729,000	\$30,929,000
% change	--	14.5%	0.7%

This line item supports the building code development, inspection, plan review, licensing, and permit services related to the commercial and residential construction industry and manufactured homes industry, as well as the operations of the Bureau of Wage and Hour Administration, which enforces the prevailing wage, minimum wage, and minor labor laws. This line item is supported through fees assessed to the regulated entities. Funding levels for the various bureaus and programs under the auspices of the Division of Industrial Compliance and Labor are provided in Table 3 below.

<b>Table 3. Industrial Compliance Program Funding Summary (in millions)</b>		
<b>Program</b>	<b>FY 2020</b>	<b>FY 2021</b>
Operations and Maintenance	\$12.9	\$13.0
Program Administration	\$5.7	\$5.8
Building Code Compliance	\$6.7	\$6.8
Building Code	\$2.5	\$2.4
Bureau of Wage and Hour Administration	\$1.2	\$1.2
Ohio Construction Industry Licensing Board	\$1.7	\$1.7
<b>Total</b>	<b>\$30.7</b>	<b>\$30.9</b>

### **Operations and Maintenance**

The Operations and Maintenance Program oversees various industrial functions: (1) responsibility for the proper operation and maintenance of critical systems including boilers, elevators, and escalators, (2) inspections of bedding, upholstered furniture, and ski lifts, and (3) licensure of steam engineers and boiler operators. The program performed approximately 67,000 elevator inspections, nearly 17,000 boiler inspections, and nearly 6,900 bedding and upholstered furniture inspections, and licensed over 10,000 boiler operators, steam engineers, and historical boilers in FY 2019.

The program is funded by fees on bedding items and registration, bedding laboratory analysis, elevator inspection and certification, boiler certification and inspection, and other such fees for steam engineers, historical boilers, and ski lifts. The amount slated for the Operations and Maintenance Program represents 42.0% of the funding for the Division of Industrial Compliance.

### **Program Administration**

Program Administration oversees the general management and direction of the Division of Industrial Compliance activities on a daily basis. It is also responsible for the planning and future direction of the Division. The program provides administrative support through legal counsel, inspector dispatching operations and communications, automated computer programs for task management, and reporting and performance management. These expenses are covered by an administrative charge based on cumulative annual payroll assessed to all boards and sections within the Division.

### **Building Code Compliance**

The Building Code Compliance Program, through the Bureau of Construction Compliance, inspects construction plans for all state buildings, commercial buildings, and residential buildings of four or more units not falling under the jurisdiction of a local certified building department to ensure that the structural design, electrical, and plumbing systems meet standards established by the Ohio Building Code. The program is responsible for inspecting buildings, plumbing, electrical wiring, pressure vessels, and pressure piping throughout the state. In FY 2019, the Bureau reviewed nearly 4,000 architectural plans and

performed over 19,000 electrical, structural, and plumbing inspections. The program is funded by revenue from various fees, such as those for plan examination, pressure piping, and plumbing permits and inspections.

### ***Building code services for political subdivisions***

H.B. 166 authorizes the Superintendent of the Division of Industrial Compliance to administer and enforce the building code on behalf of political subdivisions or health districts, pursuant to contract. It is unknown how many building plan reviews or inspections the Division would help assist but any cost to the Division would be provided for in the contract.

### **Building Code**

The Building Code Program supports the Board of Building Standards (BBS), which formulates and adopts rules governing building construction, repair, alteration, and maintenance to ensure building safety. BBS also certifies local building code enforcement departments and houses the Industrialized Unit Section, which regulates factory-built construction components (except for those regulated by the federal Department of Housing and Urban Development). This program also supports the Board of Building Appeals, which reviews appeals of orders issued by the Department's Division of Industrial Compliance, State Fire Marshal, or a certified city or county building department. The Board of Building Standards receives funding through a portion of the boiler certificate, elevator certificate, and plan review application fees, as well as a surcharge on the fee for certified building departments, among other sources. There is also a \$200 fee for each building appeal.

### **Bureau of Wage and Hour Administration**

The Bureau of Wage and Hour Administration enforces the minimum wage and overtime, prevailing wage, and minor labor laws. The Bureau investigates complaints and, upon making determinations, collects back wages and penalties owed to workers. H.B. 166 earmarks \$1.2 million in both FY 2020 and FY 2021 to be used for the Bureau. In FY 2019, the Bureau completed 458 investigations. Approximately 84.3% were minimum wage investigations, conducted on employers who allegedly did not pay workers minimum wage or overtime. About 11.8% of the investigations were on prevailing wage rates, which are rates required to be paid to employees who work on public improvement construction projects as defined under R.C. 4115.03. Eighteen investigations (3.9%) in FY 2019 were related to wages paid to minors.

### ***Manufacturing Mentorship Program***

H.B. 166 establishes the Manufacturing Mentorship Program to expose minors who are 16- or 17-years old to manufacturing occupations in the state through temporary employment with an employer. The program is to be implemented and administered by employers participating in the program. However, since the Bureau is responsible with enforcing the minor labor laws, the bill requires COM to specify a list of tools that a minor employed under the program may operate during the minor's employment. It also prohibits COM from adopting rules to prohibit a 16- or 17-year-old minor employed by an employer under the program from being employed in a manufacturing occupation if the minor's employment in the occupation is permitted under federal law. Implementing these rules will not add any new costs to the Bureau.

## Ohio Construction Industry Licensing Board

The Ohio Construction Industry Licensing Board provides for the testing, licensing, and continuing education of electrical; heating, ventilation, and air conditioning (HVAC); hydronic; plumbing; and refrigeration commercial construction contractors. In FY 2019, the program issued 17,024 licenses in the above trades. Of that amount, 5,935 electrical, 4,141 plumbing, 4,066 HVAC, 1,616 hydronics, and 1,266 refrigerator contractors were licensed. The Board is funded by license examination, issuance, and renewal fees as well as various continuing education course approval and training provider fees.

Additionally, the Board is responsible for administering part of the Manufactured Homes Program. H.B. 49 of the 132<sup>nd</sup> General Assembly abolished the Manufactured Homes Commission effective January 1, 2018, and transferred its duties to COM, dividing these duties between the Division of Industrial Compliance and the Division of Real Estate and Professional Licensing. The Manufactured Homes Program under the Division of Industrial Compliance does the following: (1) license manufactured housing installers, (2) establish uniform standards for installing manufactured housing, (3) review design plans and periodic inspection of manufactured homes and manufactured home installation, (4) investigate complaints violations of Ohio's Manufactured Homes Law, and (5) adopt rules to administer Ohio's Manufactured Homes Law. In FY 2019, the Board licensed 116 manufactured housing installers, inspected 1,672 manufactured home parks, and investigated 227 complaints.

### Category 3: State Fire Marshal

This category of line items provides funds for the Office of the State Fire Marshal, which provides protection to the citizens of Ohio from the dangers of fire and explosions and protects the environment from releases of petroleum from underground storage tanks. The State Fire Marshal analyzes fire-related criminal evidence, enforces the Ohio Fire Code, investigates the cause and origin of fires and explosions, regulates underground storage tanks, trains firefighters, and provides fire safety education to businesses, industry, and the public. Additionally, it will provide monthly death benefits to survivors of volunteer peace officers killed in the line of duty and disability benefits to disabled volunteer peace officers.

#### C3:1: Fire Marshal (ALI 800610)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5460 ALI 800610, Fire Marshal	\$16,456,462	\$20,436,641	\$21,090,755
% change	--	24.2%	3.2%

This item provides primary operating funds for the administration of the Office of the State Fire Marshal and programs operated by the State Fire Marshal. The State Fire Marshal Fund (Fund 5460) is the division's primary operating fund, and is supported by a 0.75% surcharge on fire insurance premiums, 20.0% of retaliatory (or "reciprocity") taxes on out-of-state insurance companies, and fees from fireworks licenses, building inspections, course fees, and federal and state grants. Please note that H.B. 166 requires the OBM Director to transfer \$2.0 million in FY 2021 from Fund 5460 to the GRF on July 1, 2020, or as soon as

possible thereafter. Funding by program and descriptions of those programs are provided in the table below.

<b>Program</b>	<b>FY 2020</b>	<b>FY 2021</b>
Program Administration	\$5.5	\$5.5
Ohio Fire Academy	\$4.3	\$4.4
Code Enforcement	\$3.7	\$3.9
Investigations	\$3.6	\$3.8
Fire Prevention	\$1.5	\$1.5
Forensic Lab	\$1.1	\$1.1
Testing and Registration	\$0.8	\$0.9
<b>Total</b>	<b>\$20.5</b>	<b>\$21.1</b>

### **Program Administration**

This program provides for the administration of the Office of State Fire Marshal and its eight operating bureaus. The program funds salaries and fringe benefits for administration, including senior staff, administrative and facility operations staff, and the Explosive and Pyrotechnics unit. The Explosives and Pyrotechnics unit provides training and annual licensing for Ohio's fire and law enforcement communities, shippers, manufacturers, and retailers. There are 131 full-time employees and 150 part-time employees throughout the Office.

### **Ohio Fire Academy**

The Ohio Fire Academy conducts over 80 different fire-related training courses for firefighters and emergency responders across the state. The program also funds replacement vehicles and specialized firefighting equipment. Training, which is conducted at the Academy facilities and onsite throughout the state includes firefighting, antiterrorism response, and urban search and rescue. In FY 2019, 7,672 emergency responders were trained both on campus and off campus near their local department and an additional 30,764 emergency responders through the online training platform. The Academy maintains national accreditation for the various levels of firefighter training.

### ***Fire Marshal CDL exemption***

H.B. 166 exempts a qualified person who operates fire equipment for the State Fire Marshal from the requirement to hold a commercial driver's license (CDL). Under current law, the same exemption applies to a qualified person who operates fire equipment for a local fire department. As a result, this will decrease expenses in the State Fire Marshal Fund (Fund 5460). A first commercial driver's license is \$42 and a renewal is \$44.75.

## **Code Enforcement**

The Code Enforcement Program performs fire safety inspections at hotels, motels, hospitals, schools, nursing homes, new construction, and other buildings and events. It also enforces the Ohio Fire Code at fireworks facilities, manufacturers, and exhibitions and conducts plan review and inspections for flammable and combustible liquid storage tanks not regulated by the Bureau of Underground Storage Tank Regulation or the local fire department. The program conducts approximately 15,000 fire safety inspections annually. The Department reports that its workload has been increasing in recent years due to inspections required for new construction of state buildings and universities, hotels, and nursing homes. Additionally, inspections have increased due to local fire departments reducing or eliminating fire investigation, training, and inspection staff. This responsibility then falls to the State Fire Marshal, increasing caseload.

## **Investigations**

The Investigations Program is responsible for investigating the cause, origin, and circumstances of fires, explosives, and fireworks incidents in Ohio. It is also responsible for the prosecution of persons believed to be guilty of arson or a similar crime. This program provides these services to any fire department or law enforcement agency in the state, as many small municipalities and townships do not have trained arson investigators to conduct such highly specialized investigations. In addition to routine investigations, the Fire and Explosion Investigation Bureau has three accelerant detection canine teams to assist in recovering evidence at arson crime scenes. The program conducted or assisted in approximately 1,100 fire and explosion investigations in FY 2019.

## **Fire Prevention**

The Fire Prevention Program creates fire safety publications and conducts fire safety education outreach at schools, senior centers, health care facilities, and other locations as requested. The program compiles and analyzes statistical data collected through the Ohio Fire Information Reporting System regarding the nature and causes of fires. The Fire Prevention Program also (1) operates the Public Fire Safety Decal Program for volunteer firefighters, (2) provides fire safety courses for health care facility certification, smoke alarms to high-risk families, support for special public recognition events, and support of fire safety fairs, and (3) trains local fire department personnel. The Fire Prevention Program conducted nearly 1,700 fire safety programs in FY 2019.

## **Forensic Lab**

The Forensic Lab Program provides scientific examination of ignitable liquids, fire debris, explosives, latent fingerprints, and general examination of any physical evidence involved in a suspected arson, fire explosive incident, or hazardous situation. The laboratory issues a written report including findings and opinions as to the nature of the situation. Laboratory examiners may be asked to testify in court about laboratory findings. During FY 2019, the laboratory conducted 4,619 examinations in 634 cases.

## Testing and Registration

The Testing and Registration Bureau licenses companies and individuals in the fire protection industry; the hotel and motel business; fireworks exhibitors, manufacturers, wholesalers, and shippers; underground storage tank operators and those who install and inspect those tanks; and the certification requirements for reduced ignition propensity cigarettes. This program issued 36,000 licenses in FY 2019.

### *Fireworks manufacturer and wholesaler license moratorium*

H.B. 166 extends a general moratorium on new fireworks wholesaler and manufacturer licenses through December 31, 2020. The previous moratorium would have ended December 31, 2019. Currently, there are six licensed manufacturers and 44 licensed wholesalers.

### **C3:2: Fire Department Grants (ALI 800639)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5460 ALI 800639, Fire Department Grants	\$5,174,480	\$5,200,000	\$5,200,000
% change	--	0.5%	0.0%

This line item is used to provide grants to local fire departments to offset the cost of training and equipment. Of the amount appropriated, \$1.2 million each fiscal year may be used for Equipment and Training Grants. Under this grant program, volunteer fire departments, fire departments, joint fire districts, or local governments responsible for fire departments that serve one or more small municipalities or small townships, and local units of government responsible for the provision of fire protection services for small municipalities or small townships are eligible for the grants. These grants must be used to (1) purchase firefighting or rescue equipment or gear or similar items, (2) provide full or partial reimbursement for the documented costs of firefighter training, or (3) at the discretion of the State Fire Marshal, cover fire department costs for providing fire protection services in that grant recipient's jurisdiction. Grants for firefighting or rescue equipment, gear, or the provision of fire protection services are limited to \$15,000 per fiscal year unless 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. In those cases, grants are limited to \$25,000 per fiscal year. Grants for reimbursement of firefighter training costs are limited to \$15,000 per fiscal year. Eligible entities may receive grants for both purposes. For each fiscal year, the State Fire Marshal will determine the total amounts to be allocated for each eligible purpose.

This line item also provides the funding for the Multi-Agency Radio Communication System (MARCS) Grant Program. Of the amount appropriated, up to \$3.0 million in each fiscal year can be used for MARCS grants. This grant program helps offset the costs that local fire departments incur for MARCS-related radio equipment and services and to promote the interoperability between fire responders. Eligible recipients are the same as fire equipment and training grants as mentioned above. However, grants are limited to \$50,000 in each fiscal year per grant recipient.



Lastly, up to \$1.0 million in each fiscal year may go towards the Firefighter I Training Grant Program. These grants are awarded to fire training schools to provide training to newly hired or volunteer firefighters at no cost to the local government. Fire training schools apply through the State Fire Marshal and are awarded on a first-come, first-served basis.

### **C3:3: Small Government Fire Departments (ALI 800635)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5F10 ALI 800635, Small Government Fire Departments	\$100,000	\$300,000	\$300,000
% change	--	200.0%	0.0%

This line item supports the Small Government Fire Department Services Revolving Loan Program, which makes no interest loans to small governments for up to 95.0% of the cost of firefighter equipment or the construction or renovation of fire department buildings. The Small Government Fire Departments Fund (Fund 5F10) is replenished by loan repayments. To provide loan funding, H.B. 166 gives the OBM Director the authority with Controlling Board approval, upon the request of the Director of Commerce, to transfer up to \$300,000 from Fund 5460 to Fund 5F10 for the purpose of this program during the biennium.

### **C3:4: Volunteer Peace Officers' Dependent Fund (ALI 800648)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5SJ0 ALI 800648, Volunteer Peace Officers' Dependent Fund	\$0	\$50,000	\$50,000
% change	--	N/A	0.0%

This line item provides monthly death benefits to survivors of volunteer, part-time, and reserve police officers, sheriffs' deputies, constables, and deputy marshals killed in the line of duty and disability benefits to such officers and deputies if they become disabled. Specifically, the benefit amounts are: (1) to surviving spouses, a lump-sum award of \$1,000 plus a \$300 benefit per month, (2) dependent children, a benefit of \$125 per month, and (3) to disabled volunteer peace officers, a disability benefit of \$300 per month.

The Volunteer Peace Officers' Dependent Fund (Fund 5SJ0) was created in S.B. 11 of the 131<sup>st</sup> General Assembly and is funded by assessments collected from peace officer departments that are part of the fund. Each fund member (peace officer departments) is required to contribute an initial premium to Fund 5SJ0 depending on each member's assessed property valuation. The total initial premiums form what is referred to as the basic capital account for Fund 5SJ0. No further contributions are required from fund members until claims against Fund 5SJ0 have reduced its balance to 95% or less of its basic capital account. In that event, the Director of Commerce is required to certify additional premiums based on current property valuation.

### C3:5: Underground Storage Tanks (ALIs 800629, 800622, and 800624)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 6530 ALI 800629, UST Registration/Permit Fee	\$2,187,735	\$2,316,230	\$2,301,714
% change	--	5.9%	-0.6%
Fund 3480 ALI 800622, Underground Storage Tanks	\$755,493	\$820,675	\$805,112
% change	--	8.6%	-1.9%
Fund 3480 ALI 800624, Leaking Underground Storage Tanks	\$1,989,179	\$1,950,000	\$1,949,887
% change	--	-2.0%	0.0%
<b>Total Underground Storage Tanks</b>	<b>\$4,932,407</b>	<b>\$5,086,905</b>	<b>\$5,056,713</b>
% change	--	<b>3.1%</b>	<b>-0.6%</b>

These three line items provide support for the Bureau of Underground Storage Tank Regulation (BUSTR), which regulates the installation, operation, maintenance, and removal of underground storage tank (UST) systems as well as the investigation and cleanup of petroleum products released from UST systems into the environment. BUSTR regulates 3,573 owners of approximately 21,245 registered UST systems at 7,187 facilities.

Line item 800629, UST Registration/Permit Fee, provides funding for underground storage tank regulation and is supported by annual tank registration fees and permits. This line item provides the state matching funds required for BUSTR's federal funding. Line item 800622, Underground Storage Tanks, provides the federal funds used for the regulation of underground storage tanks, including the permitting of tank installation, removal, upgrade, or major repair. Federal funding for this program requires a 25% state match. Lastly, line item 800624, Leaking Underground Storage Tanks, provides the federal funds necessary to evaluate and clean up leaking underground storage tanks containing petroleum. Federal funding for this program requires a 10% state match.

### C3:6: Cigarette Enforcement (ALI 800641)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5HV0 ALI 800641, Cigarette Enforcement	\$0	\$27,324	\$27,324
% change	--	N/A	0.0%

This line item supports the functions of the Cigarette Enforcement Program, which certifies cigarettes as meeting reduced ignition propensity standards. Cigarettes passing the ignition propensity standards are not as likely to set fire to certain types of fabrics, such as upholstered furniture or mattresses. To be certified by the state, each cigarette manufacturer must (1) test cigarettes through a laboratory or an alternative testing method to ensure the

cigarettes meet the standards specified in law, (2) indicate on the packaging that the cigarettes meet fire safety standards, and (3) submit written certification to the State Fire Marshal's Office within the Department of Commerce that each type of cigarette tested meets the standards. Manufacturers must recertify each type of cigarette every three years.

Currently, there are 123 brands of cigarettes certified. To offset the State Fire Marshal's costs for administering the certification program, manufacturers pay a \$1,000 fee for each type of brand family included in an application. Proceeds from the fee are deposited into the Cigarette Enforcement Fund (Fund 5HV0).

## Category 4: Financial Institutions and Securities

This category of appropriations provides funding to oversee state-chartered banks, savings institutions, credit unions, and various consumer finance organizations through the Division of Financial Institutions as well as securities and securities professionals through the Division of Securities. These line items fund programs that ensure the overall safety and soundness of these institutions and individuals and provide education regarding financial literacy, home mortgage lending practices, and securities investing to reduce the number of consumers falling victim to abusive practices.

### C4:1: Division of Financial Institutions

#### C4:1:1: Financial Institutions (ALI 800619)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 4X20 ALI 800619, Financial Institutions	\$1,830,190	\$1,914,631	\$1,980,213
% change	--	4.6%	3.4%

This line item provides centralized administrative support to the Division of Financial Institutions' various sections, which include Banks, Credit Union, and Consumer Finance. The executive staff, facilities management, front desk operations, and centralized records retention and administration are all funded out of this line item. The Financial Institutions Fund (Fund 4X20) receives revenue from quarterly assessments on the Banks Fund (Fund 5440), the Credit Unions Fund (Fund 5520), and the Consumer Finance Fund (Fund 5530). Quarterly assessments are prorated among these operating funds based on the budgeted headcount for each fund.

#### C4:1:2: Banks (ALI 800612)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5440 ALI 800612, Banks	\$9,117,055	\$10,154,147	\$10,688,048
% change	--	11.4%	5.3%

This line item supports the regulation of state-chartered banks, trust companies, and money transmitters. The vast majority of funding in this line item, about 88.5% over the biennium, is programmed toward bank regulation, with the balance going toward the cost of regulating money transmitters. The Banks Fund (Fund 5440) receives revenue from application and examination fees paid by state-chartered banks, assessments charged to all banks subject to examination by the Division, and money transmitter fees.

The Banks Program supervises 115 state-chartered banks with \$221.0 billion in assets as of June 30, 2019. The Banks Program does not have jurisdiction over federal thrifts or national banks. Its main responsibility is to review and approve new bank charters, mergers, branch ventures, and other activities. The program also determines the safety and soundness of each bank and monitors institution adherence to applicable laws and regulations through regular onsite field examinations and off-site surveillance and monitoring. Program staff coordinate supervisory activities with the applicable federal regulatory agencies, the Federal Reserve and the Federal Deposit Insurance Corporation (FDIC). While Banks Program staff coordinate with their federal counterparts, they also compete with them to maintain bank charters due to the dual regulatory environment within the financial services industry.

The Money Transmitters Program provides for the licensing, supervision, and regulation of the 136 money transmitters operating within the state. The program's funding is derived from annual license fees and investigation fees for money transmitter licenses. The fee for a new money transmitter license is \$6,000. The renewal fee is based on the transmitter's volume of business in the state.

### **C4:1:3: Credit Union (ALI 800604)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5520 ALI 800604, Credit Union	\$3,314,970	\$3,719,253	\$3,807,712
% change	--	12.2%	2.4%

This line item supports the Credit Union Program which monitors the financial safety and soundness of Ohio's state-chartered credit unions. The program is funded by a semiannual assessment on the gross assets of credit unions, the revenue from which was approximately \$3.7 million in FY 2019. The supervision and regulation of state-chartered credit unions includes onsite field examinations, offsite surveillance and monitoring, and coordination of supervisory activities with the appropriate federal agency, the National Credit Union Administration. While the program coordinates with its federal counterparts, the Division of Financial Institutions is also in competition for credit union charters as these institutions have the option to be regulated either by the state or by the federal government. The program supervised and regulated 118 state-chartered credit unions with total aggregated assets of \$22.9 billion as of the end of June 2019. While the number of state-chartered credit unions has declined because of an industry trend of mergers and acquisitions, total assets under supervision has increased, as has the complexity of these institutions' operations.

**C4:1:4: Consumer Finance (ALI 800607)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5530 ALI 800607, Consumer Finance	\$4,429,187	\$5,465,720	\$5,777,988
% change	--	23.4%	5.7%

This line item supports the costs associated with regulating the consumer finance or nondepository lending industries. These regulatory functions are funded through annual fees paid by various consumer finance providers. The receipts are deposited into the Consumer Finance Fund (Fund 5530). A small portion of the line item (around \$219,000 in FY 2020 and \$221,000 in FY 2021) funds the Office of Consumer Affairs, which educates Ohioans on borrowing, refers borrowers to credit counseling services, receives complaints of alleged violations of Division-administered statutes, contacts the persons that are the subject of the complaint, and forwards possible violations for administrative action.

As of the end of FY 2019, this section oversaw over 16,000 licenses. However, please note that the total number of licensees may be less as some licensees were issued two licenses during the fiscal year, a result of the enactment of H.B. 199 of the 132<sup>nd</sup> General Assembly which made changes to the previous Mortgage Loan Law and created the Residential Mortgage Lending Act.

***Additional funding for consumer finance staff***

The funding levels provided by the budget will allow the Department to hire three full-time employees (two regional supervisors and one investigator) under the Consumer Finance Section. The need for additional employees is a result of increased workload and several enactments of consumer finance legislation in the 132<sup>nd</sup> General Assembly: H.B. 199 which created the Residential Mortgage Lending Act; H.B. 123 which modified the Short-term, Small, and Mortgage Loan Laws; and S.B. 10 which created the Ohio Consumer Installment Loan Act.

**C4:1:5: Financial Literacy Education (ALI 800616)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5FW0 ALI 800616, Financial Literacy Education	\$12,938	\$150,000	\$150,000
% change	--	1,059.4%	0.0%

This line item supports various adult financial literacy education programs. At least half of the programs must be presented by or made available at public community colleges or state institutions of higher education throughout the state. The initial funding for these programs was provided through a transfer of 5.0% of the cash balance (just under \$500,000) from the Consumer Finance Fund (Fund 5530) to the Financial Literacy Education Fund (Fund 5FW0) in FY 2009. On an ongoing basis, Fund 5FW0 receives a small amount of revenue, amounting to 5.0% of all charges, penalties, and forfeitures received by Fund 5530.

## C4:2: Division of Securities

### C4:2:1: Securities (ALI 800617)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5500 ALI 800617, Securities	\$5,308,823	\$6,165,054	\$6,363,135
% change	--	16.1%	3.2%

This line item supports the Division of Securities, which regulates the sale of securities in Ohio, licenses securities professionals in Ohio who sell securities and provide advice about investing in securities, and promotes investor education. These appropriations are supported by revenue from license application and renewal fees for various securities industry professionals and from securities registration and exemption filings that are deposited into the Division of Securities Fund (Fund 5500).

The Division pursues administrative sanctions against those persons and entities violating the securities laws and makes referrals for criminal prosecution. In FY 2019, the Division of Securities reviewed over 8,000 securities registration and exemption filings and licensed over 215,000 securities professionals and investment officers. Customarily, the income from fees collected each year is in excess of the total funding required to operate the Division. This allows for cash transfers of the excess to the GRF. In FY 2019, the amount transferred was \$20.0 million.

### C4:2:2: Securities Investor Education/Enforcement (ALI 800609)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5GK0 ALI 800609, Securities Investor Education/ Enforcement	\$266,755	\$678,400	\$682,150
% change	--	154.3%	0.6%

This line item supports the expenses of the Division of Securities relating to education or enforcement for the protection of securities investors and the public. The line item is funded with moneys received in settlement of any violation of the Securities Law. These sums are subsequently deposited into the Securities Investor Education and Enforcement Expense Fund (Fund 5GK0). To supplement this funding, Fund 5GK0 is periodically seeded with cash transfers from the Division of Securities Fund (Fund 5500).

## Category 5: Liquor Control

This category of appropriations funds the control of the manufacture, distribution, pricing, and sale of alcoholic beverages in Ohio, functions overseen by the Division of Liquor Control. In FY 2013, the state transferred Ohio's exclusive liquor merchandising rights to JobsOhio, the state's private, nonprofit economic development corporation, for 25 years in exchange for an estimated \$1.3 billion. Under the transfer agreement, referred to as the Operating Services Agreement, JobsOhio became the state's sole purchaser and distributor of

spirituous liquor, but contracted with the state to merchandise spirituous liquor and provide ongoing regulatory oversight of liquor sales. The state received payments from JobsOhio for these services. Under this arrangement, many of the costs the Division incurred in previous fiscal years are now paid for by JobsOhio, including (1) liquor inventory and shipping, and (2) liquor agency store commissions. Consequently, these costs are no longer part of the Division of Liquor Control's budget.

### **C5:1: Liquor Operating Services (ALI 800645)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5LN0 ALI 800645, Liquor Operating Services	\$15,207,753	\$19,540,125	\$19,705,103
% change	--	28.5%	0.8%

This line item supports the costs of the Division's liquor merchandising operations under the Operating Services Agreement with JobsOhio. The Agreement calls for JobsOhio to make quarterly payments to cover these expenses. The Division's budget for liquor merchandising is agreed upon biennially to align with state budget periods, but may be adjusted when necessary after consulting with JobsOhio. Payments from JobsOhio are made quarterly and deposited into the Liquor Operating Services Fund (Fund 5LN0) to support the merchandising operations.

### **C5:2: Liquor JobsOhio Extraordinary Allowance (ALI 800644)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5LC0 ALI 800644, Liquor JobsOhio Extraordinary Allowance	\$0	\$788,204	\$788,204
% change	--	N/A	0.0%

This line item serves as a contingency account as part of the Operating Services Agreement with JobsOhio. As described above, the quarterly payments received from JobsOhio are deposited into the Liquor Operating Services Fund (Fund 5LN0). However, 4.0% of these payments are set aside as a contingency and placed in a separate state fund, the Liquor JobsOhio Extraordinary Fund (Fund 5LC0). Specifically, Fund 5LC0 line item 800644, Liquor JobsOhio Extraordinary Allowance, would be tapped to pay for any unanticipated costs that could not be covered by the quarterly payments from JobsOhio that are deposited into Fund 5LN0 and appropriated under line item 800645, Liquor Operating Services. This provides a stopgap until the Controlling Board authorizes additional appropriations from Fund 5LN0.

### C5:3: Liquor Regulatory Operating Expenses (ALI 800646)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5LP0 ALI 800646, Liquor Regulatory Operating Expenses	\$9,540,151	\$15,918,941	\$14,787,281
	% change	--	66.9%
			-7.1%

This line item supports the Division of Liquor Control's permitting and compliance duties relating to the regulation of the state Liquor Control Law. The program (1) licenses the manufacture, distribution, and sale of all alcoholic beverages in Ohio, (2) issues new liquor permits, and (3) renews and transfers existing liquor permits. In FY 2019, the Division issued, renewed, and transferred over 35,000 permits. Overall, the Division was responsible for licensing the operation of over 25,000 manufacturers, distributors, and retailers of alcoholic beverages throughout the state in FY 2019.

In contrast to the line items that support the cost of liquor merchandising, the line item is funded by liquor permit fee revenue received into the Undivided Liquor Permit Fund (Fund 7066) that is subsequently distributed to the State Liquor Regulatory Fund (Fund 5LP0) used by the Division of Liquor Control (45%), the local taxing district where the permit is issued (35%), and the Statewide Treatment and Prevention Fund (Fund 4750) used by the Department of Mental Health and Addiction Services (20%). After accounting for the Division's permitting oversight costs covered under this line item and the operating costs of the Liquor Control Commission, excess Fund 5LP0 revenue is credited to the GRF. The excess amount deposited into the GRF in FY 2019 was \$4.0 million.

#### **Pilot web-based liquor permit system**

Currently, the Division is in the beginning stages of implementing a web-based system to process liquor permits. The funding provided for the FY 2020-FY 2021 biennium will allow the Division to implement a pilot program that would enable permit holders and applicants to enter their application information in a web-based portal, submit payments, view the status of their application, schedule inspections, and print out their permit when it is approved. The pilot program is estimated to cost \$5.0 million in FY 2020 and \$3.5 million in FY 2021. The pilot program will apply to a limited group of permit holders among all of the liquor permit classes to allow the Division to test the capabilities of implementing a whole web-based system upgrade.

#### ***Issuance of D-5l liquor permits in revitalization districts***

The budget authorizes the Division to issue a D-5l liquor permit (only issued in revitalization districts) to an owner or operator of a retail food establishment or food service operation that is located in a municipal corporation with less than 10,000 people, provided that the municipal corporation is located in a county with more than one million people. The permit allows the holder to sell beer, wine, mixed beverages, and spirituous liquor for on-premises consumption, and beer, wine, and mixed beverages for off-premises consumption. As a result, there could be a potential gain in D-5l liquor permit fee revenue deposited into Fund 7066. The



fee for a D-5I liquor permit is \$2,344. The provision only applies to municipalities with 10,000 people or less in Cuyahoga and Franklin counties based on the county population requirements.

## Category 6: Real Estate and Professional Licensing

This category of appropriations provides funding for the licensure and regulation of real estate brokers, salespersons, and appraisers; registers foreign real estate property; and registers and investigates complaints involving Ohio cemeteries. Additionally, it provides funding for the Video Authorization Program. All of these activities are regulated by the Division of Real Estate and Professional Licensing.

### C6:1: Real Estate (ALI 800614)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5490 ALI 800614, Real Estate	\$3,294,242	\$3,876,514	\$4,067,513
% change	--	17.7%	4.9%

This line item supports the costs associated with the licensing of real estate brokers and salespersons and those dealing in foreign real estate (properties located outside Ohio but marketed to Ohio residents). In addition, continuing education courses for such individuals are reviewed and approved and complaints are investigated. As of the end of FY 2019, over 49,000 brokers and salespersons were licensed by the Division of Real Estate and Professional Licensing. As mentioned in the “**Overview**,” H.B. 166 increases the license fees that support the Division’s existing costs of their current regulatory responsibilities. These fees are deposited into the Division of Real Estate Operating Fund (Fund 5490).

### C6:2: Real Estate Recovery (ALI 800611)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5480 ALI 800611, Real Estate Recovery	\$0	\$50,000	\$50,000
% change	--	N/A	0.0%

This line item is used to reimburse persons that obtain a court judgment against a licensed or certified real estate broker or salesperson. The Real Estate Recovery Fund (Fund 5480) receives a \$10 assessment on real estate broker and salesperson license renewals, fines, and civil penalties against persons participating in unlicensed activity. H.B. 166 replaces the current tiered assessments to Fund 5480 that the Real Estate Commission imposes on real estate broker and salesperson license renewals with a required \$10 assessment if Fund 5480 falls below \$250,000 instead of \$500,000 under current law. Additionally, the bill allows the OBM Director with Controlling Board approval, upon request of the COM Director and if the cash balance in Fund 5480 exceeds \$250,000 during the biennium, to transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than \$250,000.

**C6:3: Real Estate Education/Research (ALI 800603)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5470 ALI 800603, Real Estate Education/ Research	\$29,475	\$69,655	\$69,655
% change	--	136.3%	0.0%

This line item is used to advance education and research in real estate by contracting with higher education institutions or a trade organization in the state to conduct real estate research. It also funds loans of up to \$2,000 to applicants for salesperson's licenses to help defray the cost of statutory education requirements. These activities are funded by \$1 from each real estate broker and salesperson application fee and \$3 from each real estate broker and salesperson license renewal fee. H.B. 166 allows the OBM Director, with Controlling Board approval, to transfer up to \$500,000 from the Real Estate Education and Research Fund (Fund 5470) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium.

**C6:4: Real Estate Appraiser – Operating (ALI 800630)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 6A40 ALI 800630, Real Estate Appraiser – Operating	\$708,668	\$1,299,071	\$1,336,056
% change	--	83.3%	2.9%

This line item funds the licensure and certification of all general and residential appraisers in the state. In addition, the line item funds the monitoring of applicant compliance with education; experience and testing requirements for each level of registration, license, or certification; and oversees the continuing education requirements of the industry. Other activities include the investigation of complaints against licensees and disciplinary hearings as required. As of the end of FY 2019, the program oversaw approximately 2,900 active real estate appraisers and 319 real estate appraiser assistants in the state.

**C6:5: Real Estate Appraisal Recovery (ALI 800631)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 4B20 ALI 800631, Real Estate Appraisal Recovery	\$0	\$35,000	\$35,000
% change	--	N/A	0.0%

This line item is used to reimburse persons that obtain a court judgment against a licensed or certified appraiser. The Real Estate Appraiser Recovery Fund (Fund 4B20) is supported through a \$50 assessment on new real estate appraiser license/certification applications. H.B. 166 lowers the cash balance threshold triggering the Director of Commerce's authority to request money be moved from the Real Estate Appraiser Operating Fund

(Fund 6A40) to Fund 4B20 from \$500,000 to \$200,000. Additionally, the bill allows the OBM Director with Controlling Board approval, upon request from the COM Director and if the Fund 4B20 cash balance exceeds \$200,000 during the biennium, to transfer cash from Fund 4B20 to Fund 6A40, such that the amount available in Fund 4B20 is not less than \$200,000.

### **C6:6: Cemeteries (ALIs 800608 and 800651)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 4H90 ALI 800608, Cemeteries	\$360,120	\$302,250	\$313,466
% change	--	-16.1%	3.7%
Fund 5SE0 ALI 800651, Cemetery Grant Program	\$0	\$100,000	\$100,000
% change	--	N/A	0.0%
<b>Total Cemeteries</b>	<b>\$360,120</b>	<b>\$402,250</b>	<b>\$413,466</b>
% change	--	<b>11.7%</b>	<b>2.8%</b>

Line item 800608, Cemeteries, supports the registration of all active cemeteries in Ohio and the investigation of complaints or disputes involving registered cemeteries. Complaints against cemeteries are investigated and referred to the Ohio Cemetery Dispute Resolution Commission. The program also audits cemetery trust records, sets guidelines for cemetery maintenance, and provides education to consumers concerning their rights, responsibilities, and options when interacting with a cemetery. As of June 30, 2019, there were over 4,200 cemeteries registered. Burial permit fees are the main source of revenue for this program. During FY 2019, revenue to the Cemetery Registration Fund (Fund 4H90) from burial permits and cemetery registrations and renewals was approximately \$234,000.

#### **New initiative – Cemetery Grant Program**

Line item 800651, Cemetery Grant Program, funds a new grant program established by H.B. 168 of the 132<sup>nd</sup> General Assembly. Specifically, the program will provide grants of up to \$1,000, to not-for-profit cemeteries to (1) defray the costs of exceptional maintenance, or (2) train cemetery personnel in the maintenance and operation of cemeteries. These grants will be supported by \$1 of each \$2.50 burial permit fee to be deposited into the new Cemetery Grant Fund (Fund 5SE0).

### **C6:7: Manufactured Homes Regulation (ALI 800649)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5SU0 ALI 800649, Manufactured Homes Regulation	\$149,957	\$260,550	\$270,478
% change	--	73.8%	3.8%

This line item supports the regulation of all manufactured housing brokers, dealers, and salespersons in the state including the licensure of those individuals and enforcement as a result of the consolidation of the Manufactured Homes Commission within COM effective January 2018. Revenue from licensing and renewal fees of manufactured housing brokers, dealers, and salespersons are deposited into the Manufactured Homes Regulatory Fund (Fund 5SU0). Overall, the Department has licensed over 600 manufactured housing brokers, dealers, and salespersons.

### **C6:8: Real Estate Home Inspector (ALIs 800652 and 800653)**

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5VC0 ALI 800652, Real Estate Home Inspector Operating	\$0	\$490,000	\$490,000
% change	--	N/A	0.0%
Fund 5VD0 ALI 800653, Real Estate Home Inspector Recovery	\$0	\$10,000	\$10,000
% change	--	N/A	0.0%
<b>Total Real Estate Home Inspector</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$500,000</b>
<b>% change</b>	<b>--</b>	<b>N/A</b>	<b>0.0%</b>

These line items will support the Department's new responsibilities to license home inspectors as required under S.B. 255 of the 132<sup>nd</sup> General Assembly. As mentioned in the "Overview," the bill created the Ohio Home Inspector Law and requires individuals wishing to perform home inspections to obtain a license from the newly created Ohio Home Inspector Board within the Department. Line item 800652, Real Estate Home Inspector Operating, will support three new full-time employees (one licensing specialist and two investigators).

The bill also created the Home Inspection Recovery Fund (Fund 5VD0) which consists of a special annual assessment between \$3 and \$5 per year depending on prior year fund balances, to each licensee applying for an initial license or a renewal of a home inspector license. Line item 800653, Real Estate Home Inspector Recovery, will be used to pay judgments against home inspectors when granted by the court. In such instances, a home inspector's license is suspended until that individual repays the amount ordered, plus applicable interest, to Fund 5VD0. Judgments are limited to \$40,000.

H.B. 166 allows the OBM Director, with approval of the Controlling Board, to transfer up to \$500,000 from the Division of Securities Fund (Fund 5500) as follows: up to \$490,000 to the Home Inspector Operating Fund (Fund 5VC0) and up to \$10,000 to Fund 5VD0. This cash transfer will allow the program to be funded at the beginning of the biennium. Additionally, uncodified law requires the OBM Director and the COM Director to establish a repayment schedule to fully repay the cash transferred from Fund 5500 to Fund 5VC0 and Fund 5VD0.

### C6:9: Video Service (ALI 800623)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5X60 ALI 800623, Video Service	\$386,373	\$416,732	\$412,693
% change	--	7.9%	-1.0%

This line item supports the Video Service Authorization Program. As of FY 2019, there were 56 authorized providers. This system, which permits video service areas to span multiple counties, municipalities, or townships, is being phased in to replace a licensing process under which cable television providers negotiated franchise agreements and fees with individual local governments. To compensate local governments for the forgone fee revenue that had been generated under the old agreements, a video service provider fee is paid to each municipality and township in which a provider offers video service. Video service providers make these payments directly to local governments on a quarterly basis. On the state level, applicants pay a \$2,000 fee to apply for and a \$100 fee to amend each authorization. These fees are deposited in the Video Service Authorization Fund (Fund 5X60).

### Category 7: Medical Marijuana Control

This category of appropriations funds the Medical Marijuana Control Program which was created in H.B. 523 of the 131<sup>st</sup> General Assembly. In particular, the act requires the Department to license and regulate medical marijuana cultivators, processors, and laboratories that test medical marijuana.

#### C7:1: Medical Marijuana Control Program (ALI 800650)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 5SY0 ALI 800650, Medical Marijuana Control Program	\$6,134,219	\$6,435,897	\$5,121,000
% change	--	4.9%	-20.4%

This line item supports the 14 full-time employees that oversee the Medical Marijuana Control Program. As of July 2019, 17 Level I (initial marijuana cultivation area up to 25,000 square feet) and 13 Level II (initial marijuana cultivation area of 3,000 square feet) provisional licenses have been awarded to cultivators. Of these provisional licensees, nine certificates of operation have been issued to both Level I and Level II licensees. Additionally, the Department has issued 40 provisional processing licenses and six certificates of operation. Five provisional testing licenses (three private laboratories and two university testing laboratories) have been issued. License and enforcement fees are deposited into the Medical Marijuana Control Fund (Fund 5SY0).

Uncodified law in H.B. 166 requires the COM Director to consult the OBM Director to determine a repayment schedule during the biennium to fully repay cash transfers from the Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical Marijuana Control Fund

(Fund 5YS0) to capitalize the fund. Overall, \$8.6 million has been transferred from Fund 5KM0 to Fund 5SY0 as of July 2019. This repayment will be deposited into the GRF. The repayment will most likely be from license fees that are deposited into Fund 5YS0.

## Category 8: Administration

This category of appropriations provides direction, administration, support, and coordination of the activities of the Department's operating divisions and to serve as a liaison to other government, corporate, and public entities.

### C8:1: Division of Administration (ALI 800620)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 1630 ALI 800620, Division of Administration	\$7,981,530	\$8,558,140	\$8,364,140
% change	--	7.2%	-2.3%

This line item supports the costs of administering, supporting, and coordinating activities of the seven operating divisions of the Department. Functions associated with human resources, support services, fiscal operations, public information, employee training and development, legislative services, legal counsel, and the Director's office are funded through this line item. This line item is funded by assessments levied on the seven operating divisions, which are based on a percentage of the actual operating appropriation of each individual fund used by the Department. These assessments generated approximately \$14.0 million in FY 2019.

### C8:2: Information Technology (ALI 800637)

Fund/ALI	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 1630 ALI 800637, Information Technology	\$7,182,208	\$8,601,860	\$8,985,860
% change	--	19.8%	4.5%

This line item supports the Information Technology Group (ITG), which is responsible for developing, maintaining, and protecting the Department's computer systems, network, electronic business applications, and electronic data. ITG is also responsible for the manner in which these systems interface with, and are aligned to, the state's overall IT direction and enterprise structure. As with appropriation item 800620, Division of Administration, this line item is funded by the assessments levied on the seven operating divisions within the Department.

# FY 2020 - FY 2021 Final Appropriations

# All Fund Groups

Line Item Detail by Agency			Appropriations			FY 2019 to FY 2020	Appropriations	FY 2020 to FY 2021
			FY 2018	FY 2019	FY 2020	% Change	FY 2021	% Change
<b>Report For: Main Operating Appropriations Bill</b>			<b>Version: As Enacted</b>					
<b>COM Department of Commerce</b>								
4B20	800631	Real Estate Appraisal Recovery	\$0	\$0	\$ 35,000	N/A	\$ 35,000	0.00%
4H90	800608	Cemeteries	\$ 275,616	\$ 360,120	\$ 302,250	-16.07%	\$ 313,466	3.71%
4X20	800619	Financial Institutions	\$ 1,734,242	\$ 1,830,190	\$ 1,914,631	4.61%	\$ 1,980,213	3.43%
5430	800602	Unclaimed Funds-Operating	\$ 8,672,657	\$ 7,872,868	\$ 10,452,421	32.77%	\$ 10,465,295	0.12%
5430	800625	Unclaimed Funds-Claims	\$ 97,035,198	\$ 135,977,062	\$ 70,000,000	-48.52%	\$ 70,000,000	0.00%
5440	800612	Banks	\$ 8,310,204	\$ 9,117,055	\$ 10,154,147	11.38%	\$ 10,688,048	5.26%
5450	800613	Savings Institutions	\$ 136,604	\$0	\$0	N/A	\$0	N/A
5460	800610	Fire Marshal	\$ 18,080,353	\$ 16,456,462	\$ 20,436,641	24.19%	\$ 21,090,755	3.20%
5460	800639	Fire Department Grants	\$ 5,135,484	\$ 5,174,480	\$ 5,200,000	0.49%	\$ 5,200,000	0.00%
5470	800603	Real Estate Education/Research	\$ 88,257	\$ 29,475	\$ 69,655	136.32%	\$ 69,655	0.00%
5480	800611	Real Estate Recovery	\$ 36,399	\$0	\$ 50,000	N/A	\$ 50,000	0.00%
5490	800614	Real Estate	\$ 3,558,435	\$ 3,294,242	\$ 3,876,514	17.68%	\$ 4,067,513	4.93%
5500	800617	Securities	\$ 5,040,449	\$ 5,308,823	\$ 6,165,054	16.13%	\$ 6,363,135	3.21%
5520	800604	Credit Union	\$ 3,362,085	\$ 3,314,970	\$ 3,719,253	12.20%	\$ 3,807,712	2.38%
5530	800607	Consumer Finance	\$ 4,209,722	\$ 4,429,187	\$ 5,465,720	23.40%	\$ 5,777,988	5.71%
5560	800615	Industrial Compliance	\$ 26,716,102	\$ 26,839,299	\$ 30,729,000	14.49%	\$ 30,929,000	0.65%
5F10	800635	Small Government Fire Departments	\$ 450,000	\$ 100,000	\$ 300,000	200.00%	\$ 300,000	0.00%
5FW0	800616	Financial Literacy Education	\$ 69,350	\$ 12,938	\$ 150,000	1,059.38%	\$ 150,000	0.00%
5GK0	800609	Securities Investor Education/Enforcement	\$ 412,572	\$ 266,755	\$ 678,400	154.32%	\$ 682,150	0.55%
5HV0	800641	Cigarette Enforcement	\$ 26,885	\$0	\$ 27,324	N/A	\$ 27,324	0.00%
5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$ 196,334	\$0	\$ 788,204	N/A	\$ 788,204	0.00%
5LNO	800645	Liquor Operating Services	\$ 10,980,630	\$ 15,207,753	\$ 19,540,125	28.49%	\$ 19,705,103	0.84%
5LPO	800646	Liquor Regulatory Operating Expenses	\$ 8,895,551	\$ 9,540,151	\$ 15,918,941	66.86%	\$ 14,787,281	-7.11%
5SEO	800651	Cemetery Grant Program	\$0	\$0	\$ 100,000	N/A	\$ 100,000	0.00%
5SJO	800648	Volunteer Peace Officers' Dependent Fund	\$0	\$0	\$ 50,000	N/A	\$ 50,000	0.00%
5SU0	800649	Manufactured Homes Regulation	\$ 13,416	\$ 149,957	\$ 260,550	73.75%	\$ 270,478	3.81%
5SY0	800650	Medical Marijuana Control Program	\$ 2,246,611	\$ 6,134,219	\$ 6,435,897	4.92%	\$ 5,121,000	-20.43%
5VCO	800652	Real Estate Home Inspector Operating	\$0	\$0	\$ 490,000	N/A	\$ 490,000	0.00%

# FY 2020 - FY 2021 Final Appropriations

# All Fund Groups

Line Item Detail by Agency			Appropriations			FY 2019 to FY 2020	Appropriations	FY 2020 to FY 2021
			FY 2018	FY 2019	FY 2020	% Change	FY 2021	% Change
<b>COM Department of Commerce</b>								
5VD0	800653	Real Estate Home Inspector Recovery	\$0	\$0	\$ 10,000	N/A	\$ 10,000	0.00%
5X60	800623	Video Service	\$ 364,102	\$ 386,373	\$ 416,732	7.86%	\$ 412,693	-0.97%
6530	800629	UST Registration/Permit Fee	\$ 2,221,553	\$ 2,187,735	\$ 2,316,230	5.87%	\$ 2,301,714	-0.63%
6A40	800630	Real Estate Appraiser-Operating	\$ 845,872	\$ 708,668	\$ 1,299,071	83.31%	\$ 1,336,056	2.85%
<b>Dedicated Purpose Fund Group Total</b>			<b>\$ 209,114,681</b>	<b>\$ 254,698,780</b>	<b>\$ 217,351,760</b>	<b>-14.66%</b>	<b>\$ 217,369,783</b>	<b>0.01%</b>
1630	800620	Division of Administration	\$ 7,708,594	\$ 7,981,530	\$ 8,558,140	7.22%	\$ 8,364,140	-2.27%
1630	800637	Information Technology	\$ 6,690,224	\$ 7,182,208	\$ 8,601,860	19.77%	\$ 8,985,860	4.46%
<b>Internal Service Activity Fund Group Total</b>			<b>\$ 14,398,818</b>	<b>\$ 15,163,737</b>	<b>\$ 17,160,000</b>	<b>13.16%</b>	<b>\$ 17,350,000</b>	<b>1.11%</b>
3480	800622	Underground Storage Tanks	\$ 829,356	\$ 755,493	\$ 820,675	8.63%	\$ 805,112	-1.90%
3480	800624	Leaking Underground Storage Tanks	\$ 1,886,773	\$ 1,989,179	\$ 1,950,000	-1.97%	\$ 1,949,887	-0.01%
3DX0	800626	Law Enforcement Seizure Funds	\$ 17,558	\$ 1,608	\$0	N/A	\$0	N/A
<b>Federal Fund Group Total</b>			<b>\$ 2,733,687</b>	<b>\$ 2,746,280</b>	<b>\$ 2,770,675</b>	<b>0.89%</b>	<b>\$ 2,754,999</b>	<b>-0.57%</b>
<b>Department of Commerce Total</b>			<b>\$ 226,247,187</b>	<b>\$ 272,608,797</b>	<b>\$ 237,282,435</b>	<b>-12.96%</b>	<b>\$ 237,474,782</b>	<b>0.08%</b>