

**As Passed by the House**

**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**

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**A BILL**

To amend section 9.23, to revive and amend section 5139.44, and to repeal section 9.239 of the Revised Code, and to repeal Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly, Section 3 of Sub. H.B. 463 of the 130th General Assembly, 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, and Section 4 of Sub. S.B. 310 of the 130th General Assembly to revive the RECLAIM Advisory Committee, to formally abolish certain defunct boards, and to abolish the Government Contracting Advisory Council.

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

**Section 1.** That section 9.23 be amended and section 5139.44 of the Revised Code be revived and amended to read as

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 the director's designee.	73 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 <del>the effective date of this</del> <del>section</del> <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	94 95 96 97 98 99 100 101

general assembly during which they were appointed, provided they 102  
continue to hold the office described in that division. The 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 136  
RECLAIM program described in section 5139.41 of the Revised 137  
Code, the RECLAIM advisory committee periodically shall do all 138  
of the following: 139

(1) Evaluate the operation of the RECLAIM program by the 140  
department of youth services, evaluate the implementation of the 141  
RECLAIM program by the counties, and evaluate the efficiency of 142  
the formula described in section 5139.41 of the Revised Code. In 143  
conducting these evaluations, the committee shall consider the 144  
public policy that RECLAIM funds are to be expended to provide 145  
the most appropriate programs and services for felony 146  
delinquents and other youthful offenders. 147

(2) Advise the department of youth services, the office of 148  
budget and management, and the general assembly on the following 149  
changes that the committee believes should be made: 150

(a) Changes to sections of the Revised Code that pertain 151  
to the RECLAIM program, specifically the formula specified in 152  
section 5139.41 of the Revised Code; 153

(b) Changes in the funding level for the RECLAIM program, 154  
specifically the amounts distributed under the formula for 155  
county allocations, community correctional facilities, and 156  
juvenile correctional facility budgets. 157

**Section 2.** That existing section 9.23 and section 9.239 of 158  
the Revised Code are hereby repealed. 159

**Section 3.** The following sections are repealed: 160

Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly	161
Assembly	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
<b>Section 4.</b> 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