

**As Passed by the House**

**132nd General Assembly  
Regular Session  
2017-2018**

**Sub. S. B. No. 221**

**Senator Uecker**

**Cosponsors: Senators Huffman, Beagle, Sykes, Coley, LaRose, Balderson, Dolan, Hackett, Hoagland, Jordan, Kunze, Manning, McColley, Obhof, Oelslager, Peterson, Terhar Representatives Anielski, Becker, Blessing, Brenner, Butler, Carfagna, Dean, Faber, Gavarone, Green, Hambley, Henne, Hill, Hood, Koehler, Landis, Lanese, Lang, Patton, Perales, Reineke, Retherford, Rezabek, Riedel, Roegner, Romanchuk, Ryan, Scherer, Seitz, Stein, Wiggam, Young**

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**A BILL**

To amend sections 101.35, 103.05, 103.0511, 1  
106.021, 106.03, 106.031, 107.52, 111.15, 2  
119.03, 121.39, 121.71, 121.72, 121.73, 121.74, 3  
121.75, 127.18, 145.09, 742.10, 1707.20, 4  
3304.15, 3307.04, 3309.04, 3375.01, and 5505.04; 5  
to amend, for the purpose of adopting a new 6  
section number as indicated in parentheses, 7  
section 127.18 (106.024); to enact sections 8  
101.352, 101.353, 106.032, 121.93, 121.931, and 9  
121.933; and to repeal section 121.76 of the 10  
Revised Code to reform agency rule-making and 11  
legislative review thereof. 12

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 101.35, 103.05, 103.0511, 13  
106.021, 106.03, 106.031, 107.52, 111.15, 119.03, 121.39, 14  
121.71, 121.72, 121.73, 121.74, 121.75, 127.18, 145.09, 742.10, 15

1707.20, 3304.15, 3307.04, 3309.04, 3375.01, and 5505.04 be 16  
amended, section 127.18 (106.024) of the Revised Code be amended 17  
for the purpose of adopting a new section number as indicated in 18  
parentheses, and sections 101.352, 101.353, 106.032, 121.93, 19  
121.931, and 121.933 of the Revised Code be enacted to read as 20  
follows: 21

**Sec. 101.35.** There is hereby created in the general 22  
assembly the joint committee on agency rule review. The 23  
committee shall consist of five members of the house of 24  
representatives and five members of the senate. Within fifteen 25  
days after the commencement of the first regular session of each 26  
general assembly, the speaker of the house of representatives 27  
shall appoint the members of the committee from the house of 28  
representatives, and the president of the senate shall appoint 29  
the members of the committee from the senate. Not more than 30  
three of the members from each house shall be of the same 31  
political party. In the first regular session of a general 32  
assembly, the chairperson of the committee shall be appointed by 33  
the speaker of the house from among the house members of the 34  
committee, and the vice-chairperson shall be appointed by the 35  
president of the senate from among the senate members of the 36  
committee. In the second regular session of a general assembly, 37  
the chairperson shall be appointed by the president of the 38  
senate from among the senate members of the committee, and the 39  
vice-chairperson shall be appointed by the speaker of the house 40  
from among the house members of the committee. The chairperson, 41  
vice-chairperson, and members of the committee shall serve until 42  
their respective successors are appointed or until they are no 43  
longer members of the general assembly. When a vacancy occurs 44  
among the officers or members of the committee, it shall be 45  
filled in the same manner as the original appointment. 46

Notwithstanding section 101.26 of the Revised Code, the  
members, when engaged in their duties as members of the  
committee on days when there is not a voting session of the  
member's house of the general assembly, shall be paid at the per  
diem rate of one hundred fifty dollars, and their necessary  
traveling expenses, which shall be paid from the funds  
appropriated for the payment of expenses of legislative  
committees.

The committee has the same powers as other standing or  
select committees of the general assembly. Six members  
constitute a quorum. The concurrence of six members is required  
for the recommendation of a concurrent resolution invalidating a  
proposed rule under section 106.021 of the Revised Code. The  
concurrence of seven members is required for the recommendation  
of a concurrent resolution invalidating an existing rule under  
section 106.031 of the Revised Code.

When a member of the committee is absent, the president or  
speaker, as the case may be, may designate a substitute from the  
same house and political party as the absent member. The  
substitute shall serve on the committee in the member's absence,  
and is entitled to perform the duties of a member of the  
committee. For serving on the committee, the substitute shall be  
paid the same per diem and necessary traveling expenses as the  
substitute would be entitled to receive if the substitute were a  
member of the committee.

The president or speaker shall inform the executive  
director of the committee of a substitution. If the executive  
director learns of a substitution sufficiently in advance of the  
meeting of the committee the substitute is to attend, the  
executive director shall publish notice of the substitution on

the internet, make reasonable effort to inform of the 77  
substitution persons who are known to the executive director to 78  
be interested in rules that are scheduled for review at the 79  
meeting, and inform of the substitution persons who inquire of 80  
the executive director concerning the meeting. 81

The committee may meet during periods in which the general 82  
assembly has adjourned. 83

At meetings of the committee, the committee may request an 84  
agency, as defined in section 106.01 of the Revised Code, to 85  
provide information relative to the agency's implementation of 86  
its statutory authority. 87

A member of the committee, and the executive director and 88  
staff of the committee, are entitled in their official 89  
capacities to attend, but not in their official capacities to 90  
participate in, a public hearing conducted by an agency on a 91  
proposed rule. 92

The executive director serves at the pleasure of the 93  
president and speaker by mutual consensus. The executive 94  
director may employ such technical, professional, and clerical 95  
employees as are necessary to carry out the powers and 96  
administrative duties of the committee. 97

**Sec. 101.352.** If the joint committee on agency rule review 98  
becomes aware that an agency subject to its jurisdiction is 99  
relying upon a principle of law or policy that, under section 100  
121.93 of the Revised Code, should have been supplanted by its 101  
restatement in a rule, the chairperson of the joint committee, 102  
in the chairperson's sole discretion, may request the agency to 103  
appear before the joint committee to address why, 104  
notwithstanding section 121.93 of the Revised Code, it is so 105

relying. The request shall specify the time and place at which a 106  
designee of the agency is to appear before the joint committee 107  
to address, and to answer the joint committee's questions 108  
concerning, the agency's reliance. The date set for the 109  
appearance shall be not earlier than thirty days after the joint 110  
committee transmits the request to the agency. The joint 111  
committee shall transmit the request to the agency 112  
electronically. The joint committee also shall publish the 113  
request on its web site, as part of the relevant meeting agenda, 114  
and shall indicate in conjunction with the published request 115  
that any person is invited to appear before the joint committee 116  
when the agency appears to offer and make comments to the joint 117  
committee concerning the agency's reliance. 118

Upon receiving the request, the agency shall designate a 119  
suitable agency officer or employee to appear on behalf of the 120  
agency before the joint committee as directed in the request. 121  
The agency electronically shall notify the joint committee of 122  
the name, title, telephone number, and electronic mail address 123  
of the officer or employee who has been designated to appear 124  
before the joint committee in response to the request. 125

Upon appearing before the joint committee, the agency's 126  
designee shall address why the agency is relying upon a 127  
principle of law or policy that, notwithstanding section 121.93 128  
of the Revised Code, has not been supplanted by its restatement 129  
in a rule. The members of the joint committee may question the 130  
agency's designee concerning the agency's reliance. Any person 131  
may offer and make comments to the joint committee concerning 132  
the agency's reliance. 133

After the appearance has concluded, the joint committee, 134  
by vote of a majority of its members, in writing may recommend 135

to the agency that it supplant the principle of law or policy 136  
that it is relying upon by its restatement in a rule. The joint 137  
committee shall support its recommendation with a brief 138  
rationale of why, under section 121.93 of the Revised Code, the 139  
principle of law or policy should be supplanted by its 140  
restatement in a rule. The joint committee shall transmit the 141  
recommendation electronically to the agency. 142

After receiving the recommendation from the joint 143  
committee, the agency shall commence the rule-making process as 144  
soon as it is reasonably feasible to do so, but not later than 145  
the date that is six months after the recommendation was 146  
received. The principle of law or policy as it is restated in a 147  
rule does not need to be wholly congruent with the supplanted 148  
principle of law or policy. The agency lawfully may improve or 149  
develop further the supplanted principle of law or policy as it 150  
is restated in a rule. 151

The agency may continue to rely upon the principle of law 152  
or policy, but only while it is complying with the preceding 153  
paragraph. The agency may not rely upon the principle of law or 154  
policy in advising with regard to or in determining the rights 155  
or liabilities of a person if the agency fails to commence the 156  
rule-making process by the deadline specified in the preceding 157  
paragraph, or if, after commencing the rule-making process, the 158  
agency neglects or abandons the rule-making process before it is 159  
completed. 160

**Sec. 101.353.** If the joint committee on agency rule review 161  
becomes aware, such as through its own inquiries or by receiving 162  
complaints from interested parties or stakeholders, that an 163  
agency subject to its jurisdiction is required expressly or 164  
impliedly by a statute to adopt a rule but appears neither to 165

have done so nor to have commenced the rule-making process, the 166  
chairperson of the joint committee, in the chairperson's sole 167  
discretion, may request the agency to appear before the joint 168  
committee to address its apparent dereliction. The request shall 169  
specify the time and place at which a designee of the agency is 170  
to appear before the joint committee to address, and answer the 171  
joint committee's questions concerning, the agency's apparent 172  
dereliction. The request shall identify the statute that 173  
expressly or impliedly requires rule-making and that apparently 174  
has not been complied with. The joint committee shall transmit 175  
the request to the agency electronically. The joint committee 176  
also shall publish the request on its web site, and shall 177  
indicate in conjunction with the published request that any 178  
person is invited to appear before the joint committee when the 179  
agency appears to offer and make comments to the joint committee 180  
concerning the agency's apparent dereliction. 181

Upon receiving the request, the agency shall designate a 182  
suitable agency officer or employee to appear on behalf of the 183  
agency before the joint committee as directed in the request. 184  
The agency electronically shall notify the joint committee of 185  
the name, title, telephone number, and electronic mail address 186  
of the officer or employee who has been designated to appear 187  
before the joint committee in response to the request. 188

Upon appearing before the joint committee, the agency's 189  
designee shall address why the agency apparently has neither 190  
adopted a rule nor commenced the rule-making process as 191  
expressly or impliedly required by the statute. The members of 192  
the joint committee may question the agency's designee 193  
concerning the agency's apparent dereliction. Any person may 194  
offer and make comments to the joint committee concerning the 195  
agency's apparent dereliction. 196

After the appearance has concluded, the joint committee, 197  
by vote of a majority of its members, in writing may advise the 198  
agency to commence rule-making proceedings under the statute, as 199  
soon as it is reasonably feasible for the agency to do so. The 200  
joint committee shall transmit the advisory electronically to 201  
the agency. The joint committee also shall publish the advisory 202  
on its web site. 203

**Sec. 103.05.** (A) The director of the legislative service 204  
commission shall be the codifier of the rules of the 205  
administrative agencies of the state. When a rule is filed under 206  
section 111.15, or 119.04, ~~4141.14, or 5703.14~~ of the Revised 207  
Code, the director or the director's designee shall examine the 208  
rule. If the rule is not numbered or if the numbering of the 209  
rule is not in conformity with the system established by the 210  
director, the director shall give the rule its proper number by 211  
designating the proper number on the left hand margin of the 212  
rule. The number shall be the official administrative code 213  
number of the rule. Any number so assigned shall be published in 214  
any publication of the administrative code. Rules of the 215  
administrative code shall be cited and referred to by such 216  
official numbers. 217

The legislative service commission shall, ~~pursuant to~~ 218  
under section 111.15 of the Revised Code, adopt, amend, and 219  
rescind any rules that are necessary to provide a uniform 220  
administrative code; to provide standards for use by the 221  
director in determining whether to include in the administrative 222  
code the full text of, or a reference to, any rule filed with 223  
the commission; to permit the director to discharge the 224  
director's duties and exercise the director's powers as 225  
described in this section; and to permit the director to 226  
discharge the director's duties and exercise the director's 227



powers with respect to establishing and maintaining, and 228  
enhancing and improving, the electronic rule-filing system under 229  
section 103.0511 of the Revised Code. 230

When the commission adopts rules to provide standards for 231  
use by the director in determining whether to include the full 232  
text of, or a reference to, a rule in the administrative code, 233  
it shall require the director to consider all of the following: 234

(1) Whether the rule applies uniformly to all citizens of 235  
the state; 236

(2) Whether the rule applies uniformly to all political 237  
subdivisions of the state; 238

(3) Whether the rule affects the health, welfare, and 239  
safety of the citizens of the state; 240

(4) Whether the rule applies only to the internal affairs 241  
of the agency adopting the rule; 242

(5) The number of persons affected by the rule; 243

(6) Whether the rule affects the statutory or 244  
constitutional rights of any person. 245

The director or the director's designee shall accept any 246  
rule that is filed under section 111.15~~7~~, or 119.04, ~~4141.14, or~~ 247  
~~5703.14~~ of the Revised Code. If the director or the director's 248  
designee accepts a rule that is not in compliance with the rules 249  
of the commission, the director shall give notice of the 250  
noncompliance in electronic form to the agency that filed the 251  
rule within thirty days after the date on which the rule is 252  
filed. The notice shall indicate why the rule does not comply 253  
with the rules of the commission and how the rule can be brought 254  
into compliance. The failure of the director to give an agency 255

notice within the thirty-day period ~~shall~~ presumptively 256  
~~establish~~ establishes that the rule complies with the rules of 257  
the commission. 258

(B) Any person may publish an acceptable code. The 259  
director shall approve as acceptable any person's publication of 260  
the code conforming to the requirements of this division. 261

An Ohio administrative code approved as acceptable by the 262  
director shall: 263

(1) Contain a compilation of the full text of, or a 264  
reference to, each rule filed under ~~sections~~ section 111.15, or 265  
119.04, ~~4141.14~~, and ~~5703.14~~ of the Revised Code; 266

(2) Presumptively establish the rules of all agencies 267  
adopting rules under section 111.15, ~~4141.14~~, ~~5703.14~~, or 268  
Chapter 119. of the Revised Code that are in effect on the day 269  
of its initial publication; 270

(3) Contain the full text of, or a reference to, each rule 271  
adopted after its initial publication and be updated at least 272  
quarterly; 273

(4) Contain an index of the rules and references to rules 274  
that are included in the code and each supplement using terms 275  
easily understood by the general public; 276

(5) Be published in electronic or print format following, 277  
to the extent possible, the subject matter arrangement of the 278  
Revised Code; 279

(6) Be numbered according to the numbering system devised 280  
by the director. 281

(C) The director may prepare and publish the code, or 282  
contract with any person under this division to prepare and 283

publish the code. Any code published under this division shall 284  
include all of the requirements of division (B) of this section. 285  
In addition, the director shall furnish any code or supplement 286  
published under this division to any person who requests the 287  
code or supplement upon payment of a charge established by the 288  
director, not to exceed the cost of preparation and publication. 289

Upon the request of the director of the legislative 290  
service commission under this division, the director of 291  
administrative services, in accordance with the competitive 292  
selection procedure of Chapter 125. of the Revised Code, shall 293  
let a contract for the compilation, preparation, and printing or 294  
publication of the administrative code and supplements. 295

**Sec. 103.0511.** The director of the legislative service 296  
commission shall establish and maintain, and enhance and 297  
improve, an electronic rule-filing system connecting: 298

(A) The legislative service commission, the joint 299  
committee on agency rule review, and the secretary of state; 300

(B) The governor, the senate and house of representatives, 301  
and the clerks of the senate and house of representatives; 302

(C) Each agency that files rules and other rule-making and 303  
rule-related documents with the legislative service commission, 304  
the joint committee on agency rule review, the department of 305  
aging, the governor, the secretary of state, the general 306  
assembly, or a committee of the senate or house of 307  
representatives under section 106.02, 106.022, 106.024, 106.031, 308  
107.54, 111.15, 117.20, 119.03, 119.0311, 119.04, 121.39, 309  
121.82, ~~127.18~~, 173.01, or 5117.02 of the Revised Code or any 310  
other statute; 311

(D) The several publishers of the Administrative Code; 312

(E) The common sense initiative office; and	313
(F) Any other person or governmental officer or entity	314
whose inclusion in the system is required for the system to be a	315
complete electronic rule-filing system.	316
The electronic rule-filing system is to enable rules and	317
rule-making and rule-related documents to be filed, and official	318
responses to these filings to be made, exclusively by electronic	319
means.	320
<b>Sec. 106.021.</b> If, upon reviewing a proposed rule or	321
revised proposed rule, the joint committee on agency rule review	322
makes any of the following findings with regard to the proposed	323
rule or revised proposed rule, the joint committee may recommend	324
to the senate and house of representatives the adoption of a	325
concurrent resolution to invalidate the proposed rule or revised	326
proposed rule or a part thereof:	327
(A) The proposed rule or revised proposed rule exceeds the	328
scope of its statutory authority.	329
(B) The proposed rule or revised proposed rule conflicts	330
with the legislative intent of the statute under which it was	331
proposed.	332
(C) The proposed rule or revised proposed rule conflicts	333
with another proposed or existing rule.	334
(D) The proposed rule or revised proposed rule	335
incorporates a text or other material by reference and <del>either</del>	336
<del>the agency has failed to file the text or other material</del>	337
<del>incorporated by reference as required by section 121.73 of the</del>	338
<del>Revised Code or the incorporation by reference fails to meet the</del>	339
<del>standards stated in sections 121.72, 121.75, and 121.76 of the</del>	340
<del>Revised Code:</del>	341

(1) The accompanying citation is not such as reasonably 342  
would enable a reasonable person to whom the proposed rule or 343  
revised proposed rule applies readily and without charge to find 344  
and inspect the incorporated text or other material; 345

(2) The accompanying citation is not such as reasonably 346  
would enable the joint committee readily and without charge to 347  
find and inspect the incorporated text or other material, and 348  
the agency did not file or otherwise make the incorporated text 349  
or other material available without charge to the joint 350  
committee; or 351

(3) The agency has treated the proposed rule or revised 352  
proposed rule in whole or in part as exempt from sections 121.71 353  
to 121.74 of the Revised Code on grounds the incorporated text 354  
or other material has one or more of the characteristics 355  
described in division (B) of section 121.75 of the Revised Code, 356  
but the incorporated text or other material actually does not 357  
have any of those characteristics. 358

(E) The agency has failed to prepare a complete and 359  
accurate rule summary and fiscal analysis of the proposed rule 360  
or revised proposed rule as required by section ~~127.18~~106.024 361  
of the Revised Code. 362

(F) The agency has failed to demonstrate through the 363  
business impact analysis, recommendations from the common sense 364  
initiative office, and the memorandum of response that the 365  
regulatory intent of the proposed rule or revised proposed rule 366  
justifies its adverse impact on businesses in this state. 367

**Sec. ~~127.18~~ 106.024.** (A) As used in this section: 368

(1) "Agency" has the meaning defined in section 106.01 of 369  
the Revised Code. 370

(2) "Rule" includes the adoption, amendment, or rescission of a rule. 371  
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(3) "Proposed rule" means the original version of a proposed rule, and each revised version of the same proposed rule, that is filed with the joint committee on agency rule review under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code. 373  
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(B) An agency shall prepare, on the form designed by the joint committee on agency rule review, a complete and accurate rule summary and fiscal analysis of each proposed rule that it files under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code. 378  
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The joint committee on agency rule review shall design a form for the rule summary and fiscal analysis. The form may solicit information such as the following information: 383  
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(1) The name, address, and telephone number of the agency, and the name, telephone number, and electronic mail address of an individual or office within the agency designated by that agency to be responsible for coordinating and making available information in the possession of the agency regarding the proposed rule; 386  
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(2) The Ohio Administrative Code rule number of the proposed rule; 392  
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(3) A brief summary of, and the legal basis for, the proposed rule, including citations identifying the statute that prescribes the procedure in accordance with which the agency is required to adopt the proposed rule, the statute that authorizes the agency to adopt the proposed rule, and the statute that the agency intends to amplify or implement by adopting the proposed 394  
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rule;	400
(4) An estimate, in dollars, of the amount by which the proposed rule would increase or decrease revenues or expenditures during the current biennium;	401 402 403
(5) A citation identifying the appropriation that authorizes each expenditure that would be necessitated by the proposed rule;	404 405 406
(6) A summary of the estimated cost of compliance with the rule to all directly affected persons;	407 408
(7) The reasons why the rule is being proposed;	409
(8) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations, an estimate in dollars of the cost of compliance with the rule, or, if dollar amounts cannot be determined, a written explanation of why it was not possible to ascertain dollar amounts;	410 411 412 413 414
(9) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations and is the result of a federal requirement, a clear explanation that the proposed state rule does not exceed the scope and intent of the requirement, or, if the state rule does exceed the minimum necessary federal requirement, a justification of the excess cost, and an estimate of the costs, including those costs for local governments, exceeding the federal requirement;	415 416 417 418 419 420 421 422
(10) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations, a comprehensive cost estimate that includes the procedure and method of calculating the costs of compliance and identifies major cost categories including personnel costs, new equipment or other capital costs, operating costs, and indirect central service	423 424 425 426 427 428

costs related to the rule. The fiscal analysis shall also 429  
include a written explanation of the agency's and the affected 430  
local government's ability to pay for the new requirements and a 431  
statement of any impact the rule will have on economic 432  
development. 433

(11) If the rule incorporates a text or other material by 434  
reference, and the agency claims the incorporation by reference 435  
is exempt from compliance with sections 121.71 to 121.74 of the 436  
Revised Code ~~because the text or other material is generally~~ 437  
~~available to persons who reasonably can be expected to be~~ 438  
~~affected by the rule, an explanation of how the text or other~~ 439  
~~material is generally available to those persons;~~ 440

~~(12) If the rule incorporates a text or other material by~~ 441  
~~reference, and it was infeasible for the agency to file the text~~ 442  
~~or other material electronically, an explanation of why filing~~ 443  
~~the text or other material electronically was infeasible;~~ 444

~~(13) If the rule is being rescinded and incorporates a~~ 445  
~~text or other material by reference, and it was infeasible for~~ 446  
~~the agency to file the text or other material, an explanation of~~ 447  
~~why filing the text or other material was infeasible on grounds~~ 448  
~~the incorporated text or other material has one or more of the~~ 449  
~~characteristics described in division (B) of section 121.75 of~~ 450  
~~the Revised Code, an explanation of how the incorporated text or~~ 451  
~~other material is exempted under that division;~~ 452

(12) If the rule imposes a fee, an explanation of how the 453  
fee directly relates to the cost actually incurred by the agency 454  
in performing the function for which the fee is charged. 455

The rule summary and fiscal analysis form, instead of or 456  
in addition to the foregoing, may solicit any other information 457



the joint committee on agency rule review considers necessary to 458  
make the proposed rule or the fiscal effect of the proposed rule 459  
fully understandable. 460

(C) The agency shall file the rule summary and fiscal 461  
analysis in electronic form along with the proposed rule that it 462  
files under division (D) of section 111.15 or divisions (B) and 463  
(C) of section 119.03 of the Revised Code. The joint committee 464  
on agency rule review shall not accept any proposed rule for 465  
filing unless a copy of the rule summary and fiscal analysis of 466  
the proposed rule, completely and accurately prepared, is filed 467  
along with the proposed rule. 468

(D) The joint committee on agency rule review shall review 469  
the fiscal effect of each proposed rule that is filed under 470  
division (D) of section 111.15 or division (C) of section 119.03 471  
of the Revised Code. 472

**Sec. 106.03.** Prior to the review date of an existing rule, 473  
the agency that adopted the rule shall do both of the following: 474

(A) Review the rule to determine all of the following: 475

(1) Whether the rule should be continued without 476  
amendment, be amended, or be rescinded, taking into 477  
consideration the purpose, scope, and intent of the statute 478  
under which the rule was adopted; 479

(2) Whether the rule needs amendment or rescission to give 480  
more flexibility at the local level; 481

(3) Whether the rule needs amendment or rescission to 482  
eliminate unnecessary paperwork; 483

(4) Whether the rule incorporates a text or other material 484  
by reference and, if so, ~~whether the text or other material~~ 485

~~incorporated by reference is deposited or displayed as required~~ 486  
~~by section 121.74 of the Revised Code and whether the~~ 487  
~~incorporation by reference meets the standards stated in~~ 488  
~~sections 121.72, 121.75, and 121.76 of the Revised Code; :~~ 489

(a) Whether the citation accompanying the incorporation by 490  
reference is such as reasonably would enable a reasonable person 491  
to whom the rule applies readily and without charge to find and 492  
inspect the incorporated text or other material; 493

(b) Whether the citation accompanying the incorporation by 494  
reference is such as reasonably would enable the joint committee 495  
on agency rule review readily and without charge to find and 496  
inspect the incorporated text or other material; and 497

(c) If the rule has been exempted in whole or in part from 498  
sections 121.71 to 121.74 of the Revised Code on grounds the 499  
incorporated text or other material has one or more of the 500  
characteristics described in division (B) of section 121.75 of 501  
the Revised Code, whether the incorporated text or other 502  
material actually has any of those characteristics. 503

(5) Whether the rule duplicates, overlaps with, or 504  
conflicts with other rules; 505

(6) Whether the rule has an adverse impact on businesses, 506  
as determined under section 107.52 of the Revised Code; 507

(7) Whether the rule contains words or phrases having 508  
meanings that in contemporary usage are understood as being 509  
derogatory or offensive; and 510

(8) Whether the rule requires liability insurance, a bond, 511  
or any other financial responsibility instrument as a condition 512  
of licensure. 513

In making its review, the agency shall consider the 514  
continued need for the rule, the nature of any complaints or 515  
comments received concerning the rule, and any relevant factors 516  
that have changed in the subject matter area affected by the 517  
rule. 518

(B) On the basis of its review of the existing rule, the 519  
agency shall determine whether the existing rule needs to be 520  
amended or rescinded. 521

(1) If the existing rule needs to be amended or rescinded, 522  
the agency, on or before the review date of the existing rule, 523  
shall commence the process of amending or rescinding the 524  
existing rule in accordance with its review of the rule. 525

(2) If the existing rule does not need to be amended or 526  
rescinded, proceedings shall be had under section 106.031 of the 527  
Revised Code. 528

Upon the request of the agency that adopted an existing 529  
rule, the joint committee on agency rule review may extend the 530  
review date of the rule to a date that is not later than one 531  
hundred eighty days after the review date assigned to the rule 532  
by the agency. Not more than two such extensions may be allowed. 533

**Sec. 106.031.** If an agency, on the basis of its review of 534  
a rule under section 106.03 of the Revised Code, determines that 535  
the rule does not need to be amended or rescinded, proceedings 536  
shall be had as follows: 537

(A) (1) If, considering only the standard of review 538  
specified in division (A) (6) of section 106.03 of the Revised 539  
Code, the rule has an adverse impact on businesses, the agency 540  
shall prepare a business impact analysis that describes its 541  
review of the rule under that division and that explains why the 542

regulatory intent of the rule justifies its adverse impact on 543  
businesses. If the rule does not have an adverse impact on 544  
businesses, the agency may proceed under division (B) of this 545  
section. 546

(2) The agency shall transmit a copy of the full text of 547  
the rule and the business impact analysis electronically to the 548  
common sense initiative office. The office shall make the rule 549  
and analysis available to the public on its web site under 550  
section 107.62 of the Revised Code. 551

(3) The agency shall consider any recommendations made by 552  
the office. 553

(4) Not earlier than the sixteenth business day after 554  
transmitting the rule and analysis to the office, the agency 555  
shall either (a) proceed under divisions (A) (5) and (B) of this 556  
section or (b) commence, under division (B) (1) of section 106.03 557  
of the Revised Code, the process of rescinding the rule or of 558  
amending the rule to incorporate into the rule features the 559  
recommendations suggest will eliminate or reduce the adverse 560  
impact the rule has on businesses. If the agency determines to 561  
amend or rescind the rule, the agency is not subject to the time 562  
limit specified in division (B) (1) of section 106.03 of the 563  
Revised Code. 564

(5) If the agency receives recommendations from the 565  
office, and determines not to amend or rescind the rule, the 566  
agency shall prepare a memorandum of response that explains why 567  
the rule is not being rescinded or why the recommendations are 568  
not being incorporated into the rule. 569

(B) The agency shall assign a new review date to the rule. 570  
The review date assigned shall be not later than five years 571

after the immediately preceding review date pertaining to the 572  
rule. If the agency assigns a review date that exceeds the five- 573  
year maximum, the review date is five years after the 574  
immediately preceding review date. The immediately preceding 575  
review date includes the date of the review of a rule under 576  
section 106.032 of the Revised Code. 577

(C) (1) The agency shall file all the following, in 578  
electronic form, with the joint committee on agency rule review, 579  
the secretary of state, and the director of the legislative 580  
service commission: a copy of the rule specifying its new review 581  
date, a complete and accurate rule summary and fiscal analysis, 582  
and, if relevant, a business impact analysis of the rule, any 583  
recommendations received from the common sense initiative 584  
office, and any memorandum of response. 585

(2) Subject to section 106.05 of the Revised Code, the 586  
joint committee does not have jurisdiction to review, and shall 587  
reject, the filing of a rule under division (C) (1) of this 588  
section if, at any time while the rule is in its possession, it 589  
discovers that the rule has an adverse impact on businesses and 590  
the agency has not complied with division (A) of this section. 591  
The joint committee shall electronically return a rule that is 592  
rejected to the agency, together with any documents that were 593  
part of the filing. Such a rejection does not preclude the 594  
agency from refileing the rule under division (C) (1) of this 595  
section after complying with division (A) of this section. When 596  
the filing of a rule is rejected under this division, it is as 597  
if the filing had not been made. 598

(D) The joint committee shall publish notice of the 599  
agency's determination not to amend or rescind the rule in the 600  
register of Ohio for four consecutive weeks after the rule is 601

filed under division (C) of this section. 602

(E) During the ninety-day period after a rule is filed 603  
under division (C) of this section, but after the four-week 604  
notice period required by division (D) of this section has 605  
ended, the joint committee may recommend to the senate and house 606  
of representatives the adoption of a concurrent resolution 607  
invalidating the rule if the joint committee finds any of the 608  
following: 609

(1) The agency improperly applied the standards in 610  
division (A) of section 106.03 of the Revised Code in reviewing 611  
the rule and in determining that the rule did not need amendment 612  
or rescission. 613

(2) The rule has an adverse impact on businesses, and the 614  
agency has failed to demonstrate through a business impact 615  
analysis, recommendations from the common sense initiative 616  
office, and a memorandum of response that the regulatory intent 617  
of the rule justifies its adverse impact on businesses. 618

(3) If the rule incorporates a text or other material by 619  
~~reference, the agency failed to file, or to deposit or display,~~ 620  
~~the text or other material incorporated by reference as required~~ 621  
~~by section 121.73 or 121.74 of the Revised Code or the~~ 622  
~~incorporation by reference fails to meet the standards stated in~~ 623  
~~sections 121.72, 121.75, and 121.76 of the Revised Code~~ any of 624  
the following applies: 625

(a) The citation accompanying the incorporation by 626  
reference is not such as reasonably would enable a reasonable 627  
person to whom the rule applies readily and without charge to 628  
find and inspect the incorporated text or other material; 629

(b) The citation accompanying the incorporation by 630

reference is not such as reasonably would enable the joint 631  
committee readily and without charge to find and inspect the 632  
incorporated text or other material; or 633

(c) The rule has been exempted in whole or in part from 634  
sections 121.71 to 121.74 of the Revised Code on grounds the 635  
incorporated text or other material has one or more of the 636  
characteristics described in division (B) of section 121.75 of 637  
the Revised Code, but the incorporated text or other material 638  
actually does not have any of those characteristics. 639

If the agency fails to comply with section 106.03 or 640  
106.031 of the Revised Code, the joint committee shall afford 641  
the agency an opportunity to appear before the joint committee 642  
to show cause why the agency has not complied with either or 643  
both of those sections. If the agency appears before the joint 644  
committee at the time scheduled for the agency to show cause, 645  
and fails to do so, the joint committee, by vote of a majority 646  
of its members present, may recommend the adoption of a 647  
concurrent resolution invalidating the rule for the agency's 648  
failure to show cause. Or if the agency fails to appear before 649  
the joint committee at the time scheduled for the agency to show 650  
cause, the joint committee, by vote of a majority of its members 651  
present, may recommend adoption of a concurrent resolution 652  
invalidating the rule for the agency's default. 653

When the joint committee recommends that a rule be 654  
invalidated, the recommendation does not suspend operation of 655  
the rule, and the rule remains operational pending action by the 656  
senate and house of representatives on the concurrent resolution 657  
embodying the recommendation. If the senate and house of 658  
representatives adopt the concurrent resolution, the rule is 659  
invalid. If, however, the senate and house of representatives do 660

not adopt the resolution, the rule continues in effect, and 661  
shall next be reviewed according to the new review date assigned 662  
to the rule. 663

Sec. 106.032. If the chairperson of the joint committee on 664  
agency rule review becomes aware that an existing rule has had 665  
or is having an unintended or unexpected effect on businesses 666  
that is not reasonably within the express or implied scope of 667  
the statute under which the existing rule purportedly was 668  
adopted, the chairperson may move that the joint committee order 669  
the agency that is administering the existing rule to submit the 670  
existing rule for review under section 106.031 of the Revised 671  
Code, the same as if the agency had made a determination with 672  
regard to the existing rule under division (B)(2) of section 673  
106.03 of the Revised Code. The joint committee may adopt the 674  
motion by vote of a majority of its members. The joint committee 675  
shall not adopt a motion under this paragraph for a rule if the 676  
joint committee previously has adopted a motion under this 677  
paragraph for the same rule within the immediately preceding 678  
five-year period. 679

The joint committee shall prepare the order in writing, 680  
and shall transmit the order electronically to the agency. The 681  
joint committee also shall transmit a copy of the order 682  
electronically to the director of the legislative service 683  
commission and to the common sense initiative office. The joint 684  
committee shall indicate in the order the date on which the 685  
order is transmitted. The director shall publish the order in 686  
the register of Ohio. 687

Upon receiving the order, the agency shall comply with the 688  
order as soon as reasonably possible, but shall commence 689  
compliance with the order not later than thirty days after the 690



date on which the order was transmitted. 691

When an agency complies with the order, proceedings are to 692  
be had with regard to the existing rule under section 106.031 of 693  
the Revised Code, the same as if the agency had made a 694  
determination with regard to the existing rule under division 695  
(B) (2) of section 106.03 of the Revised Code. In addition to the 696  
standards of review stated in division (E) of section 106.031 of 697  
the Revised Code, the joint committee may recommend to the 698  
senate and house of representatives the adoption of a concurrent 699  
resolution invalidating the existing rule if the joint committee 700  
finds that the existing rule has an unintended or unexpected 701  
effect on businesses that is not reasonably within the express 702  
or implied scope of the statute under which the agency 703  
purportedly adopted the existing rule. 704

**Sec. 107.52.** A draft or existing rule that affects 705  
businesses has an adverse impact on businesses if a provision of 706  
the draft or existing rule that applies to businesses has any of 707  
the following effects: 708

(A) It requires a license, permit, or any other prior 709  
authorization to engage in or operate a line of business; 710

(B) It imposes a criminal penalty, a civil penalty, or 711  
another sanction, or creates a cause of action, for failure to 712  
comply with its terms; ~~or~~ 713

(C) It requires specific expenditures or the report of 714  
information as a condition of compliance; or 715

(D) It would be likely to directly reduce the revenue or 716  
increase the expenses of the lines of business to which it will 717  
apply or applies. 718

**Sec. 111.15.** (A) As used in this section: 719

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B) (1) (b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B) (1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B) (1) of this section is also subject to division (D) of this section if not exempted by that division.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to ~~121.76~~ 121.75 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B) (3) of this

section, shall be filed in electronic form with the secretary of 778  
state, the director of the legislative service commission, and 779  
the joint committee on agency rule review. The emergency rule is 780  
effective immediately upon completion of the latest filing, 781  
except that if the agency in adopting the emergency rule 782  
designates an effective date, or date and time of day, that is 783  
later than the effective date and time provided for by division 784  
(B) (2) of this section, the emergency rule if filed as required 785  
by such division shall become effective at the later date, or 786  
later date and time of day, designated by the agency. 787

An emergency rule becomes invalid at the end of the one 788  
hundred twentieth day it is in effect. Prior to that date, the 789  
agency may file the emergency rule as a nonemergency rule in 790  
compliance with division (B) (1) of this section. The agency may 791  
not refile the emergency rule in compliance with division (B) (2) 792  
of this section so that, upon the emergency rule becoming 793  
invalid under such division, the emergency rule will continue in 794  
effect without interruption for another one hundred twenty-day 795  
period. 796

(3) An agency shall file a rule under division (B) (1) or 797  
(2) of this section in compliance with the following standards 798  
and procedures: 799

(a) The rule shall be numbered in accordance with the 800  
numbering system devised by the director for the Ohio 801  
administrative code. 802

(b) The rule shall be prepared and submitted in compliance 803  
with the rules of the legislative service commission. 804

(c) The rule shall clearly state the date on which it is 805  
to be effective and the date on which it will expire, if known. 806

(d) Each rule that amends or rescinds another rule shall 807  
clearly refer to the rule that is amended or rescinded. Each 808  
amendment shall fully restate the rule as amended. 809

If the director of the legislative service commission or 810  
the director's designee gives an agency notice pursuant to 811  
section 103.05 of the Revised Code that a rule filed by the 812  
agency is not in compliance with the rules of the legislative 813  
service commission, the agency shall within thirty days after 814  
receipt of the notice conform the rule to the rules of the 815  
commission as directed in the notice. 816

(C) All rules filed pursuant to divisions (B) (1) (a) and 817  
(2) of this section shall be recorded by the secretary of state 818  
and the director under the title of the agency adopting the rule 819  
and shall be numbered according to the numbering system devised 820  
by the director. The secretary of state and the director shall 821  
preserve the rules in an accessible manner. Each such rule shall 822  
be a public record open to public inspection and may be 823  
transmitted to any law publishing company that wishes to 824  
reproduce it. 825

(D) At least sixty-five days before a board, commission, 826  
department, division, or bureau of the government of the state 827  
files a rule under division (B) (1) of this section, it shall 828  
file the full text of the proposed rule in electronic form with 829  
the joint committee on agency rule review, and the proposed rule 830  
is subject to legislative review and invalidation under section 831  
106.021 of the Revised Code. If a state board, commission, 832  
department, division, or bureau makes a revision in a proposed 833  
rule after it is filed with the joint committee, the state 834  
board, commission, department, division, or bureau shall 835  
promptly file the full text of the proposed rule in its revised 836

form in electronic form with the joint committee. A state board, 837  
commission, department, division, or bureau shall also file the 838  
rule summary and fiscal analysis prepared under section ~~127.18~~ 839  
106.024 of the Revised Code in electronic form along with a 840  
proposed rule, and along with a proposed rule in revised form, 841  
that is filed under this division. If a proposed rule has an 842  
adverse impact on businesses, the state board, commission, 843  
department, division, or bureau also shall file the business 844  
impact analysis, any recommendations received from the common 845  
sense initiative office, and the associated memorandum of 846  
response, if any, in electronic form along with the proposed 847  
rule, or the proposed rule in revised form, that is filed under 848  
this division. 849

A proposed rule that is subject to legislative review 850  
under this division may not be adopted and filed in final form 851  
under division (B) (1) of this section unless the proposed rule 852  
has been filed with the joint committee on agency rule review 853  
under this division and the time for the joint committee to 854  
review the proposed rule has expired without recommendation of a 855  
concurrent resolution to invalidate the proposed rule. 856

As used in this division, "commission" includes the public 857  
utilities commission when adopting rules under a federal or 858  
state statute. 859

This division does not apply to any of the following: 860

(1) A proposed rule of an emergency nature; 861

(2) A rule proposed under section 1121.05, 1121.06, 862  
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 863  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 864  
Code; 865

(3) A rule proposed by an agency other than a board, 866  
commission, department, division, or bureau of the government of 867  
the state; 868

(4) A proposed internal management rule of a board, 869  
commission, department, division, or bureau of the government of 870  
the state; 871

(5) Any proposed rule that must be adopted verbatim by an 872  
agency pursuant to federal law or rule, to become effective 873  
within sixty days of adoption, in order to continue the 874  
operation of a federally reimbursed program in this state, so 875  
long as the proposed rule contains both of the following: 876

(a) A statement that it is proposed for the purpose of 877  
complying with a federal law or rule; 878

(b) A citation to the federal law or rule that requires 879  
verbatim compliance. 880

(6) An initial rule proposed by the director of health to 881  
impose safety standards and quality-of-care standards with 882  
respect to a health service specified in section 3702.11 of the 883  
Revised Code, or an initial rule proposed by the director to 884  
impose quality standards on a facility listed in division (A) (4) 885  
of section 3702.30 of the Revised Code, if section 3702.12 of 886  
the Revised Code requires that the rule be adopted under this 887  
section; 888

(7) A rule of the state lottery commission pertaining to 889  
instant game rules. 890

If a rule is exempt from legislative review under division 891  
(D) (5) of this section, and if the federal law or rule pursuant 892  
to which the rule was adopted expires, is repealed or rescinded, 893  
or otherwise terminates, the rule is thereafter subject to 894

legislative review under division (D) of this section. 895

Whenever a state board, commission, department, division, 896  
or bureau files a proposed rule or a proposed rule in revised 897  
form under division (D) of this section, it shall also file the 898  
full text of the same proposed rule or proposed rule in revised 899  
form in electronic form with the secretary of state and the 900  
director of the legislative service commission. A state board, 901  
commission, department, division, or bureau shall file the rule 902  
summary and fiscal analysis prepared under section ~~127.18~~ 903  
106.024 of the Revised Code in electronic form along with a 904  
proposed rule or proposed rule in revised form that is filed 905  
with the secretary of state or the director of the legislative 906  
service commission. 907

**Sec. 119.03.** In the adoption, amendment, or rescission of 908  
any rule, an agency shall comply with the following procedure: 909

(A) Reasonable public notice shall be given in the 910  
register of Ohio at least thirty days prior to the date set for 911  
a hearing, in the form the agency determines. The agency shall 912  
file copies of the public notice under division (B) of this 913  
section. (The agency gives public notice in the register of Ohio 914  
when the public notice is published in the register under that 915  
division.) 916

The public notice shall include: 917

(1) A statement of the agency's intention to consider 918  
adopting, amending, or rescinding a rule; 919

(2) A synopsis of the proposed rule, amendment, or rule to 920  
be rescinded or a general statement of the subject matter to 921  
which the proposed rule, amendment, or rescission relates; 922

(3) A statement of the reason or purpose for adopting, 923



amending, or rescinding the rule; 924

(4) The date, time, and place of a hearing on the proposed 925  
action, which shall be not earlier than the thirty-first nor 926  
later than the fortieth day after the proposed rule, amendment, 927  
or rescission is filed under division (B) of this section. 928

In addition to public notice given in the register of 929  
Ohio, the agency may give whatever other notice it reasonably 930  
considers necessary to ensure notice constructively is given to 931  
all persons who are subject to or affected by the proposed rule, 932  
amendment, or rescission. 933

The agency shall provide a copy of the public notice 934  
required under division (A) of this section to any person who 935  
requests it and pays a reasonable fee, not to exceed the cost of 936  
copying and mailing. 937

(B) The full text of the proposed rule, amendment, or rule 938  
to be rescinded, accompanied by the public notice required under 939  
division (A) of this section, shall be filed in electronic form 940  
with the secretary of state and with the director of the 941  
legislative service commission. (If in compliance with this 942  
division an agency files more than one proposed rule, amendment, 943  
or rescission at the same time, and has prepared a public notice 944  
under division (A) of this section that applies to more than one 945  
of the proposed rules, amendments, or rescissions, the agency 946  
shall file only one notice with the secretary of state and with 947  
the director for all of the proposed rules, amendments, or 948  
rescissions to which the notice applies.) The proposed rule, 949  
amendment, or rescission and public notice shall be filed as 950  
required by this division at least sixty-five days prior to the 951  
date on which the agency, in accordance with division (E) of 952  
this section, issues an order adopting the proposed rule, 953

amendment, or rescission. 954

If the proposed rule, amendment, or rescission 955  
incorporates a text or other material by reference, the agency 956  
shall comply with sections 121.71 to ~~121.76~~121.75 of the 957  
Revised Code. 958

The proposed rule, amendment, or rescission shall be 959  
available for at least thirty days prior to the date of the 960  
hearing at the office of the agency in printed or other legible 961  
form without charge to any person affected by the proposal. 962  
Failure to furnish such text to any person requesting it shall 963  
not invalidate any action of the agency in connection therewith. 964

If the agency files a revision in the text of the proposed 965  
rule, amendment, or rescission, it shall also promptly file the 966  
full text of the proposed rule, amendment, or rescission in its 967  
revised form in electronic form with the secretary of state and 968  
with the director of the legislative service commission. 969

The agency shall file the rule summary and fiscal analysis 970  
prepared under section ~~127.18~~106.024 of the Revised Code in 971  
electronic form along with a proposed rule, amendment, or 972  
rescission or proposed rule, amendment, or rescission in revised 973  
form that is filed with the secretary of state or the director 974  
of the legislative service commission. 975

The agency shall file the hearing report relating to a 976  
proposed rule, amendment, or rescission in electronic form with 977  
the secretary of state and the director of the legislative 978  
service commission at the same time the agency files the hearing 979  
report with the joint committee on agency rule review. 980

The director of the legislative service commission shall 981  
publish in the register of Ohio the full text of the original 982

and each revised version of a proposed rule, amendment, or 983  
rescission; the full text of a public notice; the full text of a 984  
rule summary and fiscal analysis; and the full text of a hearing 985  
report that is filed with the director under this division. 986

(C) When an agency files a proposed rule, amendment, or 987  
rescission under division (B) of this section, it also shall 988  
file in electronic form with the joint committee on agency rule 989  
review the full text of the proposed rule, amendment, or rule to 990  
be rescinded in the same form and the public notice required 991  
under division (A) of this section. (If in compliance with this 992  
division an agency files more than one proposed rule, amendment, 993  
or rescission at the same time, and has given a public notice 994  
under division (A) of this section that applies to more than one 995  
of the proposed rules, amendments, or rescissions, the agency 996  
shall file only one notice with the joint committee for all of 997  
the proposed rules, amendments, or rescissions to which the 998  
notice applies.) The proposed rule, amendment, or rescission is 999  
subject to legislative review and invalidation under sections 1000  
106.02, 106.021, and 106.022 of the Revised Code. If the agency 1001  
makes a revision in a proposed rule, amendment, or rescission 1002  
after it is filed with the joint committee, the agency promptly 1003  
shall file the full text of the proposed rule, amendment, or 1004  
rescission in its revised form in electronic form with the joint 1005  
committee. 1006

An agency shall file the rule summary and fiscal analysis 1007  
prepared under section ~~127.18~~ 106.024 of the Revised Code in 1008  
electronic form along with a proposed rule, amendment, or 1009  
rescission, and along with a proposed rule, amendment, or 1010  
rescission in revised form, that is filed under this division. 1011

If a proposed rule, amendment, or rescission has an 1012

adverse impact on businesses, the agency also shall file the 1013  
business impact analysis, any recommendations received from the 1014  
common sense initiative office, and the agency's memorandum of 1015  
response, if any, in electronic form along with the proposed 1016  
rule, amendment, or rescission, or along with the proposed rule, 1017  
amendment, or rescission in revised form, that is filed under 1018  
this division. 1019

The agency shall file the hearing report in electronic 1020  
form with the joint committee before the joint committee holds 1021  
its public hearing on the proposed rule, amendment, or 1022  
rescission. The filing of a hearing report does not constitute a 1023  
revision of the proposed rule, amendment, or rescission to which 1024  
the hearing report relates. 1025

If the proposed rule, amendment, or rescission requires 1026  
liability insurance, a bond, or any other financial 1027  
responsibility instrument as a condition of licensure, the 1028  
agency shall conduct a diligent search to determine if the 1029  
liability insurance, bond, or other financial responsibility 1030  
instrument is readily available in the amounts required as a 1031  
condition of licensure, and shall certify to the joint committee 1032  
that the search was conducted. 1033

A proposed rule, amendment, or rescission that is subject 1034  
to legislative review under this division may not be adopted 1035  
under division (E) of this section or filed in final form under 1036  
section 119.04 of the Revised Code unless the proposed rule, 1037  
amendment, or rescission has been filed with the joint committee 1038  
on agency rule review under this division and the time for 1039  
legislative review of the proposed rule, amendment, or 1040  
rescission has expired without adoption of a concurrent 1041  
resolution to invalidate the proposed rule, amendment, or 1042

rescission. 1043

This division does not apply to: 1044

(1) An emergency rule, amendment, or rescission; 1045

(2) A proposed rule, amendment, or rescission that must be 1046  
adopted verbatim by an agency pursuant to federal law or rule, 1047  
to become effective within sixty days of adoption, in order to 1048  
continue the operation of a federally reimbursed program in this 1049  
state, so long as the proposed rule contains both of the 1050  
following: 1051

(a) A statement that it is proposed for the purpose of 1052  
complying with a federal law or rule; 1053

(b) A citation to the federal law or rule that requires 1054  
verbatim compliance. 1055

If a rule or amendment is exempt from legislative review 1056  
under division (C) (2) of this section, and if the federal law or 1057  
rule pursuant to which the rule or amendment was adopted 1058  
expires, is repealed or rescinded, or otherwise terminates, the 1059  
rule or amendment, or its rescission, is thereafter subject to 1060  
legislative review under division (C) of this section. 1061

(D) On the date and at the time and place designated in 1062  
the notice, the agency shall conduct a public hearing at which 1063  
any person affected by the proposed action of the agency may 1064  
appear and be heard in person, by the person's attorney, or 1065  
both, may present the person's position, arguments, or 1066  
contentions, orally or in writing, offer and examine witnesses, 1067  
and present evidence tending to show that the proposed rule, 1068  
amendment, or rescission, if adopted or effectuated, will be 1069  
unreasonable or unlawful. An agency may permit persons affected 1070  
by the proposed rule, amendment, or rescission to present their 1071

positions, arguments, or contentions in writing, not only at the 1072  
hearing, but also for a reasonable period before, after, or both 1073  
before and after the hearing. A person who presents a position 1074  
or arguments or contentions in writing before or after the 1075  
hearing is not required to appear at the hearing. 1076

At the hearing, the testimony shall be recorded. Such 1077  
record shall be made at the expense of the agency. The agency is 1078  
required to transcribe a record that is not sight readable only 1079  
if a person requests transcription of all or part of the record 1080  
and agrees to reimburse the agency for the costs of the 1081  
transcription. An agency may require the person to pay in 1082  
advance all or part of the cost of the transcription. 1083

In any hearing under this section the agency may 1084  
administer oaths or affirmations. 1085

The agency shall consider the positions, arguments, or 1086  
contentions presented at, or before or after, the hearing. The 1087  
agency shall prepare a hearing summary of the positions, 1088  
arguments, or contentions, and of the issues raised by the 1089  
positions, arguments, or contentions. The agency then shall 1090  
prepare a hearing report explaining, with regard to each issue, 1091  
how it is reflected in the rule, amendment, or rescission. If an 1092  
issue is not reflected in the rule, amendment, or rescission, 1093  
the hearing report shall explain why the issue is not reflected. 1094  
The agency shall include the hearing summary in the hearing 1095  
report as an appendix thereto. And, in the hearing report, the 1096  
agency shall identify the proposed rule, amendment, or 1097  
rescission to which the hearing report relates. 1098

(E) After divisions (A), (B), (C), and (D) of this section 1099  
have been complied with, and when the time for legislative 1100  
review under sections 106.02, 106.022, and 106.023 of the 1101

Revised Code has expired without adoption of a concurrent 1102  
resolution to invalidate the proposed rule, amendment, or 1103  
rescission, the agency may issue an order adopting the proposed 1104  
rule or the proposed amendment or rescission of the rule, 1105  
consistent with the synopsis or general statement included in 1106  
the public notice. At that time the agency shall designate the 1107  
effective date of the rule, amendment, or rescission, which 1108  
shall not be earlier than the tenth day after the rule, 1109  
amendment, or rescission has been filed in its final form as 1110  
provided in section 119.04 of the Revised Code. 1111

(F) Prior to the effective date of a rule, amendment, or 1112  
rescission, the agency shall make a reasonable effort to inform 1113  
those affected by the rule, amendment, or rescission and to have 1114  
available for distribution to those requesting it the full text 1115  
of the rule as adopted or as amended. 1116

(G) If the governor, upon the request of an agency, 1117  
determines that an emergency requires the immediate adoption, 1118  
amendment, or rescission of a rule, the governor shall issue an 1119  
order, the text of which shall be filed in electronic form with 1120  
the agency, the secretary of state, the director of the 1121  
legislative service commission, and the joint committee on 1122  
agency rule review, that the procedure prescribed by this 1123  
section with respect to the adoption, amendment, or rescission 1124  
of a specified rule is suspended. The agency may then adopt 1125  
immediately the emergency rule, amendment, or rescission and it 1126  
becomes effective on the date the rule, amendment, or 1127  
rescission, in final form and in compliance with division (A) (2) 1128  
of section 119.04 of the Revised Code, is filed in electronic 1129  
form with the secretary of state, the director of the 1130  
legislative service commission, and the joint committee on 1131  
agency rule review. The director shall publish the full text of 1132

the emergency rule, amendment, or rescission in the register of 1133  
Ohio. 1134

The emergency rule, amendment, or rescission shall become 1135  
invalid at the end of the one hundred twentieth day it is in 1136  
effect. Prior to that date the agency may adopt the emergency 1137  
rule, amendment, or rescission as a nonemergency rule, 1138  
amendment, or rescission by complying with the procedure 1139  
prescribed by this section for the adoption, amendment, and 1140  
rescission of nonemergency rules. The agency shall not use the 1141  
procedure of this division to readopt the emergency rule, 1142  
amendment, or rescission so that, upon the emergency rule, 1143  
amendment, or rescission becoming invalid under this division, 1144  
the emergency rule, amendment, or rescission will continue in 1145  
effect without interruption for another one-hundred-twenty-day 1146  
period, except when section 106.02 of the Revised Code prevents 1147  
the agency from adopting the emergency rule, amendment, or 1148  
rescission as a nonemergency rule, amendment, or rescission 1149  
within the one-hundred-twenty-day period. 1150

This division does not apply to the adoption of any 1151  
emergency rule, amendment, or rescission by the tax commissioner 1152  
under division (C) (2) of section 5117.02 of the Revised Code. 1153

(H) Rules adopted by an authority within the department of 1154  
job and family services for the administration or enforcement of 1155  
Chapter 4141. of the Revised Code or of the department of 1156  
taxation shall be effective without a hearing as provided by 1157  
this section if the statutes pertaining to such agency 1158  
specifically give a right of appeal to the board of tax appeals 1159  
or to a higher authority within the agency or to a court, and 1160  
also give the appellant a right to a hearing on such appeal. 1161  
This division does not apply to the adoption of any rule, 1162



amendment, or rescission by the tax commissioner under division 1163  
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 1164  
the right to file an action for declaratory judgment as provided 1165  
in Chapter 2721. of the Revised Code from the decision of the 1166  
board of tax appeals or of the higher authority within such 1167  
agency. 1168

**Sec. 121.39.** (A) As used in this section, "environmental 1169  
protection" means any of the following: 1170

(1) Protection of human health or safety, biological 1171  
resources, or natural resources by preventing, reducing, or 1172  
remediating the pollution or degradation of air, land, or water 1173  
resources or by preventing or limiting the exposure of humans, 1174  
animals, or plants to pollution; 1175

(2) Appropriation or regulation of privately owned 1176  
property to preserve air, land, or water resources in a natural 1177  
state or to wholly or partially restore them to a natural state; 1178

(3) Regulation of the collection, management, treatment, 1179  
reduction, storage, or disposal of solid, hazardous, 1180  
radioactive, or other wastes; 1181

(4) Plans or programs to promote or regulate the 1182  
conservation, recycling, or reuse of energy, materials, or 1183  
wastes. 1184

(B) Except as otherwise provided in division (E) of this 1185  
section, when proposed legislation dealing with environmental 1186  
protection or containing a component dealing with environmental 1187  
protection is referred to a committee of the general assembly, 1188  
other than a committee on rules or reference, the sponsor of the 1189  
legislation, at the time of the first hearing of the legislation 1190  
before the committee, shall submit to the members of the 1191

committee a written statement identifying either the 1192  
documentation that is the basis of the legislation or the 1193  
federal requirement or requirements with which the legislation 1194  
is intended to comply. If the legislation is not based on 1195  
documentation or has not been introduced to comply with a 1196  
federal requirement or requirements, the written statement from 1197  
the sponsor shall so indicate. 1198

Also at the time of the first hearing of the legislation 1199  
before the committee, a statewide organization that represents 1200  
businesses in this state and that elects its board of directors 1201  
may submit to the members of the committee a written estimate of 1202  
the costs to the regulated community in this state of complying 1203  
with the legislation if it is enacted. 1204

At any hearing of the legislation before the committee, a 1205  
representative of any state agency, environmental advocacy 1206  
organization, or consumer advocacy organization or any private 1207  
citizen may present documentation containing an estimate of the 1208  
monetary and other costs to public health and safety and the 1209  
environment and to consumers and residential utility customers, 1210  
and the effects on property values, if the legislation is not 1211  
enacted. 1212

(C) Until such time as the statement required under 1213  
division (B) of this section is submitted to the committee to 1214  
which proposed legislation dealing with environmental protection 1215  
or containing a component dealing with environmental protection 1216  
was referred, the legislation shall not be reported by that 1217  
committee. This requirement does not apply if the component 1218  
dealing with environmental protection is removed from the 1219  
legislation or if two-thirds of the members of the committee 1220  
vote in favor of a motion to report the proposed legislation. 1221

(D) Except as otherwise provided in division (E) of this section, prior to adopting a rule or an amendment proposed to a rule dealing with environmental protection or containing a component dealing with environmental protection, a state agency shall do all of the following:

(1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment;

(2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment;

(3) Specifically identify whether the proposed rule or amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or amendment is more stringent than its federal counterpart, and, if the proposed rule or amendment is more stringent, the rationale for not incorporating its federal counterpart;

(4) Include with the proposed rule or amendment and the rule summary and fiscal analysis required under section ~~127.18~~ 106.024 of the Revised Code, when they are filed with the joint committee on agency rule review in accordance with division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code, one of the following in electronic form, as applicable:

(a) The information identified under division (D) (3) of this section and, if the proposed rule or amendment is more

stringent than its federal counterpart, as identified in that 1251  
division, the documentation considered under division (D) (2) of 1252  
this section; 1253

(b) If an amendment proposed to a rule is being adopted or 1254  
amended under a state statute that establishes standards with 1255  
which the amendment shall comply, and the proposed amendment is 1256  
more stringent than the rule that it is proposing to amend, the 1257  
documentation considered under division (D) (2) of this section; 1258

(c) If division (D) (4) (a) or (b) of this section is not 1259  
applicable, the documentation considered under division (D) (2) 1260  
of this section. 1261

If the agency subsequently files a revision of such a 1262  
proposed rule or amendment in accordance with division (D) of 1263  
section 111.15 or division (C) of section 119.03 of the Revised 1264  
Code, the revision shall be accompanied in electronic form by 1265  
the applicable information or documentation. 1266

Division (D) of this section does not apply to any 1267  
emergency rule adopted under division (B) (2) of section 111.15 1268  
or division (G) of section 119.03 of the Revised Code, but does 1269  
apply to any such rule that subsequently is adopted as a 1270  
nonemergency rule under either of those divisions. 1271

The information or documentation submitted under division 1272  
(D) (4) of this section may be in the form of a summary or index 1273  
of available knowledge or information and shall consist of or be 1274  
based upon the best available generally accepted knowledge or 1275  
information in the appropriate fields, as determined by the 1276  
agency that prepared the documentation. 1277

(E) The statement required under division (B) and the 1278  
information or documentation required under division (D) of this 1279

section need not be prepared or submitted with regard to a 1280  
proposed statute or rule, or an amendment to a rule, if the 1281  
statute, rule, or amendment is procedural or budgetary in 1282  
nature, or governs the organization or operation of a state 1283  
agency, and will not affect the substantive rights or 1284  
obligations of any person other than a state agency or an 1285  
employee or contractor of a state agency. 1286

(F) The insufficiency, incompleteness, or inadequacy of a 1287  
statement, information, documentation, or a summary of 1288  
information or documentation provided in accordance with 1289  
division (B) or (D) of this section shall not be grounds for 1290  
invalidation of any statute, rule, or amendment to a rule. 1291

(G) This section applies only to the following: 1292

(1) Legislation and components of legislation dealing with 1293  
environmental protection that are introduced in the general 1294  
assembly after March 5, 1996; 1295

(2) Rules and rule amendments dealing with environmental 1296  
protection that are filed with the joint committee on agency 1297  
rule review in accordance with division (D) of section 111.15 or 1298  
division (C) of section 119.03 of the Revised Code after March 1299  
5, 1996. 1300

**Sec. 121.71.** As used in sections 121.71 to ~~121.76~~121.75 1301  
of the Revised Code: 1302

(A) "Agency" means an "agency" as defined in section 1303  
111.15 or 119.01 of the Revised Code. 1304

(B) "Rule" means a new rule or an amendment to an existing 1305  
rule. "Rule" includes an appendix ~~or an attachment~~ to a rule. 1306

**Sec. 121.72.** An agency incorporates a text or other 1307

material into a rule by reference when it ~~states~~ refers in the 1308  
rule ~~that a to the~~ text or other material ~~not contained in the~~ 1309  
~~rule is to be treated as if it were contained~~ spelled out or 1310  
otherwise reproduced in the rule. ~~The agency shall explain in~~ 1311  
~~the rule how persons who reasonably can be expected to be~~ 1312  
~~affected by the rule can obtain copies of the text or other~~ 1313  
~~material that has been incorporated by reference. As part of the~~ 1314  
~~explanation, the agency shall state whether the incorporated~~ 1315  
~~text or other material is or is to be deposited in depository~~ 1316  
~~libraries or is or is to be displayed on a web site. If the text~~ 1317  
~~or other material incorporated by reference was, is, or~~ 1318  
~~reasonably can be expected to be subject to change, the agency,~~ 1319  
~~as part of the explanation, shall identify, and specify the date~~ 1320  
~~of, the particular edition or other version of the text or other~~ 1321  
~~material that is incorporated by reference. The agency shall~~ 1322  
accompany the incorporation by reference with a citation that 1323  
provides information sufficient to enable a reasonable person to 1324  
whom the rule applies readily and without charge to find and 1325  
inspect the text or other material that has been incorporated by 1326  
reference. The citation shall specify the date of the text or 1327  
other material or identify a particular edition or version of 1328  
the text or other material and, if available, the date of the 1329  
particular edition or version. The citation may include a web 1330  
site address to the text or other material and may include other 1331  
information that will enable the text or other material to be 1332  
found readily and without charge. 1333

An agency that incorporates a text or other material by 1334  
reference into a rule is presumed to have incorporated by 1335  
reference a version of the text or other material that is in 1336  
existence at the time of its incorporation by reference. An 1337  
agency may not incorporate by reference a future version of the 1338

text or other material that is not in existence at the time of 1339  
its incorporation by reference. 1340

~~Sec. 121.73. As used in this section, "rule" has the same~~ 1341  
~~meaning as in section 121.71 of the Revised Code and also~~ 1342  
~~includes the rescission of an existing rule.~~ 1343

~~(A) When an agency files the original or a revised version~~ 1344  
~~of a rule in proposed form under division (D) of section 111.15~~ 1345  
~~or division (C) of section 119.03, or a rule for review under~~ 1346  
~~section 106.03 of the Revised Code, that incorporates a text or~~ 1347  
~~other material by reference, the agency also shall file in~~ 1348  
~~electronic form, one complete and accurate copy of the text or~~ 1349  
~~other material incorporated by reference with, or otherwise~~ 1350  
~~shall make the text or other material available to, the joint~~ 1351  
~~committee on agency rule review only if the accompanying~~ 1352  
~~citation is not such as reasonably would enable the joint~~ 1353  
~~committee readily and without charge to find and inspect the~~ 1354  
~~text or other material that has been incorporated by reference.~~ 1355  
~~An agency is not, however, required to file a text or other~~ 1356  
~~material incorporated by reference with the joint committee if~~ 1357  
~~the agency revises a rule in proposed form that incorporates a~~ 1358  
~~text or other material by reference and the incorporation by~~ 1359  
~~reference in the revised version of the rule is identical to the~~ 1360  
~~incorporation by reference in the preceding version of the rule.~~ 1361

~~If it is infeasible for the agency to file a text or other~~ 1362  
~~material incorporated by reference electronically, the agency,~~ 1363  
~~as soon as possible, but not later than three days after~~ 1364  
~~completing the electronic filing, shall deliver one complete and~~ 1365  
~~accurate copy of the text or other material incorporated by~~ 1366  
~~reference to the joint committee, and shall attach a memorandum~~ 1367  
~~to the text or other material identifying the filing to which it~~ 1368

~~relates.~~ 1369

~~An agency is not required to file a text or other material  
incorporated by reference into a rule that is proposed for  
rescission if it is infeasible for the agency to do so.~~ 1370  
1371  
1372

~~An agency shall not file a copy of a text or other  
material incorporated by reference with the secretary of state  
or with the director of the legislative service commission.~~ 1373  
1374  
1375

~~(B) Upon completing its review of a rule in proposed form,  
or its review of a rule, that incorporates a text or other  
material by reference, the joint committee shall forward its  
copy of the text or other material incorporated by reference to  
the director of the legislative service commission. The director  
shall maintain a file of texts and other materials that are or  
were incorporated by reference into rules.~~ 1376  
1377  
1378  
1379  
1380  
1381  
1382

~~**Sec. 121.74.** As used in this section, "rule" has the same  
meaning as in section 121.71 of the Revised Code and also  
includes the rescission of an existing rule.~~ 1383  
1384  
1385

~~When an agency files a rule in final form under division  
(B)(1) of section 111.15 or division (A)(1) of section 119.04 of  
the Revised Code that incorporates or incorporated a text or  
other material by reference, the agency, prior to the effective  
date of the rule, shall either:~~ 1386  
1387  
1388  
1389  
1390

~~(A) Deposit one complete and accurate copy of the text or  
other material incorporated by reference in each of the five  
depository libraries designated by the state library board; or~~ 1391  
1392  
1393

~~(B) Display a complete and accurate copy of the text or  
other material incorporated by reference on a web site  
maintained or made available by the agency.~~ 1394  
1395  
1396



~~An agency is not required to comply with this section if  
the text or other material incorporated by reference is  
identical to a text or other material the agency, at the time  
compliance with this section otherwise would be required,  
already is depositing or displaying under this section, ensure  
that the text or other material is available from the agency.  
The agency promptly and without charge shall make the text or  
other material available to any person who requests access to  
the text or other material.~~

**Sec. 121.75.** (A) (1) Sections 121.71 to 121.74 of the  
Revised Code do not apply ~~with regard to~~ the incorporation by  
reference into a rule of any of the following ~~so long as the  
incorporation by reference consists of a citation that will be  
intelligible to the persons who reasonably can be expected to be  
affected by the rule and that, if the incorporated text or other  
material was, is, or reasonably can be expected to be subject to  
change, identifies, and specifies the date of, the particular  
edition or other version that is incorporated:~~

- ~~(A) A section of the United States Code;~~
- (a) A section of the Revised Code;
- (b) An uncodified statute of this state;
- (c) An act of this state in the Laws of Ohio;
- (d) A rule in the Administrative Code;
- (e) A rule in the Monthly Record; or
- (f) A rule in the Register of Ohio.

(2) Sections 121.71 to 121.74 of the Revised Code do not  
apply to the incorporation by reference into a rule of any of  
the following:

<u>(a) A section of the United States Code;</u>	1425
<del>(B) (b) An uncodified federal statute, if it has been</del>	1426
appended as a legislative note to a section in the United States	1427
Code;	1428
<del>(C) An act of this state in the Laws of Ohio or a</del> <u>(c) A</u>	1429
federal act in the Statutes at Large;	1430
<del>(D) (d) A federal regulation in the Federal Register or</del>	1431
Code of Federal Regulations; or	1432
<del>(E) A text or other material, including, without</del>	1433
limitation, generally accepted industry standards, that is	1434
generally available to persons who reasonably can be expected to	1435
be affected by the rule.	1436
<u>(e) A federal regulation in the Federal Register.</u>	1437
<u>An agency that incorporates a text by reference into a</u>	1438
<u>rule under division (A) (2) of this section shall specify the</u>	1439
<u>date of the text that is being incorporated by reference.</u>	1440
<u>(B) Sections 121.71 to 121.74 of the Revised Code do not</u>	1441
<u>apply to the incorporation by reference into a rule of a text or</u>	1442
<u>other material insofar as the text or other material has any of</u>	1443
<u>the following characteristics:</u>	1444
<u>(1) It addresses the internal management of an agency;</u>	1445
<u>(2) It obtains or maintains authorization of a federally</u>	1446
<u>delegated program in this state;</u>	1447
<u>(3) It addresses or provides for the receipt of federal</u>	1448
<u>funds by the state under a federally funded program;</u>	1449
<u>(4) It is a form to be filled out or a digital application</u>	1450
<u>into which data is entered to fill out a form or its equivalent,</u>	1451

but only if the form or application merely collects information 1452  
and does not establish principles of law or policy; 1453

(5) It states or restates federal legislative or 1454  
administrative conclusions, such as interest rates or poverty 1455  
levels, that are readily ascertainable from reliable sources, 1456  
and that are not reasonably susceptible to state legislative or 1457  
administrative variation; 1458

(6) It states or restates generally accepted commercial, 1459  
industrial, building, fire, plumbing, electrical, safety, or 1460  
other codes or standards that are readily available to or 1461  
ascertainable by the persons the standards are likely to affect; 1462  
or 1463

(7) It is copyrighted text or other material with regard 1464  
to which permission to use has been obtained. 1465

**Sec. 121.93.** (A) An agency, at reasonable intervals, shall 1466  
review its operations to identify principles of law or policy 1467  
that have not been stated in a rule and that the agency is 1468  
relying upon in conducting adjudications or other determinations 1469  
of rights and liabilities or in issuing writings and other 1470  
materials, such as instructions, directives, policy statements, 1471  
guidelines, handbooks, manuals, advisories, notices, circulars, 1472  
advertisements, forms, letters, and opinions. An agency is not 1473  
required to identify principles of law or policy relied upon in 1474  
issuing internal management rules as defined in section 111.15 1475  
of the Revised Code. The agency shall complete at least one of 1476  
the reviews during a governor's term. Within three months after 1477  
the expiration of a governor's term, the agency electronically 1478  
shall transmit to the joint committee on agency rule review, a 1479  
notice stating that the agency has completed one or more of the 1480  
reviews, specifying the exact number of reviews completed during 1481

the governor's expired term. 1482

(B) The agency shall determine whether a principle of law 1483  
or policy thus identified has a general and uniform operation 1484  
and establishes a legal regulation or standard that would not 1485  
exist in its absence. If the principle of law or policy has 1486  
these characteristics, the agency shall determine whether the 1487  
principle of law or policy should be supplanted by its 1488  
restatement in a rule to achieve one or more of the following as 1489  
they are relevant to the principle of law or policy: 1490

(1) Assert the general and uniform operation of the 1491  
principle of law or policy; 1492

(2) Make the principle of law or policy more readily 1493  
available to the public; 1494

(3) Make the principle of law or policy more readily 1495  
available to persons who specifically are affected by the 1496  
principle of law or policy; 1497

(4) Enable the principle of law or policy to be better 1498  
known in advance of its application; 1499

(5) Enable greater public participation in improvement and 1500  
further development of the principle of law or policy; 1501

(6) Enable greater participation by persons specifically 1502  
affected by the principle of law or policy in the improvement 1503  
and further development of the principle of law or policy; 1504

(7) Make the principle of law or policy more easily 1505  
understandable; or 1506

(8) Make the principle of law or policy more readily 1507  
available to those legally charged with monitoring or reviewing 1508  
the agency's operations. 1509

If a principle of law or policy aids in the interpretation 1510  
of an existing rule or statute, the agency shall consider 1511  
whether the aiding effect clarifies or otherwise resolves an 1512  
uncertainty in the existing rule or statute. If the principle of 1513  
law or policy can be so characterized, the agency shall consider 1514  
whether the principle of law or policy should be supplanted by 1515  
its restatement in an interpretive rule. The agency may not 1516  
presume that a principle of law or policy that aids in the 1517  
interpretation of an existing rule or statute is simply a 1518  
reiteration of the existing rule or statute. 1519

(C) If the agency determines, in light of the foregoing 1520  
standards, that rulemaking is indicated, the agency shall 1521  
commence the rule-making process as soon as it is reasonably 1522  
feasible to do so, but not later than the date that is six 1523  
months after the determination was made. The principle of law or 1524  
policy as it is restated in a rule does not need to be wholly 1525  
congruent with the supplanted principle of law or policy. The 1526  
agency lawfully may improve or develop further the supplanted 1527  
principle of law or policy as it is restated in a rule. 1528

The agency may continue to rely upon the principle of law 1529  
or policy, but only while it is complying with the preceding 1530  
paragraph. The agency may not rely upon the principle of law or 1531  
policy in advising with regard to or in determining the rights 1532  
or liabilities of a person if the agency fails to commence the 1533  
rule-making process by the deadline specified in the preceding 1534  
paragraph, or if, after commencing the rule-making process, the 1535  
agency neglects or abandons the rule-making process before it is 1536  
completed. 1537

(D) A principle of law or policy that is relied upon 1538  
directly or by clear implication from a statute applying to the 1539

agency does not need to be supplanted by rule. 1540

Sec. 121.931. (A) A person may petition an agency in 1541  
writing to restate a principle of law or policy in a rule if (1) 1542  
the person was a party to an adjudication or other determination 1543  
before an agency that has resulted in an order or other 1544  
disposition or was a party to a civil action in which judgment 1545  
has been entered, and (2) the adjudication or other 1546  
determination, or the civil action, involved a principle of law 1547  
or policy relied upon by the agency that, under section 121.93 1548  
of the Revised Code, should have been supplanted by its 1549  
restatement in a rule but has not been so supplanted. The 1550  
petition shall briefly explain why the principle of law or 1551  
policy should, under section 121.93 of the Revised Code, be 1552  
supplanted by its restatement in a rule. The person shall send 1553  
the petition to the agency not later than the ninetieth day 1554  
after the order or other disposition was issued or the judgment 1555  
was entered. The person also shall send a copy of the petition 1556  
to the joint committee on agency rule review. 1557

(B) The agency, not later than the thirtieth day after 1558  
receiving a timely petition, shall consider the petition in 1559  
light of section 121.93 of the Revised Code, and shall notify 1560  
the petitioner in writing, by certified mail, return receipt 1561  
requested, whether it grants or intends to deny the petition. 1562

(1) If the agency grants the petition, it shall commence 1563  
the rule-making process as soon as it is reasonably feasible to 1564  
do so, but not later than the date that is six months after the 1565  
petition was granted. The principle of law or policy as it is 1566  
restated in a rule does not need to be wholly congruent with the 1567  
supplanted principle of law or policy. The agency lawfully may 1568  
improve or develop further the supplanted principle of law or 1569

policy. 1570

The agency may continue to rely upon the principle of law 1571  
or policy, but only while it is complying with the preceding 1572  
paragraph. The agency may not rely upon the principle of law or 1573  
policy in advising with regard to or in determining the rights 1574  
or liabilities of a person if the agency fails to commence the 1575  
rule-making process by the deadline specified in the preceding 1576  
paragraph, or if, after commencing the rule-making process, the 1577  
agency neglects or abandons the rule-making process before it is 1578  
completed. 1579

(2) If the agency intends to deny the petition, it shall 1580  
send the petitioner a notice affording the petitioner an 1581  
opportunity for a hearing on the petition and briefly explaining 1582  
why the agency intends to deny the petition. If the petitioner 1583  
does not in writing request a hearing within fifteen days after 1584  
receiving the notice, the agency shall deny the petition and 1585  
notify the petitioner in writing. If the petitioner responds in 1586  
writing within the fifteen-day period requesting a hearing, the 1587  
agency, by certified mail, return receipt requested, promptly 1588  
shall notify the petitioner of the time and place for the 1589  
hearing, which shall be not earlier than the thirtieth day after 1590  
the notice was sent to the petitioner. 1591

(C) At the hearing, the agency shall explain why, 1592  
notwithstanding section 121.93 of the Revised Code, it intends 1593  
to deny the petition, and the petitioner shall explain why under 1594  
that section the petitioner believes the agency's intention to 1595  
be erroneous. The hearing shall be informal. The petitioner may 1596  
be assisted by counsel at the hearing. 1597

(D) Not later than the thirtieth day after the hearing 1598  
concludes, the agency shall grant or deny the petition. 1599

(1) If the agency grants the petition, it shall commence 1600  
the rule-making process as soon as it is reasonably feasible to 1601  
do so, but not later than the date that is six months after the 1602  
determination was made. The principle of law or policy as it is 1603  
restated in a rule does not need to be wholly congruent with the 1604  
supplanted principle of law or policy. The agency lawfully may 1605  
improve or develop further the supplanted principle of law or 1606  
policy as it is restated in a rule. 1607

The agency may continue to rely upon the principle of law 1608  
or policy, but only while it is complying with the preceding 1609  
paragraph. The agency may not rely upon the principle of law or 1610  
policy in advising with regard to or in determining the rights 1611  
or liabilities of a person if the agency fails to commence the 1612  
rule-making process by the deadline specified in the preceding 1613  
paragraph, or if, after commencing the rule-making process, the 1614  
agency neglects or abandons the rule-making process before it is 1615  
completed. 1616

(2) If the petitioner failed to appear at the hearing, or 1617  
if the petitioner failed to persuade the agency that its 1618  
intention to deny the petition is erroneous, the agency shall 1619  
deny the petition. 1620

The agency shall send notice in writing to the petitioner 1621  
of the outcome. If the outcome is denial of the petition, the 1622  
notice shall explain briefly why the agency is denying the 1623  
petition. The petitioner is not entitled to appeal the outcome. 1624

**Sec. 121.933.** Sections 101.352, 101.353, 121.93, and 1625  
121.931 of the Revised Code do not apply to: 1626

(A) The following elected state officers or their offices: 1627  
the governor, the lieutenant governor, the secretary of state, 1628



the auditor of state, the treasurer of state, and the attorney 1629  
general; 1630

(B) A state institution of higher education as defined in 1631  
section 3345.011 of the Revised Code; or 1632

(C) The public employees retirement system, the Ohio 1633  
police and fire pension fund, the state teachers retirement 1634  
system, the school employees retirement system, and the state 1635  
highway patrol retirement system. 1636

**Sec. 145.09.** The public employees retirement board shall 1637  
elect from its membership a chairperson. The board shall appoint 1638  
an executive director who shall serve as secretary to the board, 1639  
an actuary, and other employees as necessary for the transaction 1640  
of the business of the public employees retirement system. The 1641  
compensation of all persons so appointed shall be fixed by the 1642  
board. Such persons appointed by the board are not employees of 1643  
the state and are not subject to Chapter 124. of the Revised 1644  
Code. 1645

If the board provides health care coverage to employees of 1646  
the retirement system, it may permit employees of the Ohio 1647  
public employees deferred compensation board to participate. 1648

Effective ninety days after September 15, 2004, the board 1649  
may not employ a state retirement system investment officer, as 1650  
defined in section 1707.01 of the Revised Code, who does not 1651  
hold a valid state retirement system investment officer license 1652  
issued by the division of securities in the department of 1653  
commerce. 1654

Every expense voucher of an employee, officer, or board 1655  
member of the public employees retirement system shall itemize 1656  
all purchases and expenditures. 1657

The board shall perform other functions as required for 1658  
the proper execution of this chapter, and may adopt rules in 1659  
accordance with section 111.15 of the Revised Code for the 1660  
proper administration and management of this chapter. 1661

The board may take all appropriate action to avoid payment 1662  
by the system or its members of federal or state income taxes on 1663  
contributions to the system or amounts earned on such 1664  
contributions. 1665

Notice of proposed rules shall be given to interested 1666  
parties and rules adopted by the board shall be published and 1667  
otherwise made available. When it files a rule with the joint 1668  
committee on agency rule review pursuant to section 111.15 of 1669  
the Revised Code, the board shall submit to the Ohio retirement 1670  
study council a copy of the full text of the rule, and if 1671  
applicable, a copy of the rule summary and fiscal analysis 1672  
required by division (B) of section ~~127.18~~106.024 of the 1673  
Revised Code. 1674

The board may sue and be sued, plead and be impleaded, 1675  
contract and be contracted with. All of its business shall be 1676  
transacted, all of its funds invested, all warrants for money 1677  
drawn and payments made, and all of its cash and securities and 1678  
other property shall be held in the name of the board, or in the 1679  
name of its nominee, provided that nominees are authorized by 1680  
retirement board resolution for the purpose of facilitating the 1681  
ownership and transfer of investments. 1682

If the Ohio retirement study council establishes a uniform 1683  
format for any report the board is required to submit to the 1684  
council, the board shall submit the report in that format. 1685

**Sec. 742.10.** The board of trustees of the Ohio police and 1686

fire pension fund may sue and be sued, plead and be impleaded, 1687  
contract and be contracted with, employ and fix the compensation 1688  
of employees, and adopt rules for the proper administration and 1689  
management of the fund. 1690

Effective ninety days after September 15, 2004, the board 1691  
of trustees may not employ a state retirement system investment 1692  
officer, as defined in section 1707.01 of the Revised Code, who 1693  
does not hold a valid state retirement system investment officer 1694  
license issued by the division of securities in the department 1695  
of commerce. 1696

If the Ohio retirement study council establishes a uniform 1697  
format for any report the board is required to submit to the 1698  
council, the board shall submit the report in that format. 1699

The attorney general shall prescribe procedures for the 1700  
adoption of rules authorized under this chapter, consistent with 1701  
the provisions of section 111.15 of the Revised Code under which 1702  
all rules shall be filed in order to be effective. Such 1703  
procedures shall establish methods by which notice of proposed 1704  
rules is given to interested parties and rules adopted by the 1705  
board published and otherwise made available. When it files a 1706  
rule with the joint committee on agency rule review pursuant to 1707  
section 111.15 of the Revised Code, the board shall submit to 1708  
the Ohio retirement study council a copy of the full text of the 1709  
rule, and if applicable, a copy of the rule summary and fiscal 1710  
analysis required by division (B) of section ~~127.18~~106.024 of 1711  
the Revised Code. 1712

**Sec. 1707.20.** (A) (1) The division of securities may adopt, 1713  
amend, and rescind such rules, forms, and orders as are 1714  
necessary to carry out sections 1707.01 to 1707.45 of the 1715  
Revised Code, including rules and forms governing registration 1716

statements, applications, and reports, and defining any terms, 1717  
whether or not used in sections 1707.01 to 1707.45 of the 1718  
Revised Code, insofar as the definitions are not inconsistent 1719  
with these sections. For the purpose of rules and forms, the 1720  
division may classify securities, persons, and matters within 1721  
its jurisdiction, and prescribe different requirements for 1722  
different classes. 1723

(2) Notwithstanding sections 121.71 to ~~121.76~~121.75 of 1724  
the Revised Code, the division may incorporate by reference into 1725  
its rules any statute enacted by the United States congress or 1726  
any rule, regulation, or form promulgated by the securities and 1727  
exchange commission, or by another federal agency, in a manner 1728  
that also incorporates all future amendments to the statute, 1729  
rule, regulation, or form. 1730

(B) No rule, form, or order may be made, amended, or 1731  
rescinded unless the division finds that the action is necessary 1732  
or appropriate in the public interest or for the protection of 1733  
investors, clients, prospective clients, state retirement 1734  
systems, or the workers' compensation system and consistent with 1735  
the purposes fairly intended by the policy and provisions of 1736  
sections 1707.01 to 1707.45 of the Revised Code. In prescribing 1737  
rules and forms and in otherwise administering sections 1707.01 1738  
to 1707.45 of the Revised Code, the division may cooperate with 1739  
the securities administrators of the other states and the 1740  
securities and exchange commission with a view of effectuating 1741  
the policy of this section to achieve maximum uniformity in the 1742  
form and content of registration statements, applications, 1743  
reports, and overall securities regulation wherever practicable. 1744

(C) The division may by rule or order prescribe: 1745

(1) The form and content of financial statements required 1746

under sections 1707.01 to 1707.45 of the Revised Code; 1747

(2) The circumstances under which consolidated financial 1748  
statements will be filed; 1749

(3) Whether any required financial statements shall be 1750  
certified by independent or certified public accountants. All 1751  
financial statements shall be prepared in accordance with 1752  
generally accepted accounting practices. 1753

(D) All rules and forms of the division shall be 1754  
published; and in addition to fulfilling the requirements of 1755  
Chapter 119. of the Revised Code, the division shall prescribe, 1756  
and shall publish and make available its rules regarding the 1757  
sale of securities, the administration of sections 1707.01 to 1758  
1707.45 of the Revised Code, and the procedure and practice 1759  
before the division. 1760

(E) (1) No provision of sections 1707.01 to 1707.45 of the 1761  
Revised Code imposing any liability applies to any act done or 1762  
omitted in good faith in conformity with any rule, form, or 1763  
order of the division of securities, notwithstanding that the 1764  
rule, form, or order may later be amended or rescinded or be 1765  
determined by judicial or other authority to be invalid for any 1766  
reason, except that the issuance of an order granting 1767  
effectiveness to a registration under section 1707.09 or 1768  
1707.091 of the Revised Code for the purposes of this division 1769  
shall not be deemed an order other than as the establishment of 1770  
the fact of registration. 1771

(2) No provision of sections 1707.01 to 1707.45 of the 1772  
Revised Code imposing any liability, penalty, sanction, or 1773  
disqualification applies to any act done or omitted in good 1774  
faith in conformity with either of the following: 1775

(a) Any provision of sections 1707.01 to 1707.45 of the Revised Code that incorporates by reference a federal statute, rule, regulation, or form;

(b) Any rule, form, or order of the division that incorporates by reference a federal statute, rule, regulation, or form.

Division (E) (2) of this section applies notwithstanding that the incorporation by reference, or any application of the incorporated provision, is later determined by judicial or other authority to be unconstitutional or invalid for any reason.

**Sec. 3304.15.** (A) There is hereby created the opportunities for Ohioans with disabilities agency. The agency is the designated state unit authorized under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide vocational rehabilitation services to eligible individuals with disabilities.

(B) The governor shall appoint an executive director of the opportunities for Ohioans with disabilities agency to serve at the pleasure of the governor and shall fix the executive director's compensation. The executive director shall devote the executive director's entiretime to the duties of the executive director's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the executive director's term of office. The governor may grant the executive director the authority to appoint, remove, and discipline without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the agency.

The executive director of the opportunities for Ohioans with disabilities agency is the executive and administrative officer of the agency. Whenever the Revised Code imposes a duty on or requires an action of the agency, the executive director shall perform the duty or action on behalf of the agency. The executive director may establish procedures for all of the following:

(1) The governance of the agency;

(2) The conduct of agency employees and officers;

(3) The performance of agency business;

(4) The custody, use, and preservation of agency records, papers, books, documents, and property.

(C) The executive director shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter. In exercising that authority, the executive director may do all of the following:

(1) Adopt rules in accordance with Chapter 119. of the Revised Code;

(2) Prepare and submit an annual report to the governor;

(3) Certify any disbursement of funds available to the agency for vocational rehabilitation services;

(4) Take appropriate action to guarantee rights of vocational rehabilitation services to eligible individuals with disabilities;

(5) Consult with and advise other state agencies and coordinate programs for eligible individuals with disabilities;

(6) Comply with the requirements for match as part of

budget submission;	1832
(7) Establish research and demonstration projects;	1833
(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation services;	1834 1835
(9) For the purposes of the business enterprise program administered under sections 3304.28 to 3304.35 of the Revised Code:	1836 1837 1838
(a) Establish and manage small business entities owned or operated by individuals who are blind;	1839 1840
(b) Purchase insurance;	1841
(c) Accept computers.	1842
(10) Enter into contracts and other agreements for the provision of vocational rehabilitation services.	1843 1844
(D) The executive director, <u>by rule adopted under Chapter 119. of the Revised Code,</u> shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.	1845 1846 1847 1848
<b>Sec. 3307.04.</b> The general administration and the management of the state teachers retirement system is hereby vested in the state teachers retirement board, which shall adopt rules necessary for the fulfillment of its duties and responsibilities under Chapter 3307. of the Revised Code. The board shall adopt policies for the operation of the system, and the investment of funds as provided by section 3307.15 of the Revised Code, and may authorize its administrative officers, or committees composed of board members, to act for the board in accord with such policies.	1849 1850 1851 1852 1853 1854 1855 1856 1857 1858



The board may take all appropriate action to avoid payment 1859  
by the system or its members of federal or state income taxes on 1860  
contributions to the system or amounts earned on such 1861  
contributions and to comply with any plan qualification 1862  
requirements, including those on distributions, established 1863  
under Title 26 of the United States Code. 1864

The attorney general shall prescribe procedures for the 1865  
adoption of rules authorized under this chapter, consistent with 1866  
the provision of section 111.15 of the Revised Code under which 1867  
all rules shall be filed in order to be effective. Such 1868  
procedures shall establish methods by which notice of proposed 1869  
rules is given to interested parties and rules adopted by the 1870  
board published and otherwise made available. When it files a 1871  
rule with the joint committee on agency rule review pursuant to 1872  
section 111.15 of the Revised Code, the board shall submit to 1873  
the Ohio retirement study council a copy of the full text of the 1874  
rule, and if applicable, a copy of the rule summary and fiscal 1875  
analysis required by division (B) of section ~~127.18~~106.024 of 1876  
the Revised Code. 1877

All rules adopted pursuant to this chapter, prior to 1878  
August 20, 1976, shall be published and made available to 1879  
interested parties by January 1, 1977. 1880

**Sec. 3309.04.** The general administration and management of 1881  
the school employees retirement system and making effective 1882  
Chapter 3309. of the Revised Code are hereby vested in the 1883  
school employees retirement board which may adopt rules in 1884  
accordance with section 111.15 of the Revised Code and may 1885  
authorize its administrative officers, or committees composed of 1886  
members of said board, to act for the board in accordance with 1887  
such policies and subject to subsequent approval by the board. 1888

Notice of proposed rules shall be given to interested 1889  
parties and rules adopted by the board shall be published and 1890  
otherwise made available. When it files a rule with the joint 1891  
committee on agency rule review pursuant to section 111.15 of 1892  
the Revised Code, the board shall submit to the Ohio retirement 1893  
study council a copy of the full text of the rule, and if 1894  
applicable, a copy of the rule summary and fiscal analysis 1895  
required by division (B) of section ~~127.18~~106.024 of the 1896  
Revised Code. 1897

All rules adopted pursuant to this chapter, prior to 1898  
August 20, 1976, shall be published and made available to 1899  
interested parties by January 1, 1977. 1900

**Sec. 3375.01.** A state library board is hereby created to 1901  
be composed of five members to be appointed by the state board 1902  
of education. One member shall be appointed each year for a term 1903  
of five years. No one is eligible to membership on the state 1904  
library board who is or has been for a year previous to 1905  
appointment a member of the state board of education. A member 1906  
of the state library board shall not during the member's term of 1907  
office be a member of the board of library trustees for any 1908  
library in any subdivision in the state. Before entering on 1909  
official duties, each member shall subscribe to the official 1910  
oath of office. All vacancies on the state library board shall 1911  
be filled by the state board of education by appointment for the 1912  
unexpired term. The members shall receive no compensation, but 1913  
shall be paid their actual and necessary expenses incurred in 1914  
the performance of their duties or in the conduct of authorized 1915  
board business, within or without the state. 1916

At its regular meeting next prior to the beginning of each 1917  
fiscal biennium, the state library board shall elect a president 1918

and vice-president each of whom shall serve for two years or 1919  
until a successor is elected and qualified. 1920

The state library board is responsible for the state 1921  
library of Ohio and a statewide program of development and 1922  
coordination of library services, and its powers include the 1923  
following: 1924

(A) Maintain the state library, holding custody of books, 1925  
periodicals, pamphlets, films, recordings, papers, and other 1926  
materials and equipment. The board may purchase or procure from 1927  
an insurance company licensed to do business in this state 1928  
policies of insurance insuring the members of the board and the 1929  
officers, employees, and agents of the state library against 1930  
liability on account of damage or injury to persons or property 1931  
resulting from any act or omission of the board members, 1932  
officers, employees, and agents of the state library in their 1933  
official capacity. 1934

(B) Accept, receive, administer, and expend, in accordance 1935  
with the terms thereof, any moneys, materials, or other aid 1936  
granted, appropriated, or made available to it for library 1937  
purposes, by the United States, or any of its agencies, or by 1938  
any other source, public or private; 1939

(C) Administer such funds as the general assembly may make 1940  
available to it for the improvement of public library services, 1941  
interlibrary cooperation, or for other library purposes; 1942

(D) Contract with other agencies, organizations, 1943  
libraries, library schools, boards of education, universities, 1944  
public and private, within or without the state, for library 1945  
services, facilities, research, or any allied or related 1946  
purpose; 1947

(E) In accordance with Chapter 119. of the Revised Code, 1948  
approve, disapprove, or modify resolutions for establishment of 1949  
county district libraries, and approve, disapprove, or modify 1950  
resolutions to determine the boundaries of such districts, along 1951  
county lines or otherwise, and approve, disapprove, or modify 1952  
resolutions to redefine boundaries, along county lines or 1953  
otherwise, where questions subsequently arise as a result of 1954  
school district consolidations; 1955

(F) Upon consolidation of two or more school districts and 1956  
in accordance with Chapter 119. of the Revised Code, define and 1957  
adjust the boundaries of the new public library district 1958  
resulting from such consolidation and resolve any disputes or 1959  
questions pertaining to the boundaries, organization, and 1960  
operation of the new library district; 1961

(G) Upon application of one or more boards of library 1962  
trustees and in accordance with Chapter 119. of the Revised 1963  
Code, define, amend, and adjust the boundaries of the library 1964  
districts making such application and the boundaries of adjacent 1965  
library districts; 1966

(H) Upon application of one or more boards of library 1967  
trustees, or upon the state library board's own initiative, and 1968  
in accordance with Chapter 119. of the Revised Code, define, 1969  
amend, and adjust the boundaries of overlapping library 1970  
districts to eliminate areas of overlap; 1971

(I) Upon application of any private corporation or library 1972  
association maintaining a free public library prior to September 1973  
4, 1947, and in accordance with Chapter 119. of the Revised 1974  
Code, define, amend, and adjust the boundaries of a library 1975  
district for the private corporation or library association for 1976  
the sole purpose of preventing or eliminating areas of overlap 1977

with other library districts in relation to tax levies described 1978  
in sections 5705.19, 5705.191, and 5705.21 of the Revised Code 1979  
that are or may be levied in support of the private corporation 1980  
or library association; 1981

(J) Certify its actions relating to boundaries authorized 1982  
in this section, to boards of election, taxing authorities, the 1983  
boards of trustees of libraries affected, and other appropriate 1984  
bodies; 1985

(K) Encourage and assist the efforts of libraries and 1986  
local governments to develop mutual and cooperative solutions to 1987  
library service problems; 1988

~~(L) Designate by rule five depository libraries so as to 1989  
provide statewide, geographically distributed accessibility to 1990  
agency deposits of texts or other materials that have been 1991  
incorporated by reference into rules; 1992~~

~~(M) Recommend to the governor and to the general assembly 1993  
such changes in the law as will strengthen and improve library 1994  
services and operations; 1995~~

~~(N) (M) In accordance with Chapter 119. of the Revised 1996  
Code, adopt such rules as are necessary for the carrying out of 1997  
any function imposed on it by law, and provide such rules as are 1998  
necessary for its government and the government of its 1999  
employees. The board may delegate to the state librarian the 2000  
management and administration of any function imposed on it by 2001  
law. 2002~~

**Sec. 5505.04.** (A) (1) The general administration and 2003  
management of the state highway patrol retirement system and the 2004  
making effective of this chapter are hereby vested in the state 2005  
highway patrol retirement board. The board may sue and be sued, 2006

plead and be impleaded, contract and be contracted with, and do	2007
all things necessary to carry out this chapter.	2008
The board shall consist of the following members:	2009
(a) The superintendent of the state highway patrol;	2010
(b) Two retirant members who reside in this state;	2011
(c) Five employee-members;	2012
(d) One member, known as the treasurer of state's	2013
investment designee, who shall be appointed by the treasurer of	2014
state for a term of four years and who shall have the following	2015
qualifications:	2016
(i) The member is a resident of this state.	2017
(ii) Within the three years immediately preceding the	2018
appointment, the member has not been employed by the public	2019
employees retirement system, police and fire pension fund, state	2020
teachers retirement system, school employees retirement system,	2021
or state highway patrol retirement system or by any person,	2022
partnership, or corporation that has provided to one of those	2023
retirement systems services of a financial or investment nature,	2024
including the management, analysis, supervision, or investment	2025
of assets.	2026
(iii) The member has direct experience in the management,	2027
analysis, supervision, or investment of assets.	2028
(iv) The member is not currently employed by the state or	2029
a political subdivision of the state.	2030
(e) Two investment expert members, who shall be appointed	2031
to four-year terms. One investment expert member shall be	2032
appointed by the governor, and one investment expert member	2033

shall be jointly appointed by the speaker of the house of 2034  
representatives and the president of the senate. Each investment 2035  
expert member shall have the following qualifications: 2036

(i) Each investment expert member shall be a resident of 2037  
this state. 2038

(ii) Within the three years immediately preceding the 2039  
appointment, each investment expert member shall not have been 2040  
employed by the public employees retirement system, police and 2041  
fire pension fund, state teachers retirement system, school 2042  
employees retirement system, or state highway patrol retirement 2043  
system or by any person, partnership, or corporation that has 2044  
provided to one of those retirement systems services of a 2045  
financial or investment nature, including the management, 2046  
analysis, supervision, or investment of assets. 2047

(iii) Each investment expert member shall have direct 2048  
experience in the management, analysis, supervision, or 2049  
investment of assets. 2050

(2) The board shall annually elect a chairperson and vice- 2051  
chairperson from among its members. The vice-chairperson shall 2052  
act as chairperson in the absence of the chairperson. A majority 2053  
of the members of the board shall constitute a quorum. The board 2054  
shall meet not less than once each year, upon sufficient notice 2055  
to the members. All meetings of the board shall be open to the 2056  
public except executive sessions as set forth in division (G) of 2057  
section 121.22 of the Revised Code, and any portions of any 2058  
sessions discussing medical records or the degree of disability 2059  
of a member excluded from public inspection by this section. 2060

(3) Any member appointed under this section shall hold 2061  
office until the end of the member's term or, if later, the date 2062

the member's successor takes office. 2063

(B) The attorney general shall prescribe procedures for 2064  
the adoption of rules authorized under this chapter, consistent 2065  
with the provision of section 111.15 of the Revised Code under 2066  
which all rules shall be filed in order to be effective. Such 2067  
procedures shall establish methods by which notice of proposed 2068  
rules are given to interested parties and rules adopted by the 2069  
board published and otherwise made available. When it files a 2070  
rule with the joint committee on agency rule review pursuant to 2071  
section 111.15 of the Revised Code, the board shall submit to 2072  
the Ohio retirement study council a copy of the full text of the 2073  
rule, and if applicable, a copy of the rule summary and fiscal 2074  
analysis required by division (B) of section ~~127.18~~106.024 of 2075  
the Revised Code. 2076

(C) (1) As used in this division, "personal history record" 2077  
means information maintained by the board on an individual who 2078  
is a member, former member, retirant, or beneficiary that 2079  
includes the address, electronic mail address, telephone number, 2080  
social security number, record of contributions, correspondence 2081  
with the system, and other information the board determines to 2082  
be confidential. 2083

(2) The records of the board shall be open to public 2084  
inspection and may be made available in printed or electronic 2085  
format, except for the following which shall be excluded: the 2086  
member's, former member's, retirant's, or beneficiary's personal 2087  
history record and the amount of a monthly allowance or benefit 2088  
paid to a retirant, beneficiary, or survivor, except with the 2089  
written authorization of the individual concerned. 2090

(D) All medical reports and recommendations are privileged 2091  
except as follows: 2092



(1) Copies of such medical reports or recommendations 2093  
shall be made available to the individual's personal physician, 2094  
attorney, or authorized agent upon written release received from 2095  
such individual or such individual's agent, or when necessary 2096  
for the proper administration of the fund to the board-assigned 2097  
physician. 2098

(2) Documentation required by section 2929.193 of the 2099  
Revised Code shall be provided to a court holding a hearing 2100  
under that section. 2101

(E) Notwithstanding the exceptions to public inspection in 2102  
division (C)(2) of this section, the board may furnish the 2103  
following information: 2104

(1) If a member, former member, or retirant is subject to 2105  
an order issued under section 2907.15 of the Revised Code or an 2106  
order issued under division (A) or (B) of section 2929.192 of 2107  
the Revised Code or is convicted of or pleads guilty to a 2108  
violation of section 2921.41 of the Revised Code, on written 2109  
request of a prosecutor as defined in section 2935.01 of the 2110  
Revised Code, the board shall furnish to the prosecutor the 2111  
information requested from the individual's personal history 2112  
record. 2113

(2) Pursuant to a court order issued under Chapters 3119., 2114  
3121., and 3123. of the Revised Code, the board shall furnish to 2115  
a court or child support enforcement agency the information 2116  
required under those chapters. 2117

(3) At the written request of any nonprofit organization 2118  
or association providing services to retirement system members, 2119  
retirants, or beneficiaries, the board shall provide to the 2120  
organization or association a list of the names and addresses of 2121

members, former members, retirants, or beneficiaries if the 2122  
organization or association agrees to use such information 2123  
solely in accordance with its stated purpose of providing 2124  
services to such individuals and not for the benefit of other 2125  
persons, organizations, or associations. The costs of compiling, 2126  
copying, and mailing the list shall be paid by such entity. 2127

(4) Within fourteen days after receiving from the director 2128  
of job and family services a list of the names and social 2129  
security numbers of recipients of public assistance pursuant to 2130  
section 5101.181 of the Revised Code, the board shall inform the 2131  
auditor of state of the name, current or most recent employer 2132  
address, and social security number of each member whose name 2133  
and social security number are the same as those of a person 2134  
whose name or social security number was submitted by the 2135  
director. The board and its employees, except for purposes of 2136  
furnishing the auditor of state with information required by 2137  
this section, shall preserve the confidentiality of recipients 2138  
of public assistance in compliance with section 5101.181 of the 2139  
Revised Code. 2140

(5) The system shall comply with orders issued under 2141  
section 3105.87 of the Revised Code. 2142

On the written request of an alternate payee, as defined 2143  
in section 3105.80 of the Revised Code, the system shall furnish 2144  
to the alternate payee information on the amount and status of 2145  
any amounts payable to the alternate payee under an order issued 2146  
under section 3105.171 or 3105.65 of the Revised Code. 2147

(6) At the request of any person, the board shall make 2148  
available to the person copies of all documents, including 2149  
resumes, in the board's possession regarding filling a vacancy 2150  
of an employee member or retirant member of the board. The 2151

person who made the request shall pay the cost of compiling, 2152  
copying, and mailing the documents. The information described in 2153  
this division is a public record. 2154

(7) The system shall provide the notice required by 2155  
section 5505.263 of the Revised Code to the prosecutor assigned 2156  
to the case. 2157

(8) The system may provide information requested by the 2158  
United States social security administration, United States 2159  
centers for medicare and medicaid, public employees retirement 2160  
system, Ohio public employees deferred compensation program, 2161  
Ohio police and fire pension fund, school employees retirement 2162  
system, state teachers retirement system, or Cincinnati 2163  
retirement system. 2164

(F) A statement that contains information obtained from 2165  
the system's records that is certified and signed by an officer 2166  
of the retirement system and to which the system's official seal 2167  
is affixed, or copies of the system's records to which the 2168  
signature and seal are attached, shall be received as true 2169  
copies of the system's records in any court or before any 2170  
officer of this state. 2171

(G) The board may maintain records in printed or 2172  
electronic format. 2173

**Section 2.** That existing sections 101.35, 103.05, 2174  
103.0511, 106.021, 106.03, 106.031, 107.52, 111.15, 119.03, 2175  
121.39, 121.71, 121.72, 121.73, 121.74, 121.75, 127.18, 145.09, 2176  
742.10, 1707.20, 3304.15, 3307.04, 3309.04, 3375.01, and 5505.04 2177  
and section 121.76 of the Revised Code are hereby repealed. 2178

**Section 3.** Sections 1 and 2 of this act take effect on the 2179  
date that is six months after the effective date of this 2180

section. 2181

**Section 4.** Legislative Information Systems, in 2182  
consultation with the Director of the Legislative Service 2183  
Commission and the Executive Director of the Joint Committee on 2184  
Agency Rule Review, shall program or reprogram the electronic 2185  
rule filing system as necessary to enable the amendments made by 2186  
this act to be fulfilled. Legislative Information Systems shall 2187  
complete the programming or reprogramming as soon as reasonably 2188  
possible after the effective date of this section but not later 2189  
than the date that is six months after that effective date. 2190