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## **DEPARTMENT OF ADMINISTRATIVE SERVICES**

### **Exempt employee salary schedules**

- Eliminates statutory pay schedules E-1 and E-2 for exempt state employees.
- Requires the Director of Administrative Services (DAS), in consultation with the Director of Budget and Management (OBM), to create schedules E-1 and E-2, report them to the Controlling Board, publish them, and assign exempt state employees to pay ranges within them.
- Repeals a requirement that certain officers in the State Highway Patrol be paid in accordance with specific pay ranges in statutory schedule E-1 eliminated by the bill.
- Repeals a prohibition against an exempt employee other than a captain or equivalent officer in the State Highway Patrol from being placed in step value 7 in range 17 of statutory pay schedule E-1 eliminated by the bill.

### **DAS personnel**

- Eliminates the DAS Director's authority to designate individuals in or out of the service of the state to serve as examiners or assistants under the DAS Director's direction, while retaining the DAS Director's authority to appoint examiners, inspectors, clerks, and other assistants as necessary to carry out the law.
- Eliminates a requirement that the DAS Director, examiners, inspectors, clerks, and assistants must receive reimbursement for necessary traveling and other expenses incurred in the actual discharge of their official duties.

### **DAS services**

- Eliminates the ability of a state-supported college or university or a municipality to use services and facilities furnished by DAS to provide and maintain payroll services and state merit standards.
- Eliminates the DAS Director's ability to enter into an agreement with any county, municipality, or other political subdivision to furnish DAS services and facilities in the administration of a merit program or other functions related to human resources, including providing competitive examinations for positions in the classified service.
- Eliminates the DAS Director's ability to designate the municipal civil service commission of the largest city within a county as the DAS Director's agent to carry out designated provisions of law administered by the DAS Director within that county.
- Eliminates the ability of the DAS Director to incur necessary expenses for stationery, printing, and other supplies incident to DAS business.

### **Disability leave program**

- Modifies the disability leave program for eligible state employees, including regarding rule adoption requirements, eligibility, approval, allowances, and appeals.

## **Paid leave for emergency medical or firefighting service**

- Increases, from 40 to 120 hours, the amount of paid leave a state employee may use each calendar year to provide emergency medical or firefighting services.
- Expands the reasons for which a state employee may use the leave to include attending a training or continuing education program that relates to providing emergency medical or firefighting services.

## **Procurement processes**

- Recodifies and modifies certain provisions under the state procurement law.

## **Procurement law and semiconductors**

- Expands the definition of “Buy Ohio products” in procurement law to include any product that includes semiconductors produced by a company with a significant Ohio economic presence.
- Requires that a state consortium, established by the Chancellor of Higher Education, follow rules adopted by DAS for giving preference to Buy Ohio products, when making a purchase with appropriated funds of any product that includes semiconductors.

## **Prohibited applications on state systems**

- Expands the types of “covered applications” that are prohibited on state agency computers, networks, and devices.

## **Sharing of legal documents**

- Requires the Attorney General to share certain privileged and confidential documents with the Office of Risk Management.

## **Public safety answering points**

- Requires all public safety answering points (PSAPs) that answer 9-1-1 calls for service in Ohio to be subject to the PSAP operations rules.

## **Next Generation 9-1-1 access fee**

- Repeals the provision of law that would, beginning October 1, 2025, lower the Next Generation 9-1-1 access fee applied to certain communication services in Ohio- from 40¢ to 25¢.

## **Entrepreneur in residence pilot program**

- Eliminates the entrepreneur in residence pilot program.

## **Software purchases**

- Specifies prohibited provisions with respect to a contract for the purchase of software.

## **Emergency Response Commission**

- Adds the DAS Director to the Emergency Response Commission.

## **State surplus supplies and nonprofit organizations**

- Revises the authority of the DAS Director to dispose of surplus or excess supplies to a nonprofit corporation.

## **State printing**

- Eliminates the Division of State Printing, within DAS, and provides that state printing contracts are subject to DAS procurement law generally.

## **State Information Technology Investment Board**

- Repeals the law requiring the DAS Director to establish the State Information Technology Investment Board within DAS.

## **Prescription Drug Transparency and Affordability Advisory Council**

- Formally abolishes the Prescription Drug Transparency and Affordability Advisory Council.

## **State civil service**

- Replaces the requirement that the DAS Director and the State Personnel Board of Review (SPBR) exercise former functions, powers, and duties given to the State Civil Service Commission with a requirement that the DAS Director and SPBR exercise functions, powers, and duties actually given to the Commission on or before January 1, 1959.
- Eliminates the requirement that any reference to the Commission in law or rule be considered to refer to DAS, the DAS Director, or SPBR.

## **Exempt employee salary schedules**

(R.C. 124.152 and 5503.031, repealed, with conforming changes in R.C. 102.02, 107.71, 124.11, 124.134, 124.135, 124.136, 124.1312, 124.142, 124.15, 124.17, 124.181, 124.183, repealed, 124.382, 124.384, 124.386, 124.81, 126.32, 141.01, 1707.36, 1707.46, 3121.01, 3770.02, 3772.06, 3901.07, 4701.03, 4905.10, 4911.07, and 5502.05; Section 701.30)

The bill eliminates statutory pay schedules E-1 and E-2 for exempt state employees. Statutory schedules E-1 and E-2 establish salaries or wages paid to most “exempt employees.” Under continuing law, an exempt employee is a permanent full-time or permanent part-time employee paid directly by OBM Director warrant who is not a public employee for the purposes of Ohio’s Public Employee Collective Bargaining Law.<sup>1</sup> Permanent full-time and permanent

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<sup>1</sup> R.C. Chapter 4117.

part-time employees of the Secretary of State, Auditor of State, Treasurer of State, and Attorney General who do not collectively bargain also are exempt employees.

As soon as possible after the provision's effective date, the DAS Director, in consultation with the OBM Director, must create new versions of schedule E-1 and E-2, and in the schedules create pay ranges and assign an hourly wage, annual salary, or both to each value within a pay range. The DAS Director must report the schedules to the Controlling Board and publish them.

Under the bill, the DAS Director must assign exempt employees to pay ranges in new schedules E-1 or E-2 using a job classification plan developed by the DAS Director under continuing law. The DAS Director, in consultation with the OBM Director, may periodically revise new schedules E-1 and E-2. Any revisions must be reported by the DAS Director to the Controlling Board and published.

To the extent the new pay schedules the DAS Director creates result in a pay rate change for an exempt employee, the change applies to the pay period that includes July 1, 2025. If the new pay schedules created by the DAS Director include a pay range 17, an exempt employee being paid at step 6 of pay range 17 on schedule E-1 repealed by bill is eligible to move to step 7 of pay range 17 in the pay schedule created by the Director, provided the employee has not advanced a step within the 12-month period immediately preceding the date on which the Director creates the new pay schedules E-1 and E-2. The step increase applies to the first day of the pay period immediately following the pay period that includes July 1, 2025.

An exempt employee being paid at step 6 of pay range 17 of schedule E-1 repealed by the bill who is ineligible to move up to step 7 of pay range 17 in the new schedule E-1 on the date the Director creates the schedule will advance in accordance with continuing law governing exempt employee pay increases.

Current law prohibits an exempt employee who is not a captain or equivalent officer in the State Highway Patrol from being paid at step value 7 in range 17 of schedule E-1 repealed by the bill. Additionally, current law requires Highway Patrol sergeants who are exempt employees, lieutenants, staff lieutenants, majors, and lieutenant colonels or their equivalents to be paid at specific pay ranges in schedule E-1 repealed by the bill. The bill repeals these requirements specific to officers in the Highway Patrol and permits them to be classified by the DAS Director in the same manner as all other exempt employees.

The Ohio Constitution directly grants the General Assembly the power to enact laws. Pursuant to Ohio Constitution Article II, Section 26, the Ohio Supreme Court has held that the General Assembly cannot delegate its power to enact law. Instead, it must establish a policy and fix standards to guide the application of the policy.<sup>2</sup> A reviewing court might consider whether the bill contains sufficient guiding standards for the DAS Director to create new schedules E-1 and E-2.

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<sup>2</sup> *Strain v. Southerton*, 148 Ohio St. 153, 160-161 (1974).

Additionally, continuing law requires certain exempt employees to be paid at certain pay ranges in the current schedules.<sup>3</sup> The bill leaves the references to those ranges, but it does not require the DAS Director to keep those ranges. It is not clear how the DAS Director's schedules E-1 and E-2 will interact with these sections if the schedules do not include the same or similar pay ranges and step values.

## **DAS personnel**

(R.C. 124.07)

The bill eliminates the DAS Director's authority to designate individuals in or out of the service of the state to serve as examiners or assistants under the DAS Director's direction, while retaining the DAS Director's authority to appoint examiners, inspectors, clerks, and other assistants as necessary to carry out the law. Per the Office of Budget and Management, DAS does not currently employ examiners or assistants.<sup>4</sup> Thus, this provision appears to have no substantive effect.

The bill also eliminates the following current law provisions related to DAS personnel:

- A requirement that an examiner or assistant be paid compensation for each day in the discharge of duties as an examiner or assistant;
- A provision specifying that rendering services in connection with an examination without extra compensation is part of an examiner's or assistant's official duties.
- A requirement that the DAS Director, examiners, inspectors, clerks, and assistants must receive reimbursement for necessary traveling and other expenses incurred in the actual discharge of their official duties.

Under continuing law, if an examiner or assistant is included in the state job classification plan, they would be paid in accordance with the appropriate salary schedule.<sup>5</sup>

## **DAS services**

(R.C. 124.07)

The bill eliminates the ability of a state-supported college or university or a municipality to use services and facilities furnished by DAS to provide and maintain payroll services and state merit standards. The bill also eliminates the DAS Director's ability to do the following:

- Enter into an agreement with any county, municipality, or other political subdivision to furnish DAS services and facilities in the administration of a merit program or other functions related to human resources, including providing competitive examinations for positions in the classified service;

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<sup>3</sup> See, e.g., R.C. 107.71.

<sup>4</sup> Steven Peishel, Office of Budget and Management Analyst.

<sup>5</sup> R.C. 124.14, not in the bill.

- Designate the municipal civil service commission of the largest city within a county as the DAS Director's agent to carry out designated provisions of law administered by the DAS Director within that county; and
- Incur necessary expenses for stationery, printing, and other supplies incident to DAS business.

## **Disability leave program**

(R.C. 124.385)

The bill modifies the disability leave program for eligible state employees. It makes a full-time permanent state employee with at least one year of continuous state service eligible for disability leave benefits if the employee is entitled to disability benefits under a collective bargaining agreement.

The bill eliminates the requirement that the DAS Director adopt a rule regarding the program under the Administrative Procedure Act.<sup>6</sup> Thus, the bill subjects the required rule adoption regarding the program to the abbreviated rulemaking procedure (R.C. 111.15). The DAS Director must adopt a rule that allows disability leave due to a condition, in addition to illness or injury as under continuing law. The bill eliminates the requirement that the DAS Director include in the rule all of the following:

- Timing requirements regarding the procedure for appealing denial of payment of a claim;
- Approving leave for medical reasons where an employee is in no pay status after using all other leave time;
- Provisions precluding benefit payments so they are provided in a consistent manner.

The bill also eliminates all of the following:

- The prohibition against charging time off for an employee granted disability leave to any other leave granted by law;
- The requirement that the DAS Director approve disability leave on an appointing authority's recommendation;
- The DAS Director's ability to delegate to an appointing authority the authority to approve disability benefits for a standard recovery period.

The bill specifies that the adjudication hearing requirements of the Administrative Procedure Act do not apply to the procedures for appealing denial of payment of a claim.

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<sup>6</sup> R.C. Chapter 119.

## **Paid leave for emergency medical or firefighting service**

(R.C. 124.1310)

The bill increases, from 40 to 120 hours, the amount of paid leave a state employee may use each calendar year to provide emergency medical or firefighting services. It also expands the reasons for which a state employee may use the paid leave to include attending a training or continuing education program that relates to providing emergency medical or firefighting services. Continuing law requires an appointing authority to pay an employee who uses the leave at the employee's regular pay rate.

## **Procurement law changes**

### **Miscellaneous**

(R.C. 125.01, 125.02, 125.036, 125.04, 125.041, 125.05, 125.051, 125.09, 125.07, 125.071, 125.072, 125.09, 125.11, 125.18, 125.601, 127.16, 307.86, 731.14, 731.141, 3345.691, 3345.692, 4114.36, 5513.01, and 5513.02; repeal of R.C. 125.10 and 125.112)

The bill specifies DAS's responsibilities with respect to the purchase of "goods or services" instead of "supplies and services" as in current law. For purposes of the bill, "goods" is defined as "anything that can be purchased that is not a service or real property." This appears to clarify or broaden the scope of authority, as the applicable definition of "supplies," which is being repealed by the bill, is "all property including, but not limited to, equipment, materials, and other tangible assets, but excluding real property or an interest in real property."

The bill requires that, when exercising direct purchasing authority, a state agency must comply with all DAS policies, in addition to all applicable laws, rules and regulations as under current law.

It appears the bill limits the types of emergency medical service organizations that may participate in state contracts. Under current law, DAS may establish state contracts for political subdivisions to participate in, including any public or private emergency medical service organization, that meets certain criteria. The bill appears to eliminate the authority for DAS to allow a "public" emergency medical service organization to participate in contracts, and instead requires that the entity be a private nonprofit to participate.

The bill does all of the following:

- Requires the DAS Director to adopt rules in accordance with the Administrative Procedure Act regarding circumstances and criteria for a state agency to obtain a release and permit from DAS authorizing the agency to make purchases directly must use these procedures;
- Authorizes DAS, at its discretion, to amend, renew, cancel, or terminate any state contract when it is in the best interest of the state;
- Eliminates a requirement that DAS include in its annual report, an estimate of the purchases, by participation in state contract, that are made by state institutions of higher education, governmental agencies, political subdivisions, boards of elections, private fire

companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools;

- Requires solicitations for state agency purchases via competitive sealed bidding and competitive sealed proposal, at a minimum, contain a detailed description of the goods or services to be purchased, the terms and conditions of the purchase, instructions concerning submission of proposals, and any other information prescribed by rules, or that DAS considers necessary;
- Requires proposals in response to competitive sealed proposal solicitations be submitted through and opened in the electronic procurement system established by DAS and specifies that proposals received after the due date and time specified in the solicitation must be considered nonresponsive;
- Requires the prequalification of all entities who submit bids through the “reverse auction” purchasing process;
- Eliminates DAS’s authority to require that all competitive sealed bids, competitive sealed proposals, and bids received in a reverse auction be accompanied by a performance bond or other financial assurance acceptable;
- Eliminates a requirement that each state agency awarding a grant establish and maintain a separate website listing the name of the entity receiving each grant, the grant amount, information on each grant, and any other relevant information determined by DAS;
- Recodifies certain definitions in the procurement law to one common definition section.

### **State procurement website**

(R.C. 125.073; repeal of R.C. 125.112)

The bill recodifies the requirement that DAS establish and maintain a single searchable website, accessible by the public at no cost, that includes all of the following information for goods or services purchased by the state:

- The name of the entity receiving the award;
- The anticipated amount of the award;
- Information on the award, the agency or other instrumentality of the state that is providing the award, and the commodity code; and
- Any other relevant information determined by DAS.

The bill clarifies that the requirement to post the above information on the website should not be construed to require the disclosure of information that is not a public record under Ohio Public Records Law.

It also clarifies that the existing DAS electronic procurement system may be used to meet the requirement for a single searchable website.

## Requisite Procurement Programs

(R.C. 125.035)

The bill modifies the procedures for state agency purchases through the first and second requisite procurement programs. Under current law, a state agency wanting to make a purchase must utilize programs or obtain a determination from DAS that the purchase is not subject to them. Instead, the bill requires the state agency to determine if the goods or services are available through the programs, and to utilize the following procedures:

1. If the needed goods or services are available from more than one first requisite procurement program, preference must be given in the following order:

- a. Ohio Penal Industries;
- b. Community rehabilitation programs;
- c. Ohio-based personal protective equipment manufacturers program.

2. If the needed goods or services cannot be provided by a first requisite procurement program, a state agency must determine if the goods or services are available from any of the second requisite procurement programs.

3. When requisite procurement programs receive a purchase request from a state agency, the programs must determine if it can provide the requested goods or services. In making this determination, the programs must do one of the following:

- a. Direct the requesting state agency to obtain the requested goods or services through the proper requisite procurement program;
- b. Provide the requesting state agency with a waiver from the use of the applicable requisite procurement program within five business days, or allow the time to lapse, whereupon DAS must issue a waiver to the requesting state agency.

Upon receiving a waiver, the requesting state agency may use direct purchasing authority to make the requested purchase.

## Community Rehabilitation Program

(R.C. 125.601; repeal of R.C. 125.60, 125.602, 125.603, 125.604, 125.605, 125.606, 125.607, 125.608, 125.609, 125.6010, 125.6011, and 125.6012)

The bill modifies and recodifies the Community Rehabilitation Program. Under the bill, the program must reside within the procurement office of DAS, rather than within its own Office of Procurement from Community Rehabilitation Program.

The bill modifies the definition of government ordering office, as it applies to the program, so that it no longer includes the judicial branch, the General Assembly, or the offices of state elected officials. Under continuing law, a government ordering office may negotiate purchase pricing with qualified nonprofit agencies. The bill appears to eliminate the authority for these entities no longer included in the definition of “government ordering office,” to negotiate pricing. It is not clear if the bill’s intention is to eliminate the authority for the judicial branch, the General Assembly, and offices of state elected officials to actually participate in the program.

The bill eliminates provisions that authorized DODD, OhioMHAS, JFS, OOD, and any other state or governmental agency or community rehabilitation program, through written agreement, to cooperate in providing resources to DAS for the operation of the Office of Procurement from Community Rehabilitation Program.

The bill retains the annual reporting requirement. It specifies that it must be submitted by DAS, by December 13, to the Governor, the Senate President, and the Speaker of the House. The report must identify the number, types, and costs of purchases made by government ordering offices from qualified nonprofit agencies during the prior fiscal year.

### **Biobased Product Preference Program**

(R.C. 125.091; repeal of R.C. 125.092 and 125.093)

The bill modifies and recodifies the Biobased Product Preference Program, which gives preferred purchasing considerations by state agencies and state institutions of higher education to designated biobased products. The bill specifies new requirements for the purchase of biobased products. Under the bill, “biobased product” means:

. . . a product, other than food or feed, determined by the secretary of the United States Department of Agriculture (USDA) to be of the minimum biobased content as defined by the USDA Biopreferred Program of Biological Products, forestry materials, or renewable domestic agricultural materials, including plant, animal, or marine materials. (R.C. 125.091)

Under the bill, DAS, state agencies, and state institutions of higher education, when purchasing biobased products, must purchase USDA designated items in accordance with procedures established by the purchasing institution. The bill repeals current law’s requirements that the DAS Director set minimum biobased content specifications for awarding contracts and maintain a list of products that qualify as designated items.

For any biobased product being offered to a state agency or state institution of higher education, a supplier must provide information to the agency or institution certifying that the product is a USDA designated item.

Also, excluding motor vehicle fuel, heating oil, and electricity, to qualify as a biobased product under the bill, a product must be an item designated by the USDA as either qualifying for mandatory federal purchasing or being certified through the federal voluntary labeling initiative.

The bill requires DAS to prepare and submit to the Governor, the Senate President, and the Speaker of the House an annual report on the effectiveness of the program. It eliminates the requirement that the annual report describe the number and types of biobased products purchased and the amount of money spent by DAS and other state agencies for those products.

### **Military goods or services**

(R.C. 125.01 and 125.02)

The bill establishes a definition in procurement law for “military goods or services.”

Under continuing law, DAS may not establish state contracts for use by the Adjutant General to purchase military supplies or services. The bill revises the law to refer instead to “military goods and services,” defined as:

. . . goods or services provided through the supply chain of any branch of the United States military that are necessary for executing an assigned mission, including arms, ordnance, equipment, and all other military property issued to the state by the federal government. “Military goods or services” does not include any of the following:

1. Real property;
2. Construction of, or improvements or alterations to, public works as required by Chapter 153. of the Revised Code;
3. Goods or services that state agencies can purchase from requisite procurement programs as prescribed by section 125.035 of the Revised Code, through competitive selection as prescribed by sections 125.05 and 127.16 of the Revised Code, or through direct purchasing authority.

## **Procurement law and semiconductors**

(R.C. 125.01 and 3333.04)

The bill expands the definition of “Buy Ohio products” in procurement law to include any product that includes semiconductors produced by a company with a significant Ohio economic presence. Under continuing law, significant Ohio economic presence means businesses that: pay required taxes to Ohio or a border state, are registered and licensed to do business in Ohio or as required by a border state, and have ten or more employees based in Ohio or the border state, or 75% or more of their employees based in Ohio or the border state. A border state means any state that is contiguous to Ohio and that does not impose a restriction greater than Ohio imposes on persons located in Ohio selling goods or services to agencies of that state.<sup>7</sup>

The bill requires that a state consortium, established by the Chancellor of Higher Education, follow rules adopted by DAS for giving preference to “Buy Ohio products,” when making a purchase with appropriated funds of any product that includes semiconductors. Otherwise, under continuing law, a consortium must follow the rules of the college or university that serves as its fiscal agent.

## **Prohibited applications on state systems**

(R.C. 125.183)

The bill expands the types of social media applications (“covered applications”) that are prohibited from being downloaded or used on state agency computers, networks, and devices.

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<sup>7</sup> Ohio Administrative Code (O.A.C.) 123:5-1-01.

Specifically, it adds any application owned or controlled by an entity identified as a foreign adversary as defined in federal regulations to the prohibition. Federal regulations define foreign adversary as any foreign government or foreign nongovernment person determined by the Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the U.S. or security and safety of U.S. persons.<sup>8</sup>

Current law prohibits all of the following “covered applications” from use on state agency computers, networks, and devices:

- The TikTok application, or any successor application or service developed or provided by ByteDance;
- WeChat application and service, or any successor application or service developed or provided by Tencent Holdings; or
- Any application or service owned by an entity located in China, including QQ International (QQi), Qzone, Weibo, Xiao, HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalk Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu.

Under continuing law, the State Chief Information Officer must do all of the following:

- Require state agencies to remove any covered application from all equipment the state agency owns or leases;
- Prohibit the downloading, installation, or use of a covered application by the state agency or any officer, employee, or contractor;
- Prohibit the downloading, installation, or use of a covered application using an internet connection provided by the state agency;
- Require state agencies to take measures to prevent the downloading, installation, or use of a covered application.

A qualified person is permitted to download, install, or use a covered application for law enforcement or security purposes as long as the person takes appropriate measures to mitigate the security risks involved.

## **Sharing of legal documents**

(R.C. 9.821)

The bill requires the Attorney General’s Office to share with DAS’s Office of Risk Management communications and documents made for the purpose of seeking or providing legal advice or counsel in connection with litigation, liability claims, contract disputes, risk management issues, and other matters involving the programs of the Office of Risk Management. The bill establishes that all communications and documents that are shared between the Office

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<sup>8</sup> 15 Code of Federal Regulations (C.F.R.) 791.2.

of Risk Management, a state agency, and the Attorney General’s Office are privileged and confidential.

## **Public safety answering points**

(R.C. 128.021)

The bill requires all public safety answering points (PSAPs) that answer 9-1-1 calls for service in Ohio to be subject to the PSAP operations rules. Current law states that PSAPs that take 9-1-1 calls for service from wireless services are subject to such rules. By repealing “from wireless service” the bill appears to require that all PSAPs must conform to the operations rules. The bill does not, however, change the provisions of continuing law that require PSAPs not originally required to be compliant, to comply with the standards by October 3, 2025.

## **Next Generation 9-1-1 access fee**

(R.C. 128.412, repealed)

The bill repeals the provision of law that would, beginning October 1, 2025, lower the Next Generation 9-1-1 access fee applied to communication services in the state from 40¢ to 25¢.

Under current law, “communication service” means any wireless service, multiline telephone system, and voice over internet protocol system to which the service or system is registered to the subscriber’s address within the state or the subscriber’s primary place of using the service or system is in the state, and it can initiate a direct connection to 9-1-1.<sup>9</sup>

## **Entrepreneur in residence pilot program**

(R.C. 125.65, repealed; R.C. 102.02 (conforming))

The bill eliminates the entrepreneur in residence pilot program, which was established in DAS’s LeanOhio office. The program’s mission is to provide for better outreach by state government to small businesses, to strengthen coordination and interaction between state government and small businesses, and to make state government programs and functions simpler, easier to access, more efficient, and more responsive to the needs of small businesses.

## **Software purchases**

(R.C. 9.27)

The bill prohibits a state agency from entering into a contract for a software application that limits the agency’s ability to choose the hardware or cloud platform on which the software runs, unless state or federal law requires otherwise. This provision applies to software designed to run on generally available desktop or server hardware or cloud platforms.

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<sup>9</sup> R.C. 128.41, not in the bill.

## **Emergency Response Commission**

(R.C. 3750.02)

The bill adds the DAS Director to the Emergency Response Commission. With this addition, the Commission will consist of ten ex-officio members, ten appointed members, and two members of the General Assembly who serve as nonvoting members. The affirmative vote of a majority of the voting members is necessary for any action taken by the Commission.

## **State surplus supplies and nonprofit organizations**

(R.C. 125.13)

The bill revises the authority of the DAS Director to dispose of surplus or excess supplies, in the Director's control, to a nonprofit organization. It removes the requirement that, to be eligible to receive such supplies, a nonprofit organization must receive funds from the state or have a contract with the state. Instead, the bill requires the nonprofit organization be registered and in good standing with the Secretary of State as a domestic nonprofit or not-for-profit corporation.

## **State printing**

(R.C. 125.041, 125.31, 125.42, and 125.58; Repeal of R.C. 125.36, 125.38, 125.43, 125.49, 125.51, 125.56, and 125.76)

The bill eliminates the Division of State Printing within DAS, and specifically eliminates the statutory assignment of functions, powers, and duties to the Division. Under continuing law, DAS generally has supervision over all public printing. The bill recodifies a current law provision that appears to exempt, from DAS oversight, printing contracts that require special security paper, of a unique nature, if compliance with certain DAS requirements will result in acquiring a disproportionately inferior product or a price that exceeds by more than 5% the lowest price submitted on a non-Ohio bid.

The bill eliminates the following current law provisions, which apply specifically to state contracts for printing services. Under the bill such contracts would instead be subject to DAS procurement law generally:

- A provision that allows DAS, after determining that any or all bids or proposals are not in the interest of the state, to purchase the various printing goods and services required at the lowest price available in the open market.
- A provision allowing DAS to require that a bid or proposal for a term contract for printing goods and services, including a final printed product, be accompanied by a bond, in a sum specified in the invitation to bid.
- A requirement that the printing of all publications approved by DAS must be ordered through it.
- A requirement that each bid or proposal for state printing specify the price at which the offeror will undertake to provide the finished product as specified in the invitation to bid or request for proposals, including the necessary binding covered by such bid or proposal.

- A requirement that, after examining each bid for printing services, DAS award the contract within 30 days.
- A provision that provides that generally all printing and binding for the state is subject to the provisions specific to printing services so far as practicable.

## **State Information Technology Investment Board**

(R.C. 125.181, repealed)

The bill repeals the law requiring the DAS Director to establish the State Information Technology Investment Board within DAS. Under current law, the Board consists of representatives from various state elective offices and state agencies, including OBM. The Board must identify and recommend opportunities for consolidation and cost-saving measures relating to information technology to the State Chief Information Officer. Board members are not entitled to compensation for their services.

## **Prescription Drug Transparency and Affordability Advisory**

### **Council**

(R.C. 125.95, repealed)

The bill formally abolishes the Prescription Drug Transparency and Affordability Advisory Council. The Council was created within DAS, by the General Assembly in 2019 and tasked with producing a report with recommendations for achieving prescription drug price transparency. After submission of its report, the Council was required to meet at least quarterly to provide guidance. In 2021, the Council was abolished, and the Joint Medicaid Oversight Committee was authorized to examine any of the topics described in the report prepared by the Council. The bill repeals the authorizing statute for the abolished Council.

## **State civil service**

(R.C. 124.02)

The bill replaces the requirement that the DAS Director and the State Personnel Board of Review (SPBR) exercise former functions, powers, and duties given to the State Civil Service Commission with a requirement that the DAS Director and SPBR exercise functions, powers, and duties actually given to the Commission on or before January 1, 1959. It also eliminates the requirement that any reference to the Commission in law or rule be considered to refer to DAS, the DAS Director, or SPBR.