

**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**

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**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 contract entered into under section 9.231 of the Revised Code for direct costs actually incurred in performing the contract, up to the minimum percentage of money that is to be expended on the recipient's direct costs, as specified in the contract, plus allocable nondirect costs associated with those direct costs.

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

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

(2) "Contracting authority" of a governmental entity means the director or chief executive officer, in the case of a state agency, or the legislative authority, in the case of a political 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. 46  
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(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