

As Introduced

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

H. B. No. 78

Representative Blessing

—

A BILL

To amend section 101.35 of the Revised Code to make 1
the officers of a legislative committee limited, 2
ex officio members of the Joint Committee on 3
Agency Rule when a rule coming within the subject 4
matter jurisdiction of the legislative committee 5
is under consideration. 6

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

Section 1. That section 101.35 of the Revised Code be amended 7
to read as follows: 8

Sec. 101.35. There is hereby created in the general assembly 9
the joint committee on agency rule review. ~~The~~ Except as the 10
membership is augmented under the second paragraph of this 11
section, the committee shall consist of five members of the house 12
of representatives and five members of the senate. Within fifteen 13
days after the commencement of the first regular session of each 14
general assembly, the speaker of the house of representatives 15
shall appoint the members of the committee from the house of 16
representatives, and the president of the senate shall appoint the 17
members of the committee from the senate. Not more than three of 18
the members from each house shall be of the same political party. 19
In the first regular session of a general assembly, the 20

chairperson of the committee shall be appointed by the speaker of 21
the house from among the house members of the committee, and the 22
vice-chairperson shall be appointed by the president of the senate 23
from among the senate members of the committee. In the second 24
regular session of a general assembly, the chairperson shall be 25
appointed by the president of the senate from among the senate 26
members of the committee, and the vice-chairperson shall be 27
appointed by the speaker of the house from among the house members 28
of the committee. The chairperson, vice-chairperson, and members 29
of the committee shall serve until their respective successors are 30
appointed or until they are no longer members of the general 31
assembly. When a vacancy occurs among the officers or members of 32
the committee, it shall be filled in the same manner as the 33
original appointment. 34

When the joint committee takes up a rule, amendment, 35
rescission, or part thereof for consideration, the chairperson, 36
vice-chairperson, and ranking minority member of the standing 37
committee of the senate and of the house of representatives having 38
jurisdiction over the subject matter of the rule, amendment, 39
rescission, or part thereof also are members of the joint 40
committee during, and with regard to only, that consideration. 41

Notwithstanding section 101.26 of the Revised Code, the 42
members, when engaged in their duties as members of the committee 43
on days when there is not a voting session of the member's house 44
of the general assembly, shall be paid at the per diem rate of one 45
hundred fifty dollars, and their necessary traveling expenses, 46
which shall be paid from the funds appropriated for the payment of 47
expenses of legislative committees. 48

The committee has the same powers as other standing or select 49
committees of the general assembly. ~~Six~~ Nine members constitute a 50
quorum, ~~and the~~ with regard to consideration of a rule and six 51
members constitute a quorum for all other purposes. The 52

concurrence of ~~six~~ nine members is required for the recommendation 53
of a concurrent resolution invalidating a proposed or effective 54
rule, amendment, rescission, or part thereof, or for the 55
suspension of a rule, amendment, rescission, or part thereof, 56
under division (I) of section 119.03 or section 119.031 of the 57
Revised Code. 58

When a member of the committee is absent, the president or 59
speaker, as the case may be, may designate a substitute from the 60
same house and political party as the absent member. The 61
substitute shall serve on the committee in the member's absence, 62
and is entitled to perform the duties of a member of the 63
committee. For serving on the committee, the substitute shall be 64
paid the same per diem and necessary traveling expenses as the 65
substitute would be entitled to receive if the substitute were a 66
member of the committee. 67

The president or speaker shall inform the executive director 68
of the committee of a substitution. If the executive director 69
learns of a substitution sufficiently in advance of the meeting of 70
the committee the substitute is to attend, the executive director 71
shall publish notice of the substitution on the internet, make 72
reasonable effort to inform of the substitution persons who are 73
known to the executive director to be interested in rules that are 74
scheduled for review at the meeting, and inform of the 75
substitution persons who inquire of the executive director 76
concerning the meeting. 77

The committee may meet during periods in which the general 78
assembly has adjourned. At meetings of the committee, the 79
committee may request a rule-making agency, as defined in section 80
119.01 of the Revised Code, to provide information relative to the 81
agency's implementation of its statutory authority. 82

A member of the committee, and the executive director and 83
staff of the committee, are entitled in their official capacities 84

to attend, but not in their official capacities to participate in, 85
a public hearing conducted by a rule-making agency on a proposed 86
rule, amendment, or rescission. 87

Section 2. That existing section 101.35 of the Revised Code 88
is hereby repealed. 89

Section 3. The amendment by this act of section 101.35 of the 90
Revised Code first applies on January 1, 2008. 91