

As Introduced

132nd General Assembly

Regular Session

2017-2018

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**

A BILL

To amend section 9.23 and to repeal section 9.239 1
of the Revised Code to abolish the Government 2
Contracting Advisory Council. 3

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

Section 1. That section 9.23 of the Revised Code be 4
amended to read as follows: 5

Sec. 9.23. As used in sections 9.23 to ~~9.239~~9.238 of the 6
Revised Code: 7

(A) "Allocable nondirect costs" means the amount of 8
nondirect costs allocated as a result of actual expenditures on 9
direct costs. "Allocable nondirect costs" shall be calculated as 10
follows: direct costs actually incurred for the provision of 11
services pursuant to a contract entered into under section 9.231 12
of the Revised Code divided by the minimum percentage of money 13
that is to be expended on the recipient's direct costs, as 14
specified in the contract, minus the direct costs actually 15
incurred. 16

(B) "Contract payment earned" means payment pursuant to a 17
contract entered into under section 9.231 of the Revised Code 18
for direct costs actually incurred in performing the contract, 19
up to the minimum percentage of money that is to be expended on 20
the recipient's direct costs, as specified in the contract, plus 21
allocable nondirect costs associated with those direct costs. 22

(C) "Direct costs" means the costs of providing services 23
that directly benefit a patient, client, or the public and that 24
are set forth in the contract entered into under section 9.231 25
of the Revised Code. "Direct costs" does not include the costs 26
of any financial review or audit required under section 9.234 of 27
the Revised Code. 28

(D) (1) "Governmental entity" means a state agency or a 29
political subdivision of the state. 30

(2) "Contracting authority" of a governmental entity means 31
the director or chief executive officer, in the case of a state 32
agency, or the legislative authority, in the case of a political 33
subdivision. 34

(E) "Minimum percentage of money that is to be expended on 35
the recipient's direct costs" means the percentage of the total 36
amount of the contract entered into under section 9.231 of the 37
Revised Code that, at a minimum, has to be expended on the 38
recipient's direct costs in performing the contract in order for 39
the recipient to earn the total amount of the contract. 40

(F) "Political subdivision" means a county, township, 41
municipal corporation, or any other body corporate and politic 42
that is responsible for government activities in a geographic 43
area smaller than that of the state. 44

(G) "Recipient" means a person that enters into a contract 45

with a governmental entity under section 9.231 of the Revised 46
Code. 47

(H) "State agency" means any organized body, office, 48
agency, institution, or other entity established by the laws of 49
the state for the exercise of any function of state government. 50

(I) A judgment is "uncollectible" if, at least ninety days 51
after the judgment is obtained, the full amount of the judgment 52
has not been collected and either a settlement agreement between 53
the governmental entity and the recipient has not been entered 54
into or a settlement agreement has been entered into but has not 55
been materially complied with. 56

Section 2. That existing section 9.23 and section 9.239 of 57
the Revised Code are hereby repealed. 58