

As Passed by the Senate

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

Senators Coley, Balderson, Dolan, Eklund, Hackett, Hite, Hoagland, Huffman, Jordan, Lehner, Manning, Obhof, O'Brien, Oelslager, Peterson, Terhar, Uecker, Wilson

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 46
political subdivision of the state. 47

(2) "Contracting authority" of a governmental entity means 48
the director or chief executive officer, in the case of a state 49
agency, or the legislative authority, in the case of a political 50
subdivision. 51

(E) "Minimum percentage of money that is to be expended on 52
the recipient's direct costs" means the percentage of the total 53
amount of the contract entered into under section 9.231 of the 54
Revised Code that, at a minimum, has to be expended on the 55
recipient's direct costs in performing the contract in order for 56
the recipient to earn the total amount of the contract. 57

(F) "Political subdivision" means a county, township, 58
municipal corporation, or any other body corporate and politic 59
that is responsible for government activities in a geographic 60
area smaller than that of the state. 61

(G) "Recipient" means a person that enters into a contract 62
with a governmental entity under section 9.231 of the Revised 63
Code. 64

(H) "State agency" means any organized body, office, 65
agency, institution, or other entity established by the laws of 66
the state for the exercise of any function of state government. 67

(I) A judgment is "uncollectible" if, at least ninety days 68
after the judgment is obtained, the full amount of the judgment 69
has not been collected and either a settlement agreement between 70
the governmental entity and the recipient has not been entered 71

into or a settlement agreement has been entered into but has not 72
been materially complied with. 73

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 thousand shares up to and including fifty thousand shares;	98 99
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	100 101
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	102 103 104
(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than ninety-nine dollars or greater than one hundred thousand dollars.	105 106 107 108
(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:	109 110 111 112 113
(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;	114 115
(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A) (2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B) (2) of this section shall be greater than one hundred thousand dollars;	116 117 118 119 120 121 122 123 124
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	125 126

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

filed in the office of the secretary of state, a fee not to 185
exceed one dollar per page, except as otherwise provided in the 186
Revised Code, and for creating and affixing the seal of the 187
office of the secretary of state to any good standing or other 188
certificate, five dollars. For copies of certificates or papers 189
required by state officers for official purpose, no charge shall 190
be made. 191

(2) For creating and affixing the seal of the office of 192
the secretary of state to the certificates described in division 193
(E) of section 1701.81, division (E) of section 1701.811, 194
division (E) of section 1705.38, division (E) of section 195
1705.381, division (D) of section 1702.43, division (E) of 196
section 1775.47, division (E) of section 1775.55, division (E) 197
of section 1776.70, division (E) of section 1776.74, division 198
(E) of section 1782.433, or division (E) of section 1782.4310 of 199
the Revised Code, twenty-five dollars. 200

(L) For a minister's license to solemnize marriages, ten 201
dollars; 202

(M) For examining documents to be filed at a later date 203
for the purpose of advising as to the acceptability of the 204
proposed filing, fifty dollars; 205

(N) Fifty dollars for filing and recording any of the 206
following: 207

(1) A certificate of dissolution and accompanying 208
documents, or a certificate of cancellation, under section 209
1701.86, 1702.47, 1705.43, 1776.65, or 1782.10 of the Revised 210
Code; 211

(2) A notice of dissolution of a foreign licensed 212
corporation or a certificate of surrender of license by a 213

foreign licensed corporation under section 1703.17 of the Revised Code;	214 215
(3) The withdrawal of registration of a foreign or domestic limited liability partnership under section 1775.61, 1775.64, 1776.81, or 1776.86 of the Revised Code, or the certificate of cancellation of registration of a foreign limited liability company under section 1705.57 of the Revised Code;	216 217 218 219 220
(4) The filing of a statement of denial under section 1776.34 of the Revised Code, a statement of dissociation under section 1776.57 of the Revised Code, a statement of disclaimer of general partner status under Chapter 1782. of the Revised Code, or a cancellation of disclaimer of general partner status under Chapter 1782. of the Revised Code.	221 222 223 224 225 226
(O) For filing a statement of continued existence by a nonprofit corporation, twenty-five dollars;	227 228
(P) For filing a restatement under section 1705.08 or 1782.09 of the Revised Code, an amendment to a certificate of cancellation under section 1782.10 of the Revised Code, an amendment under section 1705.08 or 1782.09 of the Revised Code, or a correction under section 1705.55, 1775.61, 1775.64, 1776.12, or 1782.52 of the Revised Code, fifty dollars;	229 230 231 232 233 234
(Q) For filing for reinstatement of an entity cancelled by operation of law, by the secretary of state, by order of the department of taxation, or by order of a court, twenty-five dollars;	235 236 237 238
(R) For filing and recording any of the following:	239
(1) A change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04	240 241 242

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 trademark, service mark, or mark of ownership, one hundred twenty-five dollars;

(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;	300
(C) In the case of:	301
(1) A natural person, the person executed the instrument for the purposes therein stated;	302 303
(2) A corporation, the officer or agent acknowledged holding the position or title set forth in the instrument and certificate, the officer or agent signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;	304 305 306 307 308 309
(3) A partnership, the partner or agent acknowledged signing the instrument on behalf of the partnership by proper authority and the partner or agent executed the instrument as the act of the partnership for the purposes therein stated;	310 311 312 313
(4) A person acknowledging as principal by an attorney in fact, the attorney in fact executed the instrument by proper authority as the act of the principal for the purposes therein stated;	314 315 316 317
(5) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, the person signed the instrument by proper authority and the person executed the instrument in the capacity and for the purposes therein stated; and	318 319 320 321 322
(D) The person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.	323 324 325
Sec. 189.05. Funds for awards made by the local government	326
innovation council shall be made from the <u>The</u> 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	447
repealed by this act.	448