

**As Reported by the House State Government and Elections  
Committee**

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

**H. B. No. 78**

**Representative Blessing**

**Cosponsors: Representatives Seitz, Daniels**

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**A B I L L**

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