

As Reported by the House State and Local Government Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 31

Representative Cupp

Cosponsors: Representatives Arndt, Becker, Blessing, Conditt, Goodman, Green, Householder, Huffman, Koehler, Lipps, Reineke, Riedel, Roegner, Scherer, Seitz, Schaffer, Sprague, Stein, Anielski, Hambley

A BILL

To amend section 9.23, to revive and amend section 1
5139.44, and to repeal section 9.239 of the 2
Revised Code, and to repeal Section 7 of Am. 3
Sub. H.B. 52 of the 131st General Assembly, 4
Section 3 of Sub. H.B. 463 of the 130th General 5
Assembly, Sections 745.10, 751.20, 751.37, 6
751.120, 751.130, and 751.140 of Am. Sub. H.B. 7
483 of the 130th General Assembly, and Section 4 8
of Sub. S.B. 310 of the 130th General Assembly 9
to revive the RECLAIM Advisory Committee, to 10
formally abolish certain defunct boards, and to 11
abolish the Government Contracting Advisory 12
Council. 13

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 9.23 be amended and section 14
5139.44 of the Revised Code be revived and amended to read as 15
follows: 16

Sec. 9.23. As used in sections 9.23 to ~~9.239~~9.238 of the 17

Revised Code:	18
(A) "Allocable nondirect costs" means the amount of	19
nondirect costs allocated as a result of actual expenditures on	20
direct costs. "Allocable nondirect costs" shall be calculated as	21
follows: direct costs actually incurred for the provision of	22
services pursuant to a contract entered into under section 9.231	23
of the Revised Code divided by the minimum percentage of money	24
that is to be expended on the recipient's direct costs, as	25
specified in the contract, minus the direct costs actually	26
incurred.	27
(B) "Contract payment earned" means payment pursuant to a	28
contract entered into under section 9.231 of the Revised Code	29
for direct costs actually incurred in performing the contract,	30
up to the minimum percentage of money that is to be expended on	31
the recipient's direct costs, as specified in the contract, plus	32
allocable nondirect costs associated with those direct costs.	33
(C) "Direct costs" means the costs of providing services	34
that directly benefit a patient, client, or the public and that	35
are set forth in the contract entered into under section 9.231	36
of the Revised Code. "Direct costs" does not include the costs	37
of any financial review or audit required under section 9.234 of	38
the Revised Code.	39
(D) (1) "Governmental entity" means a state agency or a	40
political subdivision of the state.	41
(2) "Contracting authority" of a governmental entity means	42
the director or chief executive officer, in the case of a state	43
agency, or the legislative authority, in the case of a political	44
subdivision.	45
(E) "Minimum percentage of money that is to be expended on	46

the recipient's direct costs" means the percentage of the total 47
amount of the contract entered into under section 9.231 of the 48
Revised Code that, at a minimum, has to be expended on the 49
recipient's direct costs in performing the contract in order for 50
the recipient to earn the total amount of the contract. 51

(F) "Political subdivision" means a county, township, 52
municipal corporation, or any other body corporate and politic 53
that is responsible for government activities in a geographic 54
area smaller than that of the state. 55

(G) "Recipient" means a person that enters into a contract 56
with a governmental entity under section 9.231 of the Revised 57
Code. 58

(H) "State agency" means any organized body, office, 59
agency, institution, or other entity established by the laws of 60
the state for the exercise of any function of state government. 61

(I) A judgment is "uncollectible" if, at least ninety days 62
after the judgment is obtained, the full amount of the judgment 63
has not been collected and either a settlement agreement between 64
the governmental entity and the recipient has not been entered 65
into or a settlement agreement has been entered into but has not 66
been materially complied with. 67

Sec. 5139.44. (A) (1) There is hereby created the RECLAIM 68
advisory committee that shall be composed of the following nine 69
members: 70

(a) Two members shall be juvenile court judges appointed 71
by the Ohio association of juvenile and family court judges. 72

(b) One member shall be the director of youth services or 73
the director's designee. 74

(c) One member shall be the director of budget and management or the director's designee.	75 76
(d) One member shall be a member of a senate committee dealing with finance or criminal justice issues appointed by the president of the senate.	77 78 79
(e) One member shall be a member of a committee of the house of representatives dealing with finance or criminal justice issues appointed by the speaker of the house of representatives.	80 81 82 83
(f) One member shall be a member of a board of county commissioners appointed by the county commissioners association of Ohio.	84 85 86
(g) Two members shall be juvenile court administrators appointed by the Ohio association of juvenile and family court judges.	87 88 89
(2) The members of the committee shall be appointed or designated within thirty days after the effective date of this section <u>September 26, 2003</u> , and the director of youth services shall be notified of the names of the members.	90 91 92 93
(3) Members described in divisions (A)(1)(a), (f), and (g) of this section shall serve for terms of two years and shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members described in divisions (A)(1)(b) and (c) of this section shall serve as long as they hold the office described in that division. Members described in divisions (A)(1)(d) and (e) of this section shall serve for the duration of the session of the general assembly during which they were appointed, provided they continue to hold the office described in that division. The	94 95 96 97 98 99 100 101 102 103

members described in divisions (A)(1)(a), (d), (e), (f), and (g) 104
may be reappointed. Vacancies shall be filled in the manner 105
provided for original appointments. Any member appointed to fill 106
a vacancy occurring prior to the expiration date of the term for 107
which the member's predecessor was appointed shall hold office 108
as a member for the remainder of that term. A member shall 109
continue in office subsequent to the expiration date of the 110
member's term until the member's successor takes office or until 111
a period of sixty days has elapsed, whichever occurs first. 112

(4) Membership on the committee does not constitute the 113
holding of an incompatible public office or employment in 114
violation of any statutory or common law prohibition pertaining 115
to the simultaneous holding of more than one public office or 116
employment. Members of the committee are not disqualified from 117
holding by reason of that membership and do not forfeit because 118
of that membership their public office or employment that 119
qualifies them for membership on the committee notwithstanding 120
any contrary disqualification or forfeiture requirement under 121
existing Revised Code sections. 122

(B) The director of youth services shall serve as an 123
interim chair of the RECLAIM advisory committee until the first 124
meeting of the committee. Upon receipt of the names of the 125
members of the committee, the director shall schedule the 126
initial meeting of the committee that shall take place at an 127
appropriate location in Columbus and occur not later than sixty 128
days after ~~the effective date of this section~~ September 26, 129
2003. The director shall notify the members of the committee of 130
the time, date, and place of the meeting. At the initial 131
meeting, the committee shall organize itself by selecting from 132
among its members a chair, vice-chair, and secretary. The 133
committee shall meet at least once each quarter of the calendar 134

year but may meet more frequently at the call of the chair.	135
(C) In addition to its functions with respect to the RECLAIM program described in section 5139.41 of the Revised Code, the RECLAIM advisory committee periodically shall do all of the following:	136 137 138 139
(1) Evaluate the operation of the RECLAIM program by the department of youth services, evaluate the implementation of the RECLAIM program by the counties, and evaluate the efficiency of the formula described in section 5139.41 of the Revised Code. In conducting these evaluations, the committee shall consider the public policy that RECLAIM funds are to be expended to provide the most appropriate programs and services for felony delinquents and other youthful offenders.	140 141 142 143 144 145 146 147
(2) Advise the department of youth services, the office of budget and management, and the general assembly on the following changes that the committee believes should be made:	148 149 150
(a) Changes to sections of the Revised Code that pertain to the RECLAIM program, specifically the formula specified in section 5139.41 of the Revised Code;	151 152 153
(b) Changes in the funding level for the RECLAIM program, specifically the amounts distributed under the formula for county allocations, community correctional facilities, and juvenile correctional facility budgets.	154 155 156 157
Section 2. That existing section 9.23 and section 9.239 of the Revised Code are hereby repealed.	158 159
Section 3. The following sections are repealed:	160
Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly	161 162

Section 3 of Sub. H.B. 463 of the 130th General Assembly	163
Sections 745.10, 751.20, 751.37, 751.120, 751.130, and 751.140 of Am. Sub. H.B. 483 of the 130th General Assembly	164 165
Section 4 of Sub. S.B. 310 of the 130th General Assembly	166
Section 4. This act revives the RECLAIM Advisory Committee. All individuals who were members of the RECLAIM Advisory Committee under section 5139.44 of the Revised Code, on December 31, 2016, shall resume their membership positions on the effective date of this act. The expiration date for the terms of these members shall be the same as if the Committee did not expire, under operation of the Sunset Review Law, on December 31, 2016.	167 168 169 170 171 172 173 174