

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 286**

**Representatives Sykes, Batchelder**

**Cosponsors: Representatives Celeste, Luckie, Collier, Bacon, Webster,  
Strahorn, Williams, S., Healy, Evans, Harwood, Huffman, Fessler, Otterman,  
Brown, Mallory, Schindel**

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**A B I L L**

To amend sections 119.03, 119.031, and 3519.01 of the 1  
Revised Code to permit the committee named in an 2  
initiative petition to file, at the time the 3  
petition is filed, a statement identifying the 4  
petitioner's intent in proposing the initiated 5  
statute or constitutional amendment and to permit 6  
the Joint Committee on Agency Rule Review to 7  
recommend that a proposed rule be invalidated if 8  
the proposed rule conflicts with the petitioners' 9  
intent in adopting the statute or constitutional 10  
amendment on which the rule is based. 11

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

**Section 1.** That sections 119.03, 119.031, and 3519.01 of the 12  
Revised Code be amended to read as follows: 13

**Sec. 119.03.** In the adoption, amendment, or rescission of any 14  
rule, an agency shall comply with the following procedure: 15

(A) Reasonable public notice shall be given in the register 16  
of Ohio at least thirty days prior to the date set for a hearing, 17

in the form the agency determines. The agency shall file copies of 18  
the public notice under division (B) of this section. (The agency 19  
gives public notice in the register of Ohio when the public notice 20  
is published in the register under that division.) 21

The public notice shall include: 22

(1) A statement of the agency's intention to consider 23  
adopting, amending, or rescinding a rule; 24

(2) A synopsis of the proposed rule, amendment, or rule to be 25  
rescinded or a general statement of the subject matter to which 26  
the proposed rule, amendment, or rescission relates; 27

(3) A statement of the reason or purpose for adopting, 28  
amending, or rescinding the rule; 29

(4) The date, time, and place of a hearing on the proposed 30  
action, which shall be not earlier than the thirty-first nor later 31  
than the fortieth day after the proposed rule, amendment, or 32  
rescission is filed under division (B) of this section. 33

In addition to public notice given in the register of Ohio, 34  
the agency may give whatever other notice it reasonably considers 35  
necessary to ensure notice constructively is given to all persons 36  
who are subject to or affected by the proposed rule, amendment, or 37  
rescission. 38

The agency shall provide a copy of the public notice required 39  
under division (A) of this section to any person who requests it 40  
and pays a reasonable fee, not to exceed the cost of copying and 41  
mailing. 42

(B) The full text of the proposed rule, amendment, or rule to 43  
be rescinded, accompanied by the public notice required under 44  
division (A) of this section, shall be filed in electronic form 45  
with the secretary of state and with the director of the 46  
legislative service commission. (If in compliance with this 47

division an agency files more than one proposed rule, amendment, 48  
or rescission at the same time, and has prepared a public notice 49  
under division (A) of this section that applies to more than one 50  
of the proposed rules, amendments, or rescissions, the agency 51  
shall file only one notice with the secretary of state and with 52  
the director for all of the proposed rules, amendments, or 53  
rescissions to which the notice applies.) The proposed rule, 54  
amendment, or rescission and public notice shall be filed as 55  
required by this division at least sixty-five days prior to the 56  
date on which the agency, in accordance with division (D) of this 57  
section, issues an order adopting the proposed rule, amendment, or 58  
rescission. 59

If the proposed rule, amendment, or rescission incorporates a 60  
text or other material by reference, the agency shall comply with 61  
sections 121.71 to 121.76 of the Revised Code. 62

The proposed rule, amendment, or rescission shall be 63  
available for at least thirty days prior to the date of the 64  
hearing at the office of the agency in printed or other legible 65  
form without charge to any person affected by the proposal. 66  
Failure to furnish such text to any person requesting it shall not 67  
invalidate any action of the agency in connection therewith. 68

If the agency files a substantive revision in the text of the 69  
proposed rule, amendment, or rescission under division (H) of this 70  
section, it shall also promptly file the full text of the proposed 71  
rule, amendment, or rescission in its revised form in electronic 72  
form with the secretary of state and with the director of the 73  
legislative service commission. 74

The agency shall file the rule summary and fiscal analysis 75  
prepared under section 121.24 or 127.18 of the Revised Code, or 76  
both, in electronic form along with a proposed rule, amendment, or 77  
rescission or proposed rule, amendment, or rescission in revised 78  
form that is filed with the secretary of state or the director of 79

the legislative service commission. 80

The director of the legislative service commission shall 81  
publish in the register of Ohio the full text of the original and 82  
each revised version of a proposed rule, amendment, or rescission; 83  
the full text of a public notice; and the full text of a rule 84  
summary and fiscal analysis that is filed with the director under 85  
this division. 86

(C) On the date and at the time and place designated in the 87  
notice, the agency shall conduct a public hearing at which any 88  
person affected by the proposed action of the agency may appear 89  
and be heard in person, by the person's attorney, or both, may 90  
present the person's position, arguments, or contentions, orally 91  
or in writing, offer and examine witnesses, and present evidence 92  
tending to show that the proposed rule, amendment, or rescission, 93  
if adopted or effectuated, will be unreasonable or unlawful. An 94  
agency may permit persons affected by the proposed rule, 95  
amendment, or rescission to present their positions, arguments, or 96  
contentions in writing, not only at the hearing, but also for a 97  
reasonable period before, after, or both before and after the 98  
hearing. A person who presents a position or arguments or 99  
contentions in writing before or after the hearing is not required 100  
to appear at the hearing. 101

At the hearing, the testimony shall be recorded. Such record 102  
shall be made at the expense of the agency. The agency is required 103  
to transcribe a record that is not sight readable only if a person 104  
requests transcription of all or part of the record and agrees to 105  
reimburse the agency for the costs of the transcription. An agency 106  
may require the person to pay in advance all or part of the cost 107  
of the transcription. 108

In any hearing under this section the agency may administer 109  
oaths or affirmations. 110

(D) After complying with divisions (A), (B), (C), and (H) of 111  
this section, and when the time for legislative review and 112  
invalidation under division (I) of this section has expired, the 113  
agency may issue an order adopting the proposed rule or the 114  
proposed amendment or rescission of the rule, consistent with the 115  
synopsis or general statement included in the public notice. At 116  
that time the agency shall designate the effective date of the 117  
rule, amendment, or rescission, which shall not be earlier than 118  
the tenth day after the rule, amendment, or rescission has been 119  
filed in its final form as provided in section 119.04 of the 120  
Revised Code. 121

(E) Prior to the effective date of a rule, amendment, or 122  
rescission, the agency shall make a reasonable effort to inform 123  
those affected by the rule, amendment, or rescission and to have 124  
available for distribution to those requesting it the full text of 125  
the rule as adopted or as amended. 126

(F) If the governor, upon the request of an agency, 127  
determines that an emergency requires the immediate adoption, 128  
amendment, or rescission of a rule, the governor shall issue an 129  
order, the text of which shall be filed in electronic form with 130  
the agency, the secretary of state, the director of the 131  
legislative service commission, and the joint committee on agency 132  
rule review, that the procedure prescribed by this section with 133  
respect to the adoption, amendment, or rescission of a specified 134  
rule is suspended. The agency may then adopt immediately the 135  
emergency rule, amendment, or rescission and it becomes effective 136  
on the date the rule, amendment, or rescission, in final form and 137  
in compliance with division (A)(2) of section 119.04 of the 138  
Revised Code, ~~are~~ is filed in electronic form with the secretary 139  
of state, the director of the legislative service commission, and 140  
the joint committee on agency rule review. If all filings are not 141  
completed on the same day, the emergency rule, amendment, or 142

rescission shall be effective on the day on which the latest 143  
filing is completed. The director shall publish the full text of 144  
the emergency rule, amendment, or rescission in the register of 145  
Ohio. 146

The emergency rule, amendment, or rescission shall become 147  
invalid at the end of the ninetieth day it is in effect. Prior to 148  
that date the agency may adopt the emergency rule, amendment, or 149  
rescission as a nonemergency rule, amendment, or rescission by 150  
complying with the procedure prescribed by this section for the 151  
adoption, amendment, and rescission of nonemergency rules. The 152  
agency shall not use the procedure of this division to readopt the 153  
emergency rule, amendment, or rescission so that, upon the 154  
emergency rule, amendment, or rescission becoming invalid under 155  
this division, the emergency rule, amendment, or rescission will 156  
continue in effect without interruption for another ninety-day 157  
period, except when division (I)(2)(a) of this section prevents 158  
the agency from adopting the emergency rule, amendment, or 159  
rescission as a nonemergency rule, amendment, or rescission within 160  
the ninety-day period. 161

This division does not apply to the adoption of any emergency 162  
rule, amendment, or rescission by the tax commissioner under 163  
division (C)(2) of section 5117.02 of the Revised Code. 164

(G) Rules adopted by an authority within the department of 165  
job and family services for the administration or enforcement of 166  
Chapter 4141. of the Revised Code or of the department of taxation 167  
shall be effective without a hearing as provided by this section 168  
if the statutes pertaining to such agency specifically give a 169  
right of appeal to the board of tax appeals or to a higher 170  
authority within the agency or to a court, and also give the 171  
appellant a right to a hearing on such appeal. This division does 172  
not apply to the adoption of any rule, amendment, or rescission by 173  
the tax commissioner under division (C)(1) or (2) of section 174

5117.02 of the Revised Code, or deny the right to file an action 175  
for declaratory judgment as provided in Chapter 2721. of the 176  
Revised Code from the decision of the board of tax appeals or of 177  
the higher authority within such agency. 178

(H) When any agency files a proposed rule, amendment, or 179  
rescission under division (B) of this section, it shall also file 180  
in electronic form with the joint committee on agency rule review 181  
the full text of the proposed rule, amendment, or rule to be 182  
rescinded in the same form and the public notice required under 183  
division (A) of this section. (If in compliance with this division 184  
an agency files more than one proposed rule, amendment, or 185  
rescission at the same time, and has given a public notice under 186  
division (A) of this section that applies to more than one of the 187  
proposed rules, amendments, or rescissions, the agency shall file 188  
only one notice with the joint committee for all of the proposed 189  
rules, amendments, or rescissions to which the notice applies.) If 190  
the agency makes a substantive revision in a proposed rule, 191  
amendment, or rescission after it is filed with the joint 192  
committee, the agency shall promptly file the full text of the 193  
proposed rule, amendment, or rescission in its revised form in 194  
electronic form with the joint committee. The latest version of a 195  
proposed rule, amendment, or rescission as filed with the joint 196  
committee supersedes each earlier version of the text of the same 197  
proposed rule, amendment, or rescission. An agency shall file the 198  
rule summary and fiscal analysis prepared under section 121.24 or 199  
127.18 of the Revised Code, or both, in electronic form along with 200  
a proposed rule, amendment, or rescission, and along with a 201  
proposed rule, amendment, or rescission in revised form, that is 202  
filed under this division. 203

This division does not apply to: 204

(1) An emergency rule, amendment, or rescission; 205

(2) Any proposed rule, amendment, or rescission that must be 206

adopted verbatim by an agency pursuant to federal law or rule, to 207  
become effective within sixty days of adoption, in order to 208  
continue the operation of a federally reimbursed program in this 209  
state, so long as the proposed rule contains both of the 210  
following: 211

(a) A statement that it is proposed for the purpose of 212  
complying with a federal law or rule; 213

(b) A citation to the federal law or rule that requires 214  
verbatim compliance. 215

If a rule or amendment is exempt from legislative review 216  
under division (H)(2) of this section, and if the federal law or 217  
rule pursuant to which the rule or amendment was adopted expires, 218  
is repealed or rescinded, or otherwise terminates, the rule or 219  
amendment, or its rescission, is thereafter subject to legislative 220  
review under division (H) of this section. 221

(I)(1) The joint committee on agency rule review may 222  
recommend the adoption of a concurrent resolution invalidating a 223  
proposed rule, amendment, rescission, or part thereof if it finds 224  
any of the following: 225

(a) That the rule-making agency has exceeded the scope of its 226  
statutory authority in proposing the rule, amendment, or 227  
rescission; 228

(b) That the proposed rule, amendment, or rescission 229  
conflicts with another rule, amendment, or rescission adopted by 230  
the same or a different rule-making agency; 231

(c) That the proposed rule, amendment, or rescission 232  
conflicts with the legislative intent in enacting the statute 233  
under which the rule-making agency proposed the rule, amendment, 234  
or rescission, if the statute was enacted by the general assembly; 235

(d) That the proposed rule, amendment, or rescission 236



conflicts with the petitioners' intent in enacting the statute or 237  
constitutional amendment under which the rule-making agency 238  
proposed the rule, amendment, or rescission, if the statute or 239  
constitutional amendment was enacted by initiative under Section 240  
1a or 1b of Article II of the Ohio Constitution; 241

(e) That the rule-making agency has failed to prepare a 242  
complete and accurate rule summary and fiscal analysis of the 243  
proposed rule, amendment, or rescission as required by section 244  
121.24 or 127.18 of the Revised Code, or both, or that the 245  
proposed rule, amendment, or rescission incorporates a text or 246  
other material by reference and either the rule-making agency has 247  
failed to file the text or other material incorporated by 248  
reference as required by section 121.73 of the Revised Code or, in 249  
the case of a proposed rule or amendment, the incorporation by 250  
reference fails to meet the standards stated in section 121.72, 251  
121.75, or 121.76 of the Revised Code. 252

The joint committee shall not hold its public hearing on a 253  
proposed rule, amendment, or rescission earlier than the 254  
forty-first day after the original version of the proposed rule, 255  
amendment, or rescission was filed with the joint committee. 256

The house of representatives and senate may adopt a 257  
concurrent resolution invalidating a proposed rule, amendment, 258  
rescission, or part thereof. The concurrent resolution shall state 259  
which of the specific rules, amendments, rescissions, or parts 260  
thereof are invalidated. A concurrent resolution invalidating a 261  
proposed rule, amendment, or rescission shall be adopted not later 262  
than the sixty-fifth day after the original version of the text of 263  
the proposed rule, amendment, or rescission is filed with the 264  
joint committee, except that if more than thirty-five days after 265  
the original version is filed the rule-making agency either files 266  
a revised version of the text of the proposed rule, amendment, or 267  
rescission, or revises the rule summary and fiscal analysis in 268

accordance with division (I)(4) of this section, a concurrent 269  
resolution invalidating the proposed rule, amendment, or 270  
rescission shall be adopted not later than the thirtieth day after 271  
the revised version of the proposed rule or rule summary and 272  
fiscal analysis is filed. If, after the joint committee on agency 273  
rule review recommends the adoption of a concurrent resolution 274  
invalidating a proposed rule, amendment, rescission, or part 275  
thereof, the house of representatives or senate does not, within 276  
the time remaining for adoption of the concurrent resolution, hold 277  
five floor sessions at which its journal records a roll call vote 278  
disclosing a sufficient number of members in attendance to pass a 279  
bill, the time within which that house may adopt the concurrent 280  
resolution is extended until it has held five such floor sessions. 281

Within five days after the adoption of a concurrent 282  
resolution invalidating a proposed rule, amendment, rescission, or 283  
part thereof, the clerk of the senate shall send the rule-making 284  
agency, the secretary of state, and the director of the 285  
legislative service commission in electronic form a certified text 286  
of the resolution together with a certification stating the date 287  
on which the resolution takes effect. The secretary of state and 288  
the director of the legislative service commission shall each note 289  
the invalidity of the proposed rule, amendment, rescission, or 290  
part thereof, and shall each remove the invalid proposed rule, 291  
amendment, rescission, or part thereof from the file of proposed 292  
rules. The rule-making agency shall not proceed to adopt in 293  
accordance with division (D) of this section, or to file in 294  
accordance with division (B)(1) of section 111.15 of the Revised 295  
Code, any version of a proposed rule, amendment, rescission, or 296  
part thereof that has been invalidated by concurrent resolution. 297

Unless the house of representatives and senate adopt a 298  
concurrent resolution invalidating a proposed rule, amendment, 299  
rescission, or part thereof within the time specified by this 300

division, the rule-making agency may proceed to adopt in 301  
accordance with division (D) of this section, or to file in 302  
accordance with division (B)(1) of section 111.15 of the Revised 303  
Code, the latest version of the proposed rule, amendment, or 304  
rescission as filed with the joint committee. If by concurrent 305  
resolution certain of the rules, amendments, rescissions, or parts 306  
thereof are specifically invalidated, the rule-making agency may 307  
proceed to adopt, in accordance with division (D) of this section, 308  
or to file in accordance with division (B)(1) of section 111.15 of 309  
the Revised Code, the latest version of the proposed rules, 310  
amendments, rescissions, or parts thereof as filed with the joint 311  
committee that are not specifically invalidated. The rule-making 312  
agency may not revise or amend any proposed rule, amendment, 313  
rescission, or part thereof that has not been invalidated except 314  
as provided in this chapter or in section 111.15 of the Revised 315  
Code. 316

(2)(a) A proposed rule, amendment, or rescission that is 317  
filed with the joint committee under division (H) of this section 318  
or division (D) of section 111.15 of the Revised Code shall be 319  
carried over for legislative review to the next succeeding regular 320  
session of the general assembly if the original or any revised 321  
version of the proposed rule, amendment, or rescission is filed 322  
with the joint committee on or after the first day of December of 323  
any year. 324

(b) The latest version of any proposed rule, amendment, or 325  
rescission that is subject to division (I)(2)(a) of this section, 326  
as filed with the joint committee, is subject to legislative 327  
review and invalidation in the next succeeding regular session of 328  
the general assembly in the same manner as if it were the original 329  
version of a proposed rule, amendment, or rescission that had been 330  
filed with the joint committee for the first time on the first day 331  
of the session. A rule-making agency shall not adopt in accordance 332

with division (D) of this section, or file in accordance with 333  
division (B)(1) of section 111.15 of the Revised Code, any version 334  
of a proposed rule, amendment, or rescission that is subject to 335  
division (I)(2)(a) of this section until the time for legislative 336  
review and invalidation, as contemplated by division (I)(2)(b) of 337  
this section, has expired. 338

(3) Invalidation of any version of a proposed rule, 339  
amendment, rescission, or part thereof by concurrent resolution 340  
shall prevent the rule-making agency from instituting or 341  
continuing proceedings to adopt any version of the same proposed 342  
rule, amendment, rescission, or part thereof for the duration of 343  
the general assembly that invalidated the proposed rule, 344  
amendment, rescission, or part thereof unless the same general 345  
assembly adopts a concurrent resolution permitting the rule-making 346  
agency to institute or continue such proceedings. 347

The failure of the general assembly to invalidate a proposed 348  
rule, amendment, rescission, or part thereof under this section 349  
shall not be construed as a ratification of the lawfulness or 350  
reasonableness of the proposed rule, amendment, rescission, or any 351  
part thereof or of the validity of the procedure by which the 352  
proposed rule, amendment, rescission, or any part thereof was 353  
proposed or adopted. 354

(4) In lieu of recommending a concurrent resolution to 355  
invalidate a proposed rule, amendment, rescission, or part thereof 356  
because the rule-making agency has failed to prepare a complete 357  
and accurate fiscal analysis, the joint committee on agency rule 358  
review may issue, on a one-time basis, for rules, amendments, 359  
rescissions, or parts thereof that have a fiscal effect on school 360  
districts, counties, townships, or municipal corporations, a 361  
finding that the rule summary and fiscal analysis is incomplete or 362  
inaccurate and order the rule-making agency to revise the rule 363  
summary and fiscal analysis and refile it with the proposed rule, 364

amendment, rescission, or part thereof. If an emergency rule is 365  
filed as a nonemergency rule before the end of the ninetieth day 366  
of the emergency rule's effectiveness, and the joint committee 367  
issues a finding and orders the rule-making agency to refile under 368  
division (I)(4) of this section, the governor may also issue an 369  
order stating that the emergency rule shall remain in effect for 370  
an additional sixty days after the ninetieth day of the emergency 371  
rule's effectiveness. The governor's orders shall be filed in 372  
accordance with division (F) of this section. The joint committee 373  
shall send in electronic form to the rule-making agency, the 374  
secretary of state, and the director of the legislative service 375  
commission a certified text of the finding and order to revise the 376  
rule summary and fiscal analysis, which shall take immediate 377  
effect. 378

An order issued under division (I)(4) of this section shall 379  
prevent the rule-making agency from instituting or continuing 380  
proceedings to adopt any version of the proposed rule, amendment, 381  
rescission, or part thereof until the rule-making agency revises 382  
the rule summary and fiscal analysis and refiles it in electronic 383  
form with the joint committee along with the proposed rule, 384  
amendment, rescission, or part thereof. If the joint committee 385  
finds the rule summary and fiscal analysis to be complete and 386  
accurate, the joint committee shall issue a new order noting that 387  
the rule-making agency has revised and refiled a complete and 388  
accurate rule summary and fiscal analysis. The joint committee 389  
shall send in electronic form to the rule-making agency, the 390  
secretary of state, and the director of the legislative service 391  
commission a certified text of this new order. The secretary of 392  
state and the director of the legislative service commission shall 393  
each link this order to the proposed rule, amendment, rescission, 394  
or part thereof. The rule-making agency may then proceed to adopt 395  
in accordance with division (D) of this section, or to file in 396  
accordance with division (B)(1) of section 111.15 of the Revised 397

Code, the proposed rule, amendment, rescission, or part thereof 398  
that was subject to the finding and order under division (I)(4) of 399  
this section. If the joint committee determines that the revised 400  
rule summary and fiscal analysis is still inaccurate or 401  
incomplete, the joint committee shall recommend the adoption of a 402  
concurrent resolution in accordance with division (I)(1) of this 403  
section. 404

(J) As used in this section, "petitioners' intent" means the 405  
intent of a majority of the members the committee established in 406  
section 3519.02 of the Revised Code to represent the petitioners 407  
for the applicable initiated statute or constitutional amendment 408  
as expressed in any statement of intent filed under section 409  
3519.01 of the Revised Code. 410

**Sec. 119.031.** (A) The chairperson of the joint committee on 411  
agency rule review shall compare each rule, amendment, or 412  
rescission as filed in final form with the latest version of the 413  
same rule, amendment, or rescission as filed in proposed form. 414

(B) If, upon making the comparison required by division (A) 415  
of this section, the chairperson of the joint committee on agency 416  
rule review finds that the rule-making agency has made a 417  
substantive revision in the rule, amendment, or rescission between 418  
the time it filed the latest version of the rule, amendment, or 419  
rescission in proposed form and the time it filed the rule, 420  
amendment, or rescission in final form, the chairperson shall 421  
promptly notify the rule-making agency, the secretary of state, 422  
and the director of the legislative service commission in 423  
electronic form of that finding. 424

(C) The joint committee on agency rule review shall review 425  
any rule, amendment, or rescission as filed in final form if, 426  
under division (B) of this section, it is found to contain a 427  
substantive revision. The joint committee may do either or both of 428

the following: 429

(1) If the joint committee makes any of the findings stated 430  
in division (I)(1)(a), (b), ~~or~~ (c), or (d) of section 119.03 of 431  
the Revised Code, it may suspend the rule, amendment, rescission, 432  
or any part thereof. The suspension shall remain in effect until 433  
the time for legislative review and invalidation has expired under 434  
division (D) of this section, or until the general assembly adopts 435  
a concurrent resolution invalidating the rule, amendment, 436  
rescission, or any part thereof, whichever occurs first. The 437  
chairperson of the joint committee shall promptly notify the 438  
rule-making agency, the secretary of state, and the director of 439  
the legislative service commission in electronic form of the 440  
suspension. 441

(2) The joint committee may recommend the adoption of a 442  
concurrent resolution invalidating the rule, amendment, 443  
rescission, or any part thereof if it makes any of the findings 444  
stated in division (I)(1)(a), (b), ~~or~~ (c), or (d) of section 445  
119.03 of the Revised Code. 446

(D) A rule, amendment, or rescission that, under division (B) 447  
of this section, is found to contain a substantive revision shall 448  
nevertheless become effective pursuant to division (B)(1) of 449  
section 111.15, division (A)(1) of section 119.04, division (B)(1) 450  
of section 4141.14, or division (A) of section 5703.14 of the 451  
Revised Code and remain in effect as filed in final form unless: 452

(1) Under division (C)(1) of this section, the joint 453  
committee suspends the rule, amendment, rescission, or any part 454  
thereof; or 455

(2) Prior to the sixtieth day after the rule, amendment, or 456  
rescission was filed in final form, the house of representatives 457  
and senate adopt a concurrent resolution invalidating the rule, 458  
amendment, rescission, or any part thereof. If, after the joint 459

committee on agency rule review recommends the adoption of a 460  
concurrent resolution invalidating the rule, amendment, 461  
rescission, or part thereof, the house of representatives or 462  
senate does not, within the time remaining for adoption of the 463  
concurrent resolution, hold five floor sessions at which its 464  
journal records a roll call vote disclosing a sufficient number of 465  
members in attendance to pass a bill, the time within which that 466  
house may adopt the concurrent resolution is extended until it has 467  
held five such floor sessions. 468

Upon the adoption of such a concurrent resolution, the clerk 469  
of the senate shall, within five days thereafter, send the 470  
rule-making agency, the secretary of state, and the director of 471  
the legislative service commission, in electronic form, a 472  
certified copy of the resolution together with a certification 473  
stating the date on which the resolution takes effect. The 474  
secretary of state and the director shall each note the invalidity 475  
of the rule, amendment, rescission, or part thereof, and shall 476  
remove the invalid rule, amendment, rescission, or part thereof 477  
from the file of current rules. The director shall also indicate 478  
in the Ohio administrative code that the rule, amendment, 479  
rescission, or part thereof is invalid and the date of 480  
invalidation. The rule-making agency shall make appropriate 481  
adjustments to reflect the invalidity of the rule, amendment, 482  
rescission, or part thereof. 483

(E) Invalidation of a rule, amendment, rescission, or part 484  
thereof under this section shall prevent the rule-making agency 485  
from instituting proceedings to readopt any version of the same 486  
rule, amendment, rescission, or part thereof for the duration of 487  
the general assembly that invalidated the rule, amendment, 488  
rescission, or part thereof unless the same general assembly 489  
adopts a concurrent resolution permitting the rule-making agency 490  
to institute such proceedings. 491



(F) The failure of the general assembly to invalidate a rule, 492  
amendment, rescission, or part thereof under this section shall 493  
not be construed as a ratification of the lawfulness or 494  
reasonableness of the rule, amendment, rescission, or any part 495  
thereof or of the validity of the procedure by which the rule, 496  
amendment, rescission, or any part thereof was adopted. 497

(G) As used in this section, a rule, amendment, or rescission 498  
is filed: 499

(1) "In proposed form" when it is filed in such form with the 500  
joint committee under division (D) of section 111.15 or division 501  
(H) of section 119.03 of the Revised Code; 502

(2) "In final form" when it is filed in such form with the 503  
joint committee under division (B)(1)(b) of section 111.15, 504  
division (A)(1)(b) of section 119.04, division (B)(1)(b) of 505  
section 4141.14, or division (A)(2) of section 5703.14 of the 506  
Revised Code. 507

**Sec. 3519.01.** (A) Only one proposal of law or constitutional 508  
amendment to be proposed by initiative petition shall be contained 509  
in an initiative petition to enable the voters to vote on that 510  
proposal separately. A petition shall include the text of any 511  
existing statute or constitutional provision that would be amended 512  
or repealed if the proposed law or constitutional amendment is 513  
adopted. 514

Whoever seeks to propose a law or constitutional amendment by 515  
initiative petition shall, by a written petition signed by one 516  
thousand qualified electors, submit the proposed law or 517  
constitutional amendment and a summary of it to the attorney 518  
general for examination. Within The petitioners also may submit 519  
with the proposed law or constitutional amendment and summary a 520  
statement of intent that specifies the intent of a majority of the 521  
members of the committee named in the submitted petition. 522

Within ten days after the receipt of the written petition and 523  
the summary of it, the attorney general shall conduct an 524  
examination of the summary. If, in the opinion of the attorney 525  
general, the summary is a fair and truthful statement of the 526  
proposed law or constitutional amendment, the attorney general 527  
shall so certify and then forward the submitted petition to the 528  
Ohio ballot board for its approval under division (A) of section 529  
3505.062 of the Revised Code. If the Ohio ballot board returns the 530  
submitted petition to the attorney general with its certification 531  
as described in that division, the attorney general shall then 532  
file with the secretary of state a verified copy of the proposed 533  
law or constitutional amendment ~~together with,~~ its summary ~~and,~~ 534  
the attorney general's certification and, if applicable, any 535  
statement of intent filed by the petitioners. 536

Whenever the Ohio ballot board divides an initiative petition 537  
into individual petitions containing only proposed law or 538  
constitutional amendment under division (A) of section 3505.062 of 539  
the Revised Code resulting in the need for the petitioners to 540  
resubmit to the attorney general appropriate summaries for each of 541  
the individual petitions arising from the board's division of the 542  
initiative petition, the attorney general shall review the 543  
resubmitted summaries, within ten days after their receipt, to 544  
determine if they are a fair and truthful statement of the 545  
respective proposed laws or constitutional amendments and, if so, 546  
certify them. These resubmissions shall contain no new 547  
explanations or arguments but may contain separate statements of 548  
intent for each divided petition. Then, the attorney general shall 549  
file with the secretary of state a verified copy of each of the 550  
proposed laws or constitutional amendments ~~together with,~~ their 551  
respective summaries ~~and,~~ the attorney general's certification of 552  
each and, if applicable, any statements of intent filed by the 553  
petitioners. 554

(B)(1) Whoever seeks to file a referendum petition against 555  
any law, section, or item in any law shall, by a written petition 556  
signed by one thousand qualified electors, submit the measure to 557  
be referred and a summary of it to the secretary of state and, on 558  
the same day or within one business day before or after that day, 559  
submit a copy of the petition, measure, and summary to the 560  
attorney general. 561

(2) Not later than ten business days after receiving the 562  
petition, measure, and summary, the secretary of state shall do 563  
both of the following: 564

(a) Have the validity of the signatures on the petition 565  
verified; 566

(b) After comparing the text of the measure to be referred 567  
with the copy of the enrolled act on file in the secretary of 568  
state's office containing the law, section, or item of law, 569  
determine whether the text is correct and, if it is, so certify. 570

(3) Not later than ten business days after receiving a copy 571  
of the petition, measure, and summary, the attorney general shall 572  
examine the summary and, if in the attorney general's opinion, the 573  
summary is a fair and truthful statement of the measure to be 574  
referred, so certify. 575

(C) Any person who is aggrieved by a certification decision 576  
under division (A) or (B) of this section may challenge the 577  
certification or failure to certify of the attorney general in the 578  
supreme court, which shall have exclusive, original jurisdiction 579  
in all challenges of those certification decisions. 580

**Section 2.** That existing sections 119.03, 119.031, and 581  
3519.01 of the Revised Code are hereby repealed. 582