# 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

Го	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
<b>Sec. 9.23.</b> As used in sections 9.23 to <del>9.239</del> <u>9.238</u> of the	17

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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

(E) "Minimum percentage of money that is to be expended on 46

subdivision.

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the director's designee.

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

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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	161	
Assembly	162	

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