As Reported by the Senate Government Oversight and Reform Committee

132nd General Assembly Regular Session

Sub. H. B. No. 31

2017-2018

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 apolitical subdivision of the state.47

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

(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.

(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.

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

Sec. 107.06. Except militia officers, each Each officer

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designated in section 107.05 of the Revised Code , who receives	75
compensation shall pay a <u>the following</u> fee to the secretary of	76
state for making, recording, and forwarding his the officer's	77
commission . A <u>:</u>	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
<u>(D) For a j</u> udge 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;

(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

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

(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
limited liability company, for filing and recording an
application to become a registered foreign limited liability
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company, for filing and recording a registration application to
become a domestic limited liability partnership, or for filing
and recording an application to become a registered foreign
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limited liability partnership, ninety-nine dollars;

(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;

(H) For filing a copy of papers evidencing the
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incorporation of a municipal corporation or of annexation of
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territory by a municipal corporation, five dollars, to be paid
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by the municipal corporation, the petitioners therefor, or their
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agent;

(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;

(2) A biennial report or biennial statement pursuant to
section 1775.63, 1776.83, or 1785.06 of the Revised Code,
twenty-five dollars;

(3) Except as otherwise provided in this section or any
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other section of the Revised Code, any other certificate or
paper that is required to be filed and recorded or is permitted
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to be filed and recorded by any provision of the Revised Code
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with the secretary of state, twenty-five dollars.

(J) For filing any certificate or paper not required to be182recorded, five dollars;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

office of the secretary of state to any good standing or other188certificate, five dollars. For copies of certificates or papers189required by state officers for official purpose, no charge shall190be 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 dollars;

(M) For examining documents to be filed at a later date203for the purpose of advising as to the acceptability of the204proposed filing, fifty dollars;205

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

(1) A certificate of dissolution and accompanying
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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 216

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domestic limited liability partnership under section 1775.61,2171775.64, 1776.81, or 1776.86 of the Revised Code, or the218certificate of cancellation of registration of a foreign limited219liability company under section 1705.57 of the Revised Code;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.

(0)	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
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;

(Q) For filing for reinstatement of an entity cancelled by
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operation of law, by the secretary of state, by order of the
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department of taxation, or by order of a court, twenty-five
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dollars;

(R) For filing and recording any of the following:

(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, 244standardization of agent address, or resignation of agent under 245

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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
<pre>twenty-five dollars;</pre>	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
<pre>twenty-five dollars;</pre>	273

(2) For filing and recording the change of address of a
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registrant, the assignment of rights to a registration, a
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renewal of a registration, or the cancellation of a registration
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associated with a trademark, service mark, or mark of ownership,
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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<u>;</u>

(W) For making, recording, and forwarding a commission282under section 107.06 of the Revised Code, the applicable fee283specified in that section.284

Fees specified in this section may be paid by cash, check,285or money order, by credit card in accordance with section 113.40286of the Revised Code, or by an alternative payment program in287accordance with division (B) of section 111.18 of the Revised288Code. Any credit card number or the expiration date of any289credit card is not subject to disclosure under Chapter 149. of290the Revised Code.291

Sec. 147.541. The words "acknowledged before me" means 292 that: 293

(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;
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(C) In the case of:

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(1) A natural person, the person executed the instrument

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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 <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

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 correspondence	338
(b) One member shall be the director of youth services or the director's designee.	339
the director's designee.	559
(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	356 357
section <u>September 26, 2003</u> , and the director of youth services shall be notified of the names of the members.	357
SHALL DE HOULLLEG OL CHE HAMES OL CHE MEMDELS.	500

(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 an388interim chair of the RECLAIM advisory committee until the first389

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 395 396 the time, date, and place of the meeting. At the initial 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 RECLAIM program described in section 5139.41 of the Revised Code, the RECLAIM advisory committee periodically shall do all of the following:

(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 delinguents and other youthful offenders. 412

(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:

(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;
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(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

Development Services shall issue a report to the Governor, the444Speaker and Minority Leader of the House of Representatives, and445the President and Minority Leader of the Senate concerning the446

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As Reported by the Senate Government Oversight and Reform Committee		

effectiveness	of	the	Local	Government	Innovation	Program	447
repealed by th	nis	act.					448