

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	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;	101
(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

(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 214
Revised Code; 215

(3) The withdrawal of registration of a foreign or 216
domestic limited liability partnership under section 1775.61, 217
1775.64, 1776.81, or 1776.86 of the Revised Code, or the 218
certificate of cancellation of registration of a foreign limited 219
liability company under section 1705.57 of the Revised Code; 220

(4) The filing of a statement of denial under section 221
1776.34 of the Revised Code, a statement of dissociation under 222
section 1776.57 of the Revised Code, a statement of disclaimer 223
of general partner status under Chapter 1782. of the Revised 224
Code, or a cancellation of disclaimer of general partner status 225
under Chapter 1782. of the Revised Code. 226

(O) 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 229
1782.09 of the Revised Code, an amendment to a certificate of 230
cancellation under section 1782.10 of the Revised Code, an 231
amendment under section 1705.08 or 1782.09 of the Revised Code, 232
or a correction under section 1705.55, 1775.61, 1775.64, 233
1776.12, or 1782.52 of the Revised Code, fifty dollars; 234

(Q) For filing for reinstatement of an entity cancelled by 235
operation of law, by the secretary of state, by order of the 236
department of taxation, or by order of a court, twenty-five 237
dollars; 238

(R) For filing and recording any of the following: 239

(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,	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 271
trademark, service mark, or mark of ownership, one hundred 272
twenty-five dollars; 273

(2) For filing and recording the change of address of a 274
registrant, the assignment of rights to a registration, a 275
renewal of a registration, or the cancellation of a registration 276
associated with a trademark, service mark, or mark of ownership, 277
twenty-five dollars. 278

(V) For filing a service of process with the secretary of 279
state, five dollars, except as otherwise provided in any section 280
of the Revised Code; 281

(W) For making, recording, and forwarding a commission 282
under section 107.06 of the Revised Code, the applicable fee 283
specified in that section. 284

Fees specified in this section may be paid by cash, check, 285
or money order, by credit card in accordance with section 113.40 286
of the Revised Code, or by an alternative payment program in 287
accordance with division (B) of section 111.18 of the Revised 288
Code. Any credit card number or the expiration date of any 289
credit card is not subject to disclosure under Chapter 149. of 290
the Revised Code. 291

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

(A) The person acknowledging appeared before the person 294
taking the acknowledgment, ~~including by visually appearing~~ 295
~~through the use of any electronic communications devices~~ 296
~~approved by the secretary of state;~~ 297

(B) The person acknowledging acknowledged executing the 298
instrument, ~~including through the use of an electronic signature~~ 299

~~from technology approved by the secretary of state;~~ 300

(C) In the case of: 301

(1) A natural person, the person executed the instrument 302
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~~ The 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.

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(B) The director of youth services shall serve as an
interim chair of the RECLAIM advisory committee until the first
meeting of the committee. Upon receipt of the names of the
members of the committee, the director shall schedule the
initial meeting of the committee that shall take place at an
appropriate location in Columbus and occur not later than sixty
days after ~~the effective date of this section~~ September 26,
2003. The director shall notify the members of the committee of
the time, date, and place of the meeting. At the initial
meeting, the committee shall organize itself by selecting from
among its members a chair, vice-chair, and secretary. The
committee shall meet at least once each quarter of the calendar
year but may meet more frequently at the call of the chair.

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(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:

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

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(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:

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(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