



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 31*

132nd General Assembly

(As Reported by S. Government Oversight and Reform)

Reps. Cupp, Arndt, Becker, Blessing, Condit, 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, R. Smith, Sweeney, Thompson, West, Wiggam, Young

BILL SUMMARY

- Abolishes the Government Contracting Advisory Council and the Local Government Innovation Council.
- Requires the Director of Development Services to issue a report to the Governor and the General Assembly concerning the effectiveness of the Local Government Innovation Program.
- Revives the RECLAIM Advisory Committee.
- Abolishes 11 boards that no longer exist.
- Eliminates provisions of law allowing a notary public to become an electronic notary public and to use electronic communications devices to notarize certain documents.
- Eliminates the requirement that an officer who is appointed by the Governor to serve in a compensated appointive office pay a \$5 commission fee to the Secretary of State.
- Adds a reference to the continuing commission fees for certain other officers to the section of law that lists the fees the Secretary must collect.

* This analysis was prepared before the report of the Senate Government Oversight and Reform Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Government Contracting Advisory Council

The bill abolishes the Government Contracting Advisory Council, which reviews rules the Attorney General and the Auditor of State adopt with respect to persons who receive \$25,000 or more in a lump sum, or \$75,000 or more over the course of a year, from a governmental entity for the provision of services benefiting individuals or the public (subject to a number of exemptions), and makes recommendations regarding their adoption, amendment, or repeal. The Council is required to meet at least once every two years.

The Council consists of the following members or their designees: the Attorney General; the Auditor of State; the Director of Administrative Services; the Director of Aging; the Medicaid Director; the Director of Budget and Management; the Director of Development Services; the Director of Job and Family Services; the Director of Mental Health and Addiction Services; the Director of Developmental Disabilities; the Director of Rehabilitation and Correction; the Administrator of Workers' Compensation; the Executive Director of the County Commissioners' Association of Ohio; the President of the Ohio Grantmakers Forum; the President of the Ohio Chamber of Commerce; the President of the Ohio State Bar Association; the President of the Ohio Society of Certified Public Accountants; the Executive Director of the Ohio Association of Nonprofit Organizations; the President of the Ohio United Way; one additional member appointed by the Attorney General; and one additional member appointed by the Auditor of State.

The Attorney General provides necessary staff, facilities, supplies, and services to the Council.¹

Local Government Innovation Council

The bill also abolishes the Local Government Innovation Council, which administers the Local Government Innovation Program in conjunction with the Development Services Agency. Under the Program, the Council awards loans to political subdivisions for the purchase of equipment, facilities, or systems or to cover the implementation costs associated with innovation projects, subject to certain eligibility requirements and maximum award amounts. Political subdivisions repay their loans using savings achieved from the innovation projects. Additionally, the Council may award up to 20% of the funds in the Local Government Innovation Fund

¹ R.C. 9.239, repealed.



as grants for use in process improvement or implementation of innovation project awards.

The bill maintains the Fund in the state treasury because political subdivisions repay their outstanding loans into the Fund. The bill also requires the Director of Development Services, not later than August 1, 2018, to issue a report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate concerning the effectiveness of the Program.

The Council consists of the following 15 members: the Director of Development Services or the Director's designee; the Director of Budget and Management or the Director's designee; the Auditor of State or the Auditor's designee; two members of the Senate, one appointed by the Senate President and one by the Senate Minority Leader; two members of the House of Representatives, one appointed by the Speaker of the House and one by the House Minority Leader; one member recommended by the Ohio Municipal League, appointed by the Governor; one member recommended by the County Commissioners Association of Ohio, appointed by the Governor; one member recommended by the Ohio Township Association, appointed by the Governor; one member recommended by the Ohio Chamber of Commerce, appointed by the Governor; one member recommended by the Ohio School Boards Association, appointed by the Governor; one member, appointed by the Governor, who is recommended by an Ohio-based advocacy group selected by the Governor; one member, appointed by the Governor, who is recommended by an Ohio-based foundation selected by the Governor; and one member, appointed by the Governor, who is recommended by the Chancellor of Higher Education.²

RECLAIM Advisory Committee

The bill revives the RECLAIM Advisory Committee,³ which expired December 31, 2016, because it was not renewed under the recent Sunset Review Committee's review process.⁴ The Committee remains in operation, and its renewal or sunset was not considered during the Sunset Review Committee's review process due to an error in the Boards and Commissions Database.

Under continuing law, the Committee is responsible for advising the Department of Youth Services (DYS) concerning the allocation of funds for felony delinquent care and custody programs. Under the RECLAIM (Reasoned and Equitable Community and

² R.C. 189.05 and Section 5 of the bill and R.C. 189.01 through 189.04 and 189.06 through 189.10, repealed.

³ R.C. 5139.44.

⁴ H.B. 471 of the 131st G.A.; R.C. 101.82 to 101.87, not in the bill.



Local Alternatives to the Incarceration of Minors) program, counties that place juvenile offenders in local facilities instead of sending them to DYS institutions receive funds from DYS to support those local facilities.⁵

Formally abolished agencies

The bill formally abolishes the agencies listed below, which have ceased to exist:

- Adult Protective Services Funding Workgroup (Section 751.130 of H.B. 483, 130th G.A., repealed);
- Children Services Funding Workgroup (Section 751.140 of H.B. 483, 130th G.A., repealed);
- Dangerous and Restricted Animals Advisory Board (R.C. 935.26, repealed);
- Dangerous Wild Animal State Emergency Response Commission (R.C. 935.27 and 935.28, repealed);
- Energy Mandates Study Committee (Section 4 of S.B. 310, 130th G.A., repealed);
- Health Services Price Disclosure Study Committee (Section 7 of H.B. 52, 131st G.A., repealed);
- Maritime Port Funding Study Committee (Section 745.10 of H.B. 483, 130th G.A., repealed);
- Medicaid Payment Rates for Dental Services Workgroup (Section 3 of H.B. 463, 130th G.A., repealed);
- Nursing Facility Behavioral Health Advisory Workgroup (Section 751.120 of H.B. 483, 130th G.A., repealed);
- Workforce Integration Task Force (Section 751.20 of H.B. 483, 130th G.A., repealed);
- Workgroup to Help Individuals to Cease Relying on Public Assistance (Section 751.37 of H.B. 483, 130th G.A., repealed).

⁵ R.C. 5139.41, not in the bill. See also Ohio Department of Youth Services, *RECLAIM Ohio*, available at dys.ohio.gov/Community-Programs/RECLAIM/RECLAIM-Ohio, accessed April 5, 2017.



Electronic notary

The bill eliminates provisions of law that allow for a commissioned notary public to become an electronic notary public at the discretion of the Secretary of State. Currently, an electronic notary may use electronic communications devices, approved by the Secretary, to fulfill the acknowledgement and signature requirements of a notary. The Secretary must establish standards for approving electronic communications devices that may be used by an electronic notary. A notary may not use an electronic communications device to meet notary requirements for a deposition.

To be approved to become an electronic notary, a commissioned notary must submit a registration form to the Secretary that includes certain information, including information about the technology the notary will use. If approved, an electronic notary's commission expires and may be renewed at the same time the notary's underlying commission expires. The Secretary may deny a registration if any required information is missing or incorrect, or if the notary identifies nonapproved technology to be used.

Additionally, existing law specifies that the requirement that the person acknowledging an instrument appear before a notary public taking the acknowledgement may be done by visually appearing through an electronic communications device approved by the Secretary and that an electronic signature, using an approved device, may be used to satisfy the requirement that a notary acknowledge the execution of an instrument. Under the bill, a person acknowledging an instrument must physically appear before a notary taking the acknowledgement.⁶

The electronic notary provisions eliminated by the bill were enacted in H.B. 49 of the 132nd General Assembly (the main operating budget bill) and took effect September 29, 2017. It appears that those provisions have not yet been implemented.⁷

Fees for Governor's commissions

The bill eliminates the requirement that an officer who is appointed by the Governor to serve in a compensated appointive office pay a \$5 commission fee to the Secretary of State for making, recording, and forwarding the officer's commission. Additionally, the bill adds a reference to the continuing commission fees for other officers to the section of law that lists the fees the Secretary must collect.

⁶ See *Keck v. Keck*, 54 Ohio App.2d 128 (Ohio Ct. App., Fairfield County 1977), http://www.cbalaw.org/cba_prod/Main/Resources/Public/Notary/FAQ.aspx, and <http://ohionotaries.org/ohio-notary-101>.

⁷ R.C. 147.541 and R.C. 147.542 and 147.543, repealed.



Under continuing law, any state or county officer, militia officer, judge of a court of record, or judge of a county court must receive a commission from the Governor in order to hold the office, as well as present a legal certificate of election or appointment. Existing law requires such an officer also to pay a fee for the commission if the officer receives compensation for serving, except that militia officers are exempt from the fee requirement.⁸

HISTORY

ACTION	DATE
Introduced	02-01-17
Reported, H. State & Local Gov't	03-01-17
Passed House (94-0)	03-08-17
Reported, S. Gov't Oversight & Reform	---

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⁸ R.C. 107.06 and 111.16. See also R.C. 107.05, not in the bill.

