

As Reported by the Senate Government Oversight and Reform 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, Antani, Dever, Duffey, Edwards, Faber, Gavarone, Ginter, Henne, Manning, McColley, Miller, Patton, Perales, Rezabek, Rogers, Ryan, Slaby, Smith, R., Sweeney, Thompson, West, Wiggam, Young

Senator Coley

A BILL

To amend sections 9.23, 107.06, 111.16, 147.541, 1
and 189.05, to revive and amend section 5139.44, 2
and to repeal sections 9.239, 147.542, 147.543, 3
189.01, 189.02, 189.03, 189.04, 189.06, 189.07, 4
189.08, 189.09, 189.10, 935.26, 935.27, and 5
935.28 of the Revised Code, and to repeal 6
Section 7 of Am. Sub. H.B. 52 of the 131st 7
General Assembly, Section 3 of Sub. H.B. 463 of 8
the 130th General Assembly, Sections 745.10, 9
751.20, 751.37, 751.120, 751.130, and 751.140 of 10
Am. Sub. H.B. 483 of the 130th General Assembly, 11
and Section 4 of Sub. S.B. 310 of the 130th 12
General Assembly to revive the RECLAIM Advisory 13
Committee, to formally abolish certain defunct 14
boards, to abolish the Government Contracting 15
Advisory Council and the Local Government 16
Innovation Council, to eliminate electronic 17
notaries, and to eliminate commission fees for 18
compensated officers appointed by the Governor. 19

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

Section 1. That sections 9.23, 107.06, 111.16, 147.541, 20
and 189.05 be amended and section 5139.44 of the Revised Code be 21
revived and amended to read as follows: 22

Sec. 9.23. As used in sections 9.23 to ~~9.239~~9.238 of the 23
Revised Code: 24

(A) "Allocable nondirect costs" means the amount of 25
nondirect costs allocated as a result of actual expenditures on 26
direct costs. "Allocable nondirect costs" shall be calculated as 27
follows: direct costs actually incurred for the provision of 28
services pursuant to a contract entered into under section 9.231 29
of the Revised Code divided by the minimum percentage of money 30
that is to be expended on the recipient's direct costs, as 31
specified in the contract, minus the direct costs actually 32
incurred. 33

(B) "Contract payment earned" means payment pursuant to a 34
contract entered into under section 9.231 of the Revised Code 35
for direct costs actually incurred in performing the contract, 36
up to the minimum percentage of money that is to be expended on 37
the recipient's direct costs, as specified in the contract, plus 38
allocable nondirect costs associated with those direct costs. 39

(C) "Direct costs" means the costs of providing services 40
that directly benefit a patient, client, or the public and that 41
are set forth in the contract entered into under section 9.231 42
of the Revised Code. "Direct costs" does not include the costs 43
of any financial review or audit required under section 9.234 of 44
the Revised Code. 45

(D) (1) "Governmental entity" means a state agency or a political subdivision of the state. 46
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(2) "Contracting authority" of a governmental entity means the director or chief executive officer, in the case of a state agency, or the legislative authority, in the case of a political subdivision. 48
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(E) "Minimum percentage of money that is to be expended on the recipient's direct costs" means the percentage of the total amount of the contract entered into under section 9.231 of the Revised Code that, at a minimum, has to be expended on the recipient's direct costs in performing the contract in order for the recipient to earn the total amount of the contract. 52
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(F) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 58
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(G) "Recipient" means a person that enters into a contract with a governmental entity under section 9.231 of the Revised Code. 62
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(H) "State agency" means any organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government. 65
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(I) A judgment is "uncollectible" if, at least ninety days after the judgment is obtained, the full amount of the judgment has not been collected and either a settlement agreement between the governmental entity and the recipient has not been entered into or a settlement agreement has been entered into but has not been materially complied with. 68
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Sec. 107.06. ~~Except militia officers, each~~ Each officer 74

designated in section 107.05 of the Revised Code, ~~who receives~~ 75
~~compensation~~ shall pay a the following fee to the secretary of 76
state for making, recording, and forwarding ~~his~~ the officer's 77
commission. ~~A~~: 78

(A) For a militia officer, no fee; 79

(B) For an officer who is appointed by the governor to an 80
appointive office, no fee; 81

(C) For an officer who receives no compensation, no fee; 82

(D) For a judge of a county court ~~shall pay, two dollars,~~ 83
~~and;~~ 84

(E) For all other officers, five dollars. 85

Sec. 111.16. The secretary of state shall charge and 86
collect, for the benefit of the state, the following fees: 87

(A) For filing and recording articles of incorporation of 88
a domestic corporation, including designation of agent: 89

(1) Wherein the corporation shall not be authorized to 90
issue any shares of capital stock, ninety-nine dollars; 91

(2) Wherein the corporation shall be authorized to issue 92
shares of capital stock, with or without par value: 93

(a) Ten cents for each share authorized up to and 94
including one thousand shares; 95

(b) Five cents for each share authorized in excess of one 96
thousand shares up to and including ten thousand shares; 97

(c) Two cents for each share authorized in excess of ten 98
thousand shares up to and including fifty thousand shares; 99

(d) One cent for each share authorized in excess of fifty 100

thousand shares up to and including one hundred thousand shares;	101
(e) One-half cent for each share authorized in excess of	102
one hundred thousand shares up to and including five hundred	103
thousand shares;	104
(f) One-quarter cent for each share authorized in excess	105
of five hundred thousand shares; provided no fee shall be less	106
than ninety-nine dollars or greater than one hundred thousand	107
dollars.	108
(B) For filing and recording a certificate of amendment to	109
or amended articles of incorporation of a domestic corporation,	110
or for filing and recording a certificate of reorganization, a	111
certificate of dissolution, or an amendment to a foreign license	112
application:	113
(1) If the domestic corporation is not authorized to issue	114
any shares of capital stock, fifty dollars;	115
(2) If the domestic corporation is authorized to issue	116
shares of capital stock, fifty dollars, and in case of any	117
increase in the number of shares authorized to be issued, a	118
further sum computed in accordance with the schedule set forth	119
in division (A) (2) of this section less a credit computed in the	120
same manner for the number of shares previously authorized to be	121
issued by the corporation; provided no fee under division (B) (2)	122
of this section shall be greater than one hundred thousand	123
dollars;	124
(3) If the foreign corporation is not authorized to issue	125
any shares of capital stock, fifty dollars;	126
(4) If the foreign corporation is authorized to issue	127
shares of capital stock, fifty dollars.	128

(C) For filing and recording articles of incorporation of 129
a savings and loan association, ninety-nine dollars; and for 130
filing and recording a certificate of amendment to or amended 131
articles of incorporation of a savings and loan association, 132
fifty dollars; 133

(D) For filing and recording a certificate of conversion, 134
including a designation of agent, a certificate of merger, or a 135
certificate of consolidation, ninety-nine dollars and, in the 136
case of any new corporation resulting from a consolidation or 137
any surviving corporation that has an increased number of shares 138
authorized to be issued resulting from a merger, an additional 139
sum computed in accordance with the schedule set forth in 140
division (A) (2) of this section less a credit computed in the 141
same manner for the number of shares previously authorized to be 142
issued or represented in this state by each of the corporations 143
for which a consolidation or merger is effected by the 144
certificate; 145

(E) For filing and recording articles of incorporation of 146
a credit union or the American credit union guaranty 147
association, ninety-nine dollars, and for filing and recording a 148
certificate of increase in capital stock or any other amendment 149
of the articles of incorporation of a credit union or the 150
association, fifty dollars; 151

(F) For filing and recording articles of organization of a 152
limited liability company, for filing and recording an 153
application to become a registered foreign limited liability 154
company, for filing and recording a registration application to 155
become a domestic limited liability partnership, or for filing 156
and recording an application to become a registered foreign 157
limited liability partnership, ninety-nine dollars; 158

(G) For filing and recording a certificate of limited partnership or an application for registration as a foreign limited partnership, or for filing an initial statement of partnership authority pursuant to section 1776.33 of the Revised Code, ninety-nine dollars;	159 160 161 162 163
(H) For filing a copy of papers evidencing the incorporation of a municipal corporation or of annexation of territory by a municipal corporation, five dollars, to be paid by the municipal corporation, the petitioners therefor, or their agent;	164 165 166 167 168
(I) For filing and recording any of the following:	169
(1) A license to transact business in this state by a foreign corporation for profit pursuant to section 1703.04 of the Revised Code or a foreign nonprofit corporation pursuant to section 1703.27 of the Revised Code, ninety-nine dollars;	170 171 172 173
(2) A biennial report or biennial statement pursuant to section 1775.63, 1776.83, or 1785.06 of the Revised Code, twenty-five dollars;	174 175 176
(3) Except as otherwise provided in this section or any other section of the Revised Code, any other certificate or paper that is required to be filed and recorded or is permitted to be filed and recorded by any provision of the Revised Code with the secretary of state, twenty-five dollars.	177 178 179 180 181
(J) For filing any certificate or paper not required to be recorded, five dollars;	182 183
(K) (1) For making copies of any certificate or other paper filed in the office of the secretary of state, a fee not to exceed one dollar per page, except as otherwise provided in the Revised Code, and for creating and affixing the seal of the	184 185 186 187

office of the secretary of state to any good standing or other certificate, five dollars. For copies of certificates or papers required by state officers for official purpose, no charge shall be made.

(2) For creating and affixing the seal of the office of the secretary of state to the certificates described in division (E) of section 1701.81, division (E) of section 1701.811, division (E) of section 1705.38, division (E) of section 1705.381, division (D) of section 1702.43, division (E) of section 1775.47, division (E) of section 1775.55, division (E) of section 1776.70, division (E) of section 1776.74, division (E) of section 1782.433, or division (E) of section 1782.4310 of the Revised Code, twenty-five dollars.

(L) For a minister's license to solemnize marriages, ten dollars;

(M) For examining documents to be filed at a later date for the purpose of advising as to the acceptability of the proposed filing, fifty dollars;

(N) Fifty dollars for filing and recording any of the following:

(1) A certificate of dissolution and accompanying documents, or a certificate of cancellation, under section 1701.86, 1702.47, 1705.43, 1776.65, or 1782.10 of the Revised Code;

(2) A notice of dissolution of a foreign licensed corporation or a certificate of surrender of license by a foreign licensed corporation under section 1703.17 of the Revised Code;

(3) The withdrawal of registration of a foreign or

domestic limited liability partnership under section 1775.61,	217
1775.64, 1776.81, or 1776.86 of the Revised Code, or the	218
certificate of cancellation of registration of a foreign limited	219
liability company under section 1705.57 of the Revised Code;	220
(4) The filing of a statement of denial under section	221
1776.34 of the Revised Code, a statement of dissociation under	222
section 1776.57 of the Revised Code, a statement of disclaimer	223
of general partner status under Chapter 1782. of the Revised	224
Code, or a cancellation of disclaimer of general partner status	225
under Chapter 1782. of the Revised Code.	226
(O) For filing a statement of continued existence by a	227
nonprofit corporation, twenty-five dollars;	228
(P) For filing a restatement under section 1705.08 or	229
1782.09 of the Revised Code, an amendment to a certificate of	230
cancellation under section 1782.10 of the Revised Code, an	231
amendment under section 1705.08 or 1782.09 of the Revised Code,	232
or a correction under section 1705.55, 1775.61, 1775.64,	233
1776.12, or 1782.52 of the Revised Code, fifty dollars;	234
(Q) For filing for reinstatement of an entity cancelled by	235
operation of law, by the secretary of state, by order of the	236
department of taxation, or by order of a court, twenty-five	237
dollars;	238
(R) For filing and recording any of the following:	239
(1) A change of agent, resignation of agent, or change of	240
agent's address under section 1701.07, 1702.06, 1703.041,	241
1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04	242
of the Revised Code, twenty-five dollars;	243
(2) A multiple change of agent name or address,	244
standardization of agent address, or resignation of agent under	245

section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55,	246
1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, one	247
hundred twenty-five dollars, plus three dollars per entity	248
record being changed, by the multiple agent update.	249
(S) For filing and recording any of the following:	250
(1) An application for the exclusive right to use a name	251
or an application to reserve a name for future use under section	252
1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised	253
Code, thirty-nine dollars;	254
(2) A trade name or fictitious name registration or	255
report, thirty-nine dollars;	256
(3) An application to renew any item covered by division	257
(S) (1) or (2) of this section that is permitted to be renewed,	258
twenty-five dollars;	259
(4) An assignment of rights for use of a name covered by	260
division (S) (1), (2), or (3) of this section, the cancellation	261
of a name registration or name reservation that is so covered,	262
or notice of a change of address of the registrant of a name	263
that is so covered, twenty-five dollars.	264
(T) For filing and recording a report to operate a	265
business trust or a real estate investment trust, either foreign	266
or domestic, ninety-nine dollars; and for filing and recording	267
an amendment to a report or associated trust instrument, or a	268
surrender of authority, to operate a business trust or real	269
estate investment trust, fifty dollars;	270
(U) (1) For filing and recording the registration of a	271
trademark, service mark, or mark of ownership, one hundred	272
twenty-five dollars;	273

(2) For filing and recording the change of address of a registrant, the assignment of rights to a registration, a renewal of a registration, or the cancellation of a registration associated with a trademark, service mark, or mark of ownership, twenty-five dollars.

(V) For filing a service of process with the secretary of state, five dollars, except as otherwise provided in any section of the Revised Code;

(W) For making, recording, and forwarding a commission under section 107.06 of the Revised Code, the applicable fee specified in that section.

Fees specified in this section may be paid by cash, check, or money order, by credit card in accordance with section 113.40 of the Revised Code, or by an alternative payment program in accordance with division (B) of section 111.18 of the Revised Code. Any credit card number or the expiration date of any credit card is not subject to disclosure under Chapter 149. of the Revised Code.

Sec. 147.541. The words "acknowledged before me" means that:

(A) The person acknowledging appeared before the person taking the acknowledgment, ~~including by visually appearing through the use of any electronic communications devices approved by the secretary of state;~~

(B) The person acknowledging acknowledged executing the instrument, ~~including through the use of an electronic signature from technology approved by the secretary of state;~~

(C) In the case of:

(1) A natural person, the person executed the instrument 302
for the purposes therein stated; 303

(2) A corporation, the officer or agent acknowledged 304
holding the position or title set forth in the instrument and 305
certificate, the officer or agent signed the instrument on 306
behalf of the corporation by proper authority, and the 307
instrument was the act of the corporation for the purpose 308
therein stated; 309

(3) A partnership, the partner or agent acknowledged 310
signing the instrument on behalf of the partnership by proper 311
authority and the partner or agent executed the instrument as 312
the act of the partnership for the purposes therein stated; 313

(4) A person acknowledging as principal by an attorney in 314
fact, the attorney in fact executed the instrument by proper 315
authority as the act of the principal for the purposes therein 316
stated; 317

(5) A person acknowledging as a public officer, trustee, 318
administrator, guardian, or other representative, the person 319
signed the instrument by proper authority and the person 320
executed the instrument in the capacity and for the purposes 321
therein stated; and 322

(D) The person taking the acknowledgment either knew or 323
had satisfactory evidence that the person acknowledging was the 324
person named in the instrument or certificate. 325

Sec. 189.05. ~~Funds for awards made by the local government~~ 326
~~innovation council shall be made from the~~ The local government 327
~~innovation fund, which~~ is hereby created in the state treasury. 328
The fund shall consist of moneys appropriated to it, repayments 329
of principal and interest on loans made from the fund, and any 330

grants or donations received from nonpublic entities. Interest 331
earned on the money in the fund shall be credited to the fund. 332

Sec. 5139.44. (A) (1) There is hereby created the RECLAIM 333
advisory committee that shall be composed of the following nine 334
members: 335

(a) Two members shall be juvenile court judges appointed 336
by the Ohio association of juvenile and family court judges. 337

(b) One member shall be the director of youth services or 338
the director's designee. 339

(c) One member shall be the director of budget and 340
management or the director's designee. 341

(d) One member shall be a member of a senate committee 342
dealing with finance or criminal justice issues appointed by the 343
president of the senate. 344

(e) One member shall be a member of a committee of the 345
house of representatives dealing with finance or criminal 346
justice issues appointed by the speaker of the house of 347
representatives. 348

(f) One member shall be a member of a board of county 349
commissioners appointed by the county commissioners association 350
of Ohio. 351

(g) Two members shall be juvenile court administrators 352
appointed by the Ohio association of juvenile and family court 353
judges. 354

(2) The members of the committee shall be appointed or 355
designated within thirty days after ~~the effective date of this~~ 356
~~section~~ September 26, 2003, and the director of youth services 357
shall be notified of the names of the members. 358

(3) Members described in divisions (A)(1)(a), (f), and (g) 359
of this section shall serve for terms of two years and shall 360
hold office from the date of the member's appointment until the 361
end of the term for which the member was appointed. Members 362
described in divisions (A)(1)(b) and (c) of this section shall 363
serve as long as they hold the office described in that 364
division. Members described in divisions (A)(1)(d) and (e) of 365
this section shall serve for the duration of the session of the 366
general assembly during which they were appointed, provided they 367
continue to hold the office described in that division. The 368
members described in divisions (A)(1)(a), (d), (e), (f), and (g) 369
may be reappointed. Vacancies shall be filled in the manner 370
provided for original appointments. Any member appointed to fill 371
a vacancy occurring prior to the expiration date of the term for 372
which the member's predecessor was appointed shall hold office 373
as a member for the remainder of that term. A member shall 374
continue in office subsequent to the expiration date of the 375
member's term until the member's successor takes office or until 376
a period of sixty days has elapsed, whichever occurs first. 377

(4) Membership on the committee does not constitute the 378
holding of an incompatible public office or employment in 379
violation of any statutory or common law prohibition pertaining 380
to the simultaneous holding of more than one public office or 381
employment. Members of the committee are not disqualified from 382
holding by reason of that membership and do not forfeit because 383
of that membership their public office or employment that 384
qualifies them for membership on the committee notwithstanding 385
any contrary disqualification or forfeiture requirement under 386
existing Revised Code sections. 387

(B) The director of youth services shall serve as an 388
interim chair of the RECLAIM advisory committee until the first 389

meeting of the committee. Upon receipt of the names of the 390
members of the committee, the director shall schedule the 391
initial meeting of the committee that shall take place at an 392
appropriate location in Columbus and occur not later than sixty 393
days after ~~the effective date of this section~~ September 26, 394
2003. The director shall notify the members of the committee of 395
the time, date, and place of the meeting. At the initial 396
meeting, the committee shall organize itself by selecting from 397
among its members a chair, vice-chair, and secretary. The 398
committee shall meet at least once each quarter of the calendar 399
year but may meet more frequently at the call of the chair. 400

(C) In addition to its functions with respect to the 401
RECLAIM program described in section 5139.41 of the Revised 402
Code, the RECLAIM advisory committee periodically shall do all 403
of the following: 404

(1) Evaluate the operation of the RECLAIM program by the 405
department of youth services, evaluate the implementation of the 406
RECLAIM program by the counties, and evaluate the efficiency of 407
the formula described in section 5139.41 of the Revised Code. In 408
conducting these evaluations, the committee shall consider the 409
public policy that RECLAIM funds are to be expended to provide 410
the most appropriate programs and services for felony 411
delinquents and other youthful offenders. 412

(2) Advise the department of youth services, the office of 413
budget and management, and the general assembly on the following 414
changes that the committee believes should be made: 415

(a) Changes to sections of the Revised Code that pertain 416
to the RECLAIM program, specifically the formula specified in 417
section 5139.41 of the Revised Code; 418

(b) Changes in the funding level for the RECLAIM program, 419
specifically the amounts distributed under the formula for 420
county allocations, community correctional facilities, and 421
juvenile correctional facility budgets. 422

Section 2. That existing sections 9.23, 107.06, 111.16, 423
147.541, and 189.05 and sections 9.239, 147.542, 147.543, 424
189.01, 189.02, 189.03, 189.04, 189.06, 189.07, 189.08, 189.09, 425
189.10, 935.26, 935.27, and 935.28 of the Revised Code are 426
hereby repealed. 427

Section 3. The following sections are repealed: 428

Section 7 of Am. Sub. H.B. 52 of the 131st General 429
Assembly 430

Section 3 of Sub. H.B. 463 of the 130th General Assembly 431

Sections 745.10, 751.20, 751.37, 751.120, 751.130, and 432
751.140 of Am. Sub. H.B. 483 of the 130th General Assembly 433

Section 4 of Sub. S.B. 310 of the 130th General Assembly 434

Section 4. This act revives the RECLAIM Advisory 435
Committee. All individuals who were members of the RECLAIM 436
Advisory Committee under section 5139.44 of the Revised Code, on 437
December 31, 2016, shall resume their membership positions on 438
the effective date of this act. The expiration date for the 439
terms of these members shall be the same as if the Committee did 440
not expire, under operation of the Sunset Review Law, on 441
December 31, 2016. 442

Section 5. Not later than August 1, 2018, the Director of 443
Development Services shall issue a report to the Governor, the 444
Speaker and Minority Leader of the House of Representatives, and 445
the President and Minority Leader of the Senate concerning the 446

effectiveness of the Local Government Innovation Program
repealed by this act.

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