

---

## **CONTROLLING BOARD (CEB)**

- Creates the Controlling Board Emergency Purposes Fund in the state treasury to provide disaster and emergency aid to state agencies and political subdivisions and for other purposes approved by the Controlling Board.
- Permits the Controlling Board to approve a state agency's purchase if the agency (1) substantially complied with one of four specified purchasing requirements and (2) gives the Board a detailed explanation of the agency's competitive selection or evaluation and selection process.
- Prohibits a state agency or state institution of higher education from entering into a contract for a legislative agent with a cost exceeding \$50,000 per year unless the contract is approved by the Controlling Board.
- Requires a state agency director to request that the Controlling Board increase the agency's capital appropriations if the director and the Controlling Board determine such an increase is needed for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009.

### **Controlling Board Emergency Purposes Fund**

(R.C. 127.19; Sections 247.10 and 512.40)

The act creates the Controlling Board Emergency Purposes Fund in the state treasury. The Fund is to consist of transfers from the General Revenue Fund (GRF) and any other money appropriated by the General Assembly. Moneys in the Fund may be used, at the request of a state agency or the Director of Budget and Management, to provide disaster and emergency aid to state agencies and political subdivisions or for other purposes approved by the Controlling Board.

The act discontinues the Controlling Board's Emergency Purposes/Contingencies appropriation item and instead appropriates \$10 million to the Controlling Board Emergency Purposes Fund in each fiscal year. The act also transfers up to \$20 million to the Fund from any surplus in the GRF ending balance from fiscal year 2011 to the Emergency Purposes Fund.

## **Approval of state-agency purchases**

(R.C. 127.162)

The act permits the Controlling Board to approve a purchase, on the request of a state agency or the Director of Budget and Management, if the agency used one of the following:

- Competitive sealed bidding (under continuing law);
- Competitive sealed proposals (under continuing law);
- Reverse auctions (under continuing law);
- Evaluation and selection for professional design services (under continuing law); or
- Agency released competitive opportunity that demonstrates a competitive process involving a request for proposals, qualifications, or information.

The agency must also submit with its request a detailed explanation of the competitive selection or evaluation and selection process it used.

The act permits the Controlling Board, by majority vote, to disapprove or defer a purchase request or request that the agency resubmit the request if the agency fails to demonstrate use of one of the processes.

The act specifies that these provisions do not modify cumulative purchasing thresholds under continuing law.

## **Public office lobbying contracts**

(R.C. 101.711)

The act prohibits a state agency or state institution of higher education from entering into a contract with a legislative agent, with a cost exceeding \$50,000 in a calendar year, without the approval of the Controlling Board. The prohibition does not apply to an employment contract pursuant to which an individual is employed directly by a state agency or state institution of higher education as a legislative agent.

For purposes of the prohibition: "state agency" means every organized body, office, agency, institution, or other entity established by state law for the exercise of any function of state government. "State institution of higher education" means any state university or college, community college, state community college, university branch,



or technical college. And "legislative agent" means any individual (except a member or staff of the General Assembly or a statewide elected official) who is engaged, during at least a portion of the individual's time, to actively advocate with regard to legislative matters as one of the individual's main purposes. Certain Ohio Casino Control Commission members and employees are "legislative agents" even if they do not, during at least a portion of their time, actively advocate with regard to legislative matters as one of their main purposes.

### **Controlling Board authority to increase capital appropriations**

(Sections 247.10 and 801.20)

The act requires a state agency director to request that the Controlling Board increase the amount of the agency's capital appropriations if the director determines such an increase is necessary for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009. The act authorizes the Board to make such increase up to the exact amount necessary under the federal act if the Board concurs that the increase is necessary.

