

**As Passed by the Senate**

**128th General Assembly  
Regular Session  
2009-2010**

**Am. S. B. No. 3**

**Senator Faber**

**Cosponsors: Senators Carey, Wagoner, Buehrer, Cafaro, Cates, Coughlin,  
Fedor, Gibbs, Gillmor, Goodman, Hughes, Niehaus, Patton, Schaffer, Wilson,  
Stewart**

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**A B I L L**

To amend sections 103.0511, 111.15, 117.20, 119.03, 1  
119.031, 121.39, 122.08, 122.081, 122.94, 124.04, 2  
and 1710.02, to enact sections 121.021, 121.25, 3  
121.251 to 121.255, and 124.95, and to repeal 4  
section 121.24 of the Revised Code to require a 5  
rule-making agency to prepare a cost-benefit 6  
report for, and regulatory flexibility analysis 7  
of, rules that may have any adverse impact on 8  
small businesses and submit them to the new Ohio 9  
Small Business Ombudsperson in the Office of Small 10  
Business, to create the Small Business Regulatory 11  
Review Board to review objections to those rules 12  
and make recommendations to the Joint Committee on 13  
Agency Rule Review regarding the rules, to require 14  
the Ombudsperson annually to submit a rule impact 15  
report to the Governor and General Assembly, to 16  
promote improved customer service in state 17  
agencies, and to require the Director of 18  
Administrative Services to establish customer 19  
service performance standards for nonelected 20  
officers and employees of state agencies. 21

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

**Section 1.** That sections 119.03, 122.08, and 124.04 be 23  
amended and sections 121.021, 121.25, 121.251, 121.252, 121.253, 24  
121.254, 121.255, and 124.95 of the Revised Code be enacted to 25  
read as follows: 26

**Sec. 119.03.** In the adoption, amendment, or rescission of any 27  
rule, an agency shall comply with the following procedure: 28

(A) Reasonable public notice shall be given in the register 29  
of Ohio at least thirty days prior to the date set for a hearing, 30  
in the form the agency determines. The agency shall file copies of 31  
the public notice under division (B) of this section. (The agency 32  
gives public notice in the register of Ohio when the public notice 33  
is published in the register under that division.) 34

The public notice shall include: 35

(1) A statement of the agency's intention to consider 36  
adopting, amending, or rescinding a rule; 37

(2) A synopsis of the proposed rule, amendment, or rule to be 38  
rescinded or a general statement of the subject matter to which 39  
the proposed rule, amendment, or rescission relates; 40

(3) A statement of the reason or purpose for adopting, 41  
amending, or rescinding the rule; 42

(4) The date, time, and place of a hearing on the proposed 43  
action, which shall be not earlier than the thirty-first nor later 44  
than the fortieth day after the proposed rule, amendment, or 45  
rescission is filed under division (B) of this section. 46

In addition to public notice given in the register of Ohio, 47  
the agency may give whatever other notice it reasonably considers 48

necessary to ensure notice constructively is given to all persons 49  
who are subject to or affected by the proposed rule, amendment, or 50  
rescission. 51

The agency shall provide a copy of the public notice required 52  
under division (A) of this section to any person who requests it 53  
and pays a reasonable fee, not to exceed the cost of copying and 54  
mailing. 55

(B) The full text of the proposed rule, amendment, or rule to 56  
be rescinded, accompanied by the public notice required under 57  
division (A) of this section, shall be filed in electronic form 58  
with the secretary of state and with the director of the 59  
legislative service commission. (If in compliance with this 60  
division an agency files more than one proposed rule, amendment, 61  
or rescission at the same time, and has prepared a public notice 62  
under division (A) of this section that applies to more than one 63  
of the proposed rules, amendments, or rescissions, the agency 64  
shall file only one notice with the secretary of state and with 65  
the director for all of the proposed rules, amendments, or 66  
rescissions to which the notice applies.) The proposed rule, 67  
amendment, or rescission and public notice shall be filed as 68  
required by this division at least sixty-five days prior to the 69  
date on which the agency, in accordance with division (D) of this 70  
section, issues an order adopting the proposed rule, amendment, or 71  
rescission. 72

If the proposed rule, amendment, or rescission incorporates a 73  
text or other material by reference, the agency shall comply with 74  
sections 121.71 to 121.76 of the Revised Code. 75

The proposed rule, amendment, or rescission shall be 76  
available for at least thirty days prior to the date of the 77  
hearing at the office of the agency in printed or other legible 78  
form without charge to any person affected by the proposal. 79  
Failure to furnish such text to any person requesting it shall not 80

invalidate any action of the agency in connection therewith. 81

If the agency files a substantive revision in the text of the 82  
proposed rule, amendment, or rescission under division (H) of this 83  
section, it shall also promptly file the full text of the proposed 84  
rule, amendment, or rescission in its revised form in electronic 85  
form with the secretary of state and with the director of the 86  
legislative service commission. 87

The agency shall file the rule summary and fiscal analysis 88  
prepared under section ~~121.24~~ or 127.18 of the Revised Code, ~~or~~ 89  
~~both~~, in electronic form along with a proposed rule, amendment, or 90  
rescission or proposed rule, amendment, or rescission in revised 91  
form that is filed with the secretary of state or the director of 92  
the legislative service commission. 93

The director of the legislative service commission shall 94  
publish in the register of Ohio the full text of the original and 95  
each revised version of a proposed rule, amendment, or rescission; 96  
the full text of a public notice; and the full text of a rule 97  
summary and fiscal analysis that is filed with the director under 98  
this division. 99

(C) On the date and at the time and place designated in the 100  
notice, the agency shall conduct a public hearing at which any 101  
person affected by the proposed action of the agency may appear 102  
and be heard in person, by the person's attorney, or both, may 103  
present the person's position, arguments, or contentions, orally 104  
or in writing, offer and examine witnesses, and present evidence 105  
tending to show that the proposed rule, amendment, or rescission, 106  
if adopted or effectuated, will be unreasonable or unlawful. An 107  
agency may permit persons affected by the proposed rule, 108  
amendment, or rescission to present their positions, arguments, or 109  
contentions in writing, not only at the hearing, but also for a 110  
reasonable period before, after, or both before and after the 111  
hearing. A person who presents a position or arguments or 112

contentions in writing before or after the hearing is not required 113  
to appear at the hearing. 114

At the hearing, the testimony shall be recorded. Such record 115  
shall be made at the expense of the agency. The agency is required 116  
to transcribe a record that is not sight readable only if a person 117  
requests transcription of all or part of the record and agrees to 118  
reimburse the agency for the costs of the transcription. An agency 119  
may require the person to pay in advance all or part of the cost 120  
of the transcription. 121

In any hearing under this section the agency may administer 122  
oaths or affirmations. 123

(D) After complying with divisions (A), (B), (C), and (H) of 124  
this section, and when the time for legislative review and 125  
invalidation under division (I) of this section has expired, the 126  
agency may issue an order adopting the proposed rule or the 127  
proposed amendment or rescission of the rule, consistent with the 128  
synopsis or general statement included in the public notice. At 129  
that time the agency shall designate the effective date of the 130  
rule, amendment, or rescission, which shall not be earlier than 131  
the tenth day after the rule, amendment, or rescission has been 132  
filed in its final form as provided in section 119.04 of the 133  
Revised Code. 134

(E) Prior to the effective date of a rule, amendment, or 135  
rescission, the agency shall make a reasonable effort to inform 136  
those affected by the rule, amendment, or rescission and to have 137  
available for distribution to those requesting it the full text of 138  
the rule as adopted or as amended. 139

(F) If the governor, upon the request of an agency, 140  
determines that an emergency requires the immediate adoption, 141  
amendment, or rescission of a rule, the governor shall issue an 142  
order, the text of which shall be filed in electronic form with 143

the agency, the secretary of state, the director of the 144  
legislative service commission, and the joint committee on agency 145  
rule review, that the procedure prescribed by this section with 146  
respect to the adoption, amendment, or rescission of a specified 147  
rule is suspended. The agency may then adopt immediately the 148  
emergency rule, amendment, or rescission and it becomes effective 149  
on the date the rule, amendment, or rescission, in final form and 150  
in compliance with division (A)(2) of section 119.04 of the 151  
Revised Code, ~~are~~ is filed in electronic form with the secretary 152  
of state, the director of the legislative service commission, and 153  
the joint committee on agency rule review. If all filings are not 154  
completed on the same day, the emergency rule, amendment, or 155  
rescission shall be effective on the day on which the latest 156  
filing is completed. The director shall publish the full text of 157  
the emergency rule, amendment, or rescission in the register of 158  
Ohio. 159

The emergency rule, amendment, or rescission shall become 160  
invalid at the end of the ninetieth day it is in effect. Prior to 161  
that date the agency may adopt the emergency rule, amendment, or 162  
rescission as a nonemergency rule, amendment, or rescission by 163  
complying with the procedure prescribed by this section for the 164  
adoption, amendment, and rescission of nonemergency rules. The 165  
agency shall not use the procedure of this division to readopt the 166  
emergency rule, amendment, or rescission so that, upon the 167  
emergency rule, amendment, or rescission becoming invalid under 168  
this division, the emergency rule, amendment, or rescission will 169  
continue in effect without interruption for another ninety-day 170  
period, except when division (I)(2)(a) of this section prevents 171  
the agency from adopting the emergency rule, amendment, or 172  
rescission as a nonemergency rule, amendment, or rescission within 173  
the ninety-day period. 174

This division does not apply to the adoption of any emergency 175

rule, amendment, or rescission by the tax commissioner under 176  
division (C)(2) of section 5117.02 of the Revised Code. 177

(G) Rules adopted by an authority within the department of 178  
job and family services for the administration or enforcement of 179  
Chapter 4141. of the Revised Code or of the department of taxation 180  
shall be effective without a hearing as provided by this section 181  
if the statutes pertaining to such agency specifically give a 182  
right of appeal to the board of tax appeals or to a higher 183  
authority within the agency or to a court, and also give the 184  
appellant a right to a hearing on such appeal. This division does 185  
not apply to the adoption of any rule, amendment, or rescission by 186  
the tax commissioner under division (C)(1) or (2) of section 187  
5117.02 of the Revised Code, or deny the right to file an action 188  
for declaratory judgment as provided in Chapter 2721. of the 189  
Revised Code from the decision of the board of tax appeals or of 190  
the higher authority within such agency. 191

(H) When any agency files a proposed rule, amendment, or 192  
rescission under division (B) of this section, it shall also file 193  
in electronic form with the joint committee on agency rule review 194  
the full text of the proposed rule, amendment, or rule to be 195  
rescinded in the same form and the public notice required under 196  
division (A) of this section. (If in compliance with this division 197  
an agency files more than one proposed rule, amendment, or 198  
rescission at the same time, and has given a public notice under 199  
division (A) of this section that applies to more than one of the 200  
proposed rules, amendments, or rescissions, the agency shall file 201  
only one notice with the joint committee for all of the proposed 202  
rules, amendments, or rescissions to which the notice applies.) If 203  
the agency makes a substantive revision in a proposed rule, 204  
amendment, or rescission after it is filed with the joint 205  
committee, the agency shall promptly file the full text of the 206  
proposed rule, amendment, or rescission in its revised form in 207

electronic form with the joint committee. The latest version of a 208  
proposed rule, amendment, or rescission as filed with the joint 209  
committee supersedes each earlier version of the text of the same 210  
proposed rule, amendment, or rescission. An agency shall file the 211  
rule summary and fiscal analysis prepared under section ~~121.24~~ ~~or~~ 212  
127.18 of the Revised Code, ~~or both~~, in electronic form along with 213  
a proposed rule, amendment, or rescission, and along with a 214  
proposed rule, amendment, or rescission in revised form, that is 215  
filed under this division. 216

This division does not apply to: 217

(1) An emergency rule, amendment, or rescission; 218

(2) Any proposed rule, amendment, or rescission that must be 219  
adopted verbatim by an agency pursuant to federal law or rule, to 220  
become effective within sixty days of adoption, in order to 221  
continue the operation of a federally reimbursed program in this 222  
state, so long as the proposed rule contains both of the 223  
following: 224

(a) A statement that it is proposed for the purpose of 225  
complying with a federal law or rule; 226

(b) A citation to the federal law or rule that requires 227  
verbatim compliance. 228

If a rule or amendment is exempt from legislative review 229  
under division (H)(2) of this section, and if the federal law or 230  
rule pursuant to which the rule or amendment was adopted expires, 231  
is repealed or rescinded, or otherwise terminates, the rule or 232  
amendment, or its rescission, is thereafter subject to legislative 233  
review under division (H) of this section. 234

(I)(1) The joint committee on agency rule review may 235  
recommend the adoption of a concurrent resolution invalidating a 236  
proposed rule, amendment, rescission, or part thereof if it finds 237  
any of the following: 238



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

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

(c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment, or rescission;

(d) That the rule-making agency has failed to prepare a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission as required by section ~~121.24 or~~ 127.18 of the Revised Code, ~~or both, or that;~~

(e) That the proposed rule, amendment, or rescission incorporates a text or other material by reference and either the rule-making agency has failed to file the text or other material incorporated by reference as required by section 121.73 of the Revised Code or, in the case of a proposed rule or amendment, the incorporation by reference fails to meet the standards stated in section 121.72, 121.75, or 121.76 of the Revised Code; or

(f) That the rule-making agency has failed to comply with section 121.251 or 121.252 of the Revised Code.

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

The house of representatives and senate may adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof. The concurrent resolution shall state which of the specific rules, amendments, rescissions, or parts

thereof are invalidated. A concurrent resolution invalidating a 270  
proposed rule, amendment, or rescission shall be adopted not later 271  
than the sixty-fifth day after the original version of the text of 272  
the proposed rule, amendment, or rescission is filed with the 273  
joint committee, except that if more than thirty-five days after 274  
the original version is filed the rule-making agency either files 275  
a revised version of the text of the proposed rule, amendment, or 276  
rescission, or revises the rule summary and fiscal analysis in 277  
accordance with division (I)(4) of this section, a concurrent 278  
resolution invalidating the proposed rule, amendment, or 279  
rescission shall be adopted not later than the thirtieth day after 280  
the revised version of the proposed rule or rule summary and 281  
fiscal analysis is filed. If, after the joint committee on agency 282  
rule review recommends the adoption of a concurrent resolution 283  
invalidating a proposed rule, amendment, rescission, or part 284  
thereof, the house of representatives or senate does not, within 285  
the time remaining for adoption of the concurrent resolution, hold 286  
five floor sessions at which its journal records a roll call vote 287  
disclosing a sufficient number of members in attendance to pass a 288  
bill, the time within which that house may adopt the concurrent 289  
resolution is extended until it has held five such floor sessions. 290

Within five days after the adoption of a concurrent 291  
resolution invalidating a proposed rule, amendment, rescission, or 292  
part thereof, the clerk of the senate shall send the rule-making 293  
agency, the secretary of state, and the director of the 294  
legislative service commission in electronic form a certified text 295  
of the resolution together with a certification stating the date 296  
on which the resolution takes effect. The secretary of state and 297  
the director of the legislative service commission shall each note 298  
the invalidity of the proposed rule, amendment, rescission, or 299  
part thereof, and shall each remove the invalid proposed rule, 300  
amendment, rescission, or part thereof from the file of proposed 301  
rules. The rule-making agency shall not proceed to adopt in 302

accordance with division (D) of this section, or to file in 303  
accordance with division (B)(1) of section 111.15 of the Revised 304  
Code, any version of a proposed rule, amendment, rescission, or 305  
part thereof that has been invalidated by concurrent resolution. 306

Unless the house of representatives and senate adopt a 307  
concurrent resolution invalidating a proposed rule, amendment, 308  
rescission, or part thereof within the time specified by this 309  
division, the rule-making agency may proceed to adopt in 310  
accordance with division (D) of this section, or to file in 311  
accordance with division (B)(1) of section 111.15 of the Revised 312  
Code, the latest version of the proposed rule, amendment, or 313  
rescission as filed with the joint committee. If by concurrent 314  
resolution certain of the rules, amendments, rescissions, or parts 315  
thereof are specifically invalidated, the rule-making agency may 316  
proceed to adopt, in accordance with division (D) of this section, 317  
or to file in accordance with division (B)(1) of section 111.15 of 318  
the Revised Code, the latest version of the proposed rules, 319  
amendments, rescissions, or parts thereof as filed with the joint 320  
committee that are not specifically invalidated. The rule-making 321  
agency may not revise or amend any proposed rule, amendment, 322  
rescission, or part thereof that has not been invalidated except 323  
as provided in this chapter or in section 111.15 of the Revised 324  
Code. 325

(2)(a) A proposed rule, amendment, or rescission that is 326  
filed with the joint committee under division (H) of this section 327  
or division (D) of section 111.15 of the Revised Code shall be 328  
carried over for legislative review to the next succeeding regular 329  
session of the general assembly if the original or any revised 330  
version of the proposed rule, amendment, or rescission is filed 331  
with the joint committee on or after the first day of December of 332  
any year. 333

(b) The latest version of any proposed rule, amendment, or 334

rescission that is subject to division (I)(2)(a) of this section, 335  
as filed with the joint committee, is subject to legislative 336  
review and invalidation in the next succeeding regular session of 337  
the general assembly in the same manner as if it were the original 338  
version of a proposed rule, amendment, or rescission that had been 339  
filed with the joint committee for the first time on the first day 340  
of the session. A rule-making agency shall not adopt in accordance 341  
with division (D) of this section, or file in accordance with 342  
division (B)(1) of section 111.15 of the Revised Code, any version 343  
of a proposed rule, amendment, or rescission that is subject to 344  
division (I)(2)(a) of this section until the time for legislative 345  
review and invalidation, as contemplated by division (I)(2)(b) of 346  
this section, has expired. 347

(3) Invalidation of any version of a proposed rule, 348  
amendment, rescission, or part thereof by concurrent resolution 349  
shall prevent the rule-making agency from instituting or 350  
continuing proceedings to adopt any version of the same proposed 351  
rule, amendment, rescission, or part thereof for the duration of 352  
the general assembly that invalidated the proposed rule, 353  
amendment, rescission, or part thereof unless the same general 354  
assembly adopts a concurrent resolution permitting the rule-making 355  
agency to institute or continue such proceedings. 356

The failure of the general assembly to invalidate a proposed 357  
rule, amendment, rescission, or part thereof under this section 358  
shall not be construed as a ratification of the lawfulness or 359  
reasonableness of the proposed rule, amendment, rescission, or any 360  
part thereof or of the validity of the procedure by which the 361  
proposed rule, amendment, rescission, or any part thereof was 362  
proposed or adopted. 363

(4) In lieu of recommending a concurrent resolution to 364  
invalidate a proposed rule, amendment, rescission, or part thereof 365  
because the rule-making agency has failed to prepare a complete 366

and accurate fiscal analysis, the joint committee on agency rule 367  
review may issue, on a one-time basis, for rules, amendments, 368  
rescissions, or parts thereof that have a fiscal effect on school 369  
districts, counties, townships, or municipal corporations, a 370  
finding that the rule summary and fiscal analysis is incomplete or 371  
inaccurate and order the rule-making agency to revise the rule 372  
summary and fiscal analysis and refile it with the proposed rule, 373  
amendment, rescission, or part thereof. If an emergency rule is 374  
filed as a nonemergency rule before the end of the ninetieth day 375  
of the emergency rule's effectiveness, and the joint committee 376  
issues a finding and orders the rule-making agency to refile under 377  
division (I)(4) of this section, the governor may also issue an 378  
order stating that the emergency rule shall remain in effect for 379  
an additional sixty days after the ninetieth day of the emergency 380  
rule's effectiveness. The governor's orders shall be filed in 381  
accordance with division (F) of this section. The joint committee 382  
shall send in electronic form to the rule-making agency, the 383  
secretary of state, and the director of the legislative service 384  
commission a certified text of the finding and order to revise the 385  
rule summary and fiscal analysis, which shall take immediate 386  
effect. 387

An order issued under division (I)(4) of this section shall 388  
prevent the rule-making agency from instituting or continuing 389  
proceedings to adopt any version of the proposed rule, amendment, 390  
rescission, or part thereof until the rule-making agency revises 391  
the rule summary and fiscal analysis and refiles it in electronic 392  
form with the joint committee along with the proposed rule, 393  
amendment, rescission, or part thereof. If the joint committee 394  
finds the rule summary and fiscal analysis to be complete and 395  
accurate, the joint committee shall issue a new order noting that 396  
the rule-making agency has revised and refiled a complete and 397  
accurate rule summary and fiscal analysis. The joint committee 398  
shall send in electronic form to the rule-making agency, the 399

secretary of state, and the director of the legislative service 400  
commission a certified text of this new order. The secretary of 401  
state and the director of the legislative service commission shall 402  
each link this order to the proposed rule, amendment, rescission, 403  
or part thereof. The rule-making agency may then proceed to adopt 404  
in accordance with division (D) of this section, or to file in 405  
accordance with division (B)(1) of section 111.15 of the Revised 406  
Code, the proposed rule, amendment, rescission, or part thereof 407  
that was subject to the finding and order under division (I)(4) of 408  
this section. If the joint committee determines that the revised 409  
rule summary and fiscal analysis is still inaccurate or 410  
incomplete, the joint committee shall recommend the adoption of a 411  
concurrent resolution in accordance with division (I)(1) of this 412  
section. 413

Sec. 121.021. It is the policy of the state to improve 414  
customer service in state agencies. Each state agency shall 415  
emphasize improved customer service, efficiency, and productivity 416  
in employee orientation, personnel training, and employee 417  
performance reviews. 418

Sec. 121.25. As used in this section and in sections 121.251, 419  
121.252, 121.253, 121.254, and 121.255 of the Revised Code: 420

(A) "Proposed rule" means the original version of a proposed 421  
rule and each revised version of the same proposed rule. 422

(B) "Rule" means the enactment of a new rule or the amendment 423  
or rescission of an existing rule. 424

(C) "Rule-making agency" has the same meaning as in division 425  
(I) of section 119.01 of the Revised Code. 426

(D) "Small business" means an independently owned and 427  
operated business entity, including its affiliates, having fewer 428  
than five hundred employees. 429

Sec. 121.251. If a rule-making agency intends to adopt a rule that, if adopted, may have any adverse impact on small businesses, the rule-making agency shall do both of the following before filing the proposed rule under division (D) of section 111.15 or division (H) of section 119.03 of the Revised Code:

(A) Conduct a cost-benefit analysis to determine whether the effect of the proposed rule on small businesses outweighs the benefits of the proposed rule, and prepare a cost-benefit report regarding the results of that analysis. The cost-benefit report shall include all of the following:

(1) An identification and estimate of the number of small businesses subject to the proposed rule;

(2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of technical or professional skills necessary for preparation of any report or record required by the proposed rule;

(3) A statement of the probable effect of the proposed rule on the impacted small businesses identified under division (A)(1) of this section;

(4) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule;  
and

(5) Any other information the rule-making agency considers necessary to fully explain its cost-benefit analysis regarding the proposed rule.

(B) Prepare an analysis of how each of the following methods might reduce any adverse impact the proposed rule may have on small businesses and incorporate into the proposed rule any of the methods that the rule-making agency finds to be feasible, unless

doing so would be contrary to the statutory objectives that are 460  
the basis for the proposed rule: 461

(1) The establishment of less stringent compliance or 462  
reporting requirements for small businesses; 463

(2) The establishment of less stringent schedules or 464  
deadlines for compliance or reporting requirements for small 465  
businesses; 466

(3) The consolidation or simplification of compliance or 467  
reporting requirements for small businesses; 468

(4) The establishment of performance standards for small 469  
businesses to replace design or operational standards required in 470  
the proposed rule; and 471

(5) The exemption of small businesses from any or all of the 472  
proposed rule's requirements. 473

**Sec. 121.252.** At the same time a rule-making agency, under 474  
division (D) of section 111.15 or division (H) of section 119.03 475  
of the Revised Code, files a proposed rule that may have any 476  
adverse impact on small businesses, the rule-making agency also 477  
shall file all of the following in electronic form with the Ohio 478  
small business ombudsperson: 479

(A) The full text of the proposed rule; 480

(B) The cost-benefit report regarding the proposed rule; 481

(C) The analysis and any documentation that the rule-making 482  
agency conducted or used in support of its determination of any 483  
adverse impact the proposed rule may have on small businesses; and 484  
485

(D) A description of the actions the rule-making agency has 486  
taken to comply with division (B) of section 121.251 of the 487  
Revised Code. 488



Sec. 121.253. (A) The Ohio small business ombudsperson shall 489  
publish all of the following in the register of Ohio: 490

(1) The full text of a proposed rule; 491

(2) The cost-benefit report, the analysis and any supporting 492  
documentation, and the description of actions taken; and 493

(3) A notice informing persons that they may comment to the 494  
ombudsperson concerning any adverse impact the proposed rule, if 495  
adopted, may have on small businesses. The notice shall explain 496  
how persons may communicate comments to the ombudsperson. 497

(B) Any person may comment to the ombudsperson concerning any 498  
adverse impact a proposed rule, if adopted, may have on small 499  
businesses. The ombudsperson shall establish and maintain, or 500  
participate in, a web site having features that enable persons to 501  
comment electronically. And the ombudsperson shall establish a 502  
toll-free telephone number persons may call to make comments. The 503  
telephone answering point shall be equipped to record comments 504  
that are called in. 505

(C)(1) The ombudsperson shall collate and review comments 506  
that are received with regard to a proposed rule, and shall 507  
compile them in a report that describes in detail the substance of 508  
the comments and, in particular, any objections to the proposed 509  
rule. 510

(2) The ombudsperson shall publish the report in the register 511  
of Ohio and shall file the report in electronic form with the 512  
rule-making agency that proposed the rule and with the small 513  
business regulatory review board. At the same time, the 514  
ombudsperson shall file in electronic form with the board the full 515  
text of the proposed rule and the cost-benefit report, the 516  
analysis and any supporting documentation, and the description of 517  
actions taken. 518

Sec. 121.254. (A)(1) Within one week after receiving a report 519  
from the Ohio small business ombudsperson, the small business 520  
regulatory review board shall hold a meeting at which it shall 521  
review the report, the proposed rule that is the subject of the 522  
report, and the cost-benefit report, the analysis and any 523  
supporting documentation, and the description of actions taken, 524  
and shall determine whether the rule-making agency proposing the 525  
rule has complied with sections 121.251 and 121.252 of the Revised 526  
Code. 527

(2) The board may conduct a public hearing on the proposed 528  
rule at which any person having an interest in the proposed rule 529  
may appear and offer comments on, or objections to, the proposed 530  
rule insofar as it may, if adopted, have any adverse impact on 531  
small businesses. The board shall give notice of such a public 532  
hearing in the register of Ohio at least thirty days before the 533  
date set for the hearing. In the notice, the board shall state the 534  
date and time when, and the place where, the public hearing will 535  
be held. 536

(B) If the board finds that a rule-making agency, in 537  
proposing a rule, has failed to comply with section 121.251 or 538  
121.252 of the Revised Code, the board shall issue in writing a 539  
determination of noncompliance that states the determination and 540  
explains why the proposed rule fails to comply with those 541  
sections. The board may include in the determination of 542  
noncompliance suggested changes in the proposed rule that will 543  
bring the proposed rule into compliance with section 121.251 of 544  
the Revised Code. The board shall file in electronic form with the 545  
rule-making agency and with the joint committee on agency rule 546  
review the determination of noncompliance, the full text of the 547  
proposed rule, and the cost-benefit report, the analysis and any 548  
supporting documentation, and the description of actions taken. 549  
The board shall publish the determination of noncompliance in the 550

register of Ohio. 551

Sec. 121.255. There is hereby created the small business 552  
regulatory review board, consisting of five members appointed by 553  
the governor, two members appointed by the president of the 554  
senate, and two members appointed by the speaker of the house of 555  
representatives. Each member shall represent small business. 556

The terms of office of all members of the board shall be for 557  
three years, beginning on the first day of January and ending at 558  
the close of business on the thirty-first day of December. A 559  
vacancy on the board shall be filled in the same manner as the 560  
initial appointment. Any member appointed to fill a vacancy 561  
occurring prior to the expiration of the term for which the 562  
member's predecessor was appointed shall hold office for the 563  
remainder of the term. 564

The governor shall designate the chairperson of the board 565  
from among the members appointed by the governor. The chairperson 566  
shall appoint a secretary from among the board's members. 567

Five members of the board constitute a quorum, and the 568  
affirmative vote of five members is necessary for any action taken 569  
by the board. 570

Members of the board shall serve without compensation, but 571  
shall be reimbursed for their necessary and actual expenses 572  
incurred in the performance of their board duties. 573

Sec. 122.08. (A) There is hereby created within the 574  
department of development an office to be known as the office of 575  
small business. The office shall be under the supervision of a 576  
manager appointed by the director of development. The manager 577  
shall be known as the Ohio small business ombudsperson. 578

(B) The office and ombudsperson shall do all of the 579  
following: 580

- (1) Act as liaison between the small business community and state governmental agencies; 581  
582
- (2) Furnish information and technical assistance to persons and small businesses concerning the establishment and maintenance of a small business, and concerning state laws and rules relevant to the operation of a small business. In conjunction with these duties, the office shall keep a record of all state agency rules affecting ~~individuals~~, small businesses, ~~or small organizations~~, as defined in section ~~121.24~~ 121.25 of the Revised Code, and the ombudsperson may testify before the joint committee on agency rule review concerning any proposed rule affecting ~~individuals~~, small businesses, ~~or small organizations~~. 583  
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- (3) Prepare and publish the small business register under section 122.081 of the Revised Code; 593  
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- (4) Receive complaints from small businesses concerning governmental activity, compile and analyze those complaints, and periodically make recommendations to the governor and the general assembly on changes in state laws or agency rules needed to eliminate burdensome and unproductive governmental regulation to improve the economic climate within which small businesses operate; 595  
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- (5) Receive complaints or questions from small businesses and direct those businesses to the appropriate governmental agency. If, within a reasonable period of time, a complaint is not satisfactorily resolved or a question is not satisfactorily answered, the office shall, on behalf of the small business, make every effort to secure a satisfactory result. For this purpose, the office may consult with any state governmental agency and may make any suggestion or request that seems appropriate. 602  
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- (6) Utilize, to the maximum extent possible, the printed and electronic media to disseminate information of current concern and 610  
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interest to the small business community and to make known to 612  
small businesses the services available through the office. The 613  
office shall publish such books, pamphlets, and other printed 614  
materials, and shall participate in such trade association 615  
meetings, conventions, fairs, and other meetings involving the 616  
small business community, as the ~~manager~~ ombudsperson considers 617  
appropriate. 618

(7) Prepare for inclusion in the department of development's 619  
annual report to the governor and general assembly, a description 620  
of the activities of the office and a report of the number of 621  
rules affecting ~~individuals, small businesses, and small~~ 622  
~~organizations~~ that were filed with the ~~office~~ ombudsperson under 623  
~~division (B)(2) of section 121.24~~ 121.252 of the Revised Code, 624  
during the preceding calendar year; 625

(8) Operate the Ohio first-stop business connection to assist 626  
individuals in identifying and preparing applications for business 627  
licenses, permits, and certificates and to serve as the central 628  
public distributor for all forms, applications, and other 629  
information related to business licensing. Each state agency, 630  
board, and commission shall cooperate in providing assistance, 631  
information, and materials to enable the connection to perform its 632  
duties under this division. 633

(9) Comply with section 121.253 of the Revised Code; 634

(10) Maintain and publicize a toll-free telephone number Ohio 635  
small businesses may call to reach the ombudsperson, who shall 636  
assist those small businesses in complying with state regulatory 637  
requirements; 638

(11) Interface with other agencies to facilitate the 639  
resolution of small business regulatory issues; 640

(12) Provide all necessary staff and support for the small 641  
business regulatory review board; 642

(13) Interface with small businesses in an effort to create 643  
and retain jobs in this state; 644

(14) Conduct an annual regulatory compliance audit to 645  
determine which, if any, rules pertaining to small businesses 646  
require duplicative reporting or recordkeeping of the same or 647  
substantially similar information for multiple regulatory 648  
entities; 649

(15) Conduct an annual assessment that identifies which rules 650  
have any adverse impact on small businesses; and 651

(16) Prepare an annual report and submit it to the governor 652  
and the general assembly on or before the first day of January 653  
each year. 654

The report shall contain the results of the audit conducted 655  
under division (B)(14) of this section, and shall make 656  
recommendations on how to minimize any adverse impact of rules 657  
identified under division (B)(15) of this section. 658

(C) The office ~~may~~ shall, upon the request of a state agency, 659  
assist the agency with the preparation of any rule that will 660  
affect ~~individuals, small businesses, or small organizations.~~ The 661  
office shall train rule-making agency personnel on methods to be 662  
used under section 121.251 of the Revised Code to conduct a 663  
cost-benefit analysis, to prepare a cost-benefit report, and to 664  
prepare an analysis of how the adverse impact of a proposed rule 665  
on small businesses may be reduced. 666

(D) The director of development shall assign employees and 667  
furnish equipment and supplies to the office as the director 668  
considers necessary for the proper performance of the duties 669  
assigned to the office. 670

**Sec. 124.04.** In addition to those powers enumerated in 671  
Chapters 123. and 125. of the Revised Code and as provided 672

elsewhere by law, the powers, duties, and functions of the 673  
department of administrative services not specifically vested in 674  
and assigned to, or to be performed by, the state personnel board 675  
of review are hereby vested in and assigned to, and shall be 676  
performed by, the director of administrative services. These 677  
powers, duties, and functions shall include, but shall not be 678  
limited to, the following powers, duties, and functions: 679

(A) To prepare, conduct, and grade all competitive 680  
examinations for positions in the classified state service; 681

(B) To prepare, conduct, and grade all noncompetitive 682  
examinations for positions in the classified state service; 683

(C) To prepare eligible lists containing the names of persons 684  
qualified for appointment to positions in the classified state 685  
service; 686

(D) To prepare or amend, in accordance with section 124.14 of 687  
the Revised Code, specifications descriptive of duties, 688  
responsibilities, requirements, and desirable qualifications of 689  
the various classifications of positions in the state service; 690

(E) To allocate and reallocate, upon the motion of the 691  
director or upon request of an appointing authority and in 692  
accordance with section 124.14 of the Revised Code, any position, 693  
office, or employment in the state service to the appropriate 694  
classification on the basis of the duties, responsibilities, 695  
requirements, and qualifications of that position, office, or 696  
employment; 697

(F) To develop and conduct personnel recruitment services for 698  
positions in the state service; 699

(G) To conduct research on specifications, classifications, 700  
and salaries of positions in the state service; 701

(H) To develop and conduct personnel training programs, 702

including supervisory training programs and best practices plans, 703  
and to develop merit hiring processes, in cooperation with 704  
appointing authorities; 705

(I) To include periodically in communications sent to state 706  
employees both of the following: 707

(1) Information developed under section 2108.15 of the 708  
Revised Code promoting the donation of anatomical gifts under 709  
Chapter 2108. of the Revised Code; 710

(2) Information about the liver or kidney donor and bone 711  
marrow donor leave granted under section 124.139 of the Revised 712  
Code. 713

(J) To enter into agreements with universities and colleges 714  
for in-service training of officers and employees in the civil 715  
service and to assist appointing authorities in recruiting 716  
qualified applicants; 717

(K) To appoint examiners, inspectors, clerks, and other 718  
assistants necessary in the exercise of the powers and performance 719  
of the duties and functions which the director is by law 720  
authorized and required to exercise and perform, and to prescribe 721  
the duties of all of those employees; 722

(L) To maintain a journal, which shall be open to public 723  
inspection, in which the director shall keep a record of the 724  
director's final decision pertaining to the classification or 725  
reclassification of positions in the classified civil service of 726  
the state and assignment or reassignment of employees in the 727  
classified civil service of the state to specific position 728  
classifications; 729

(M) To develop customer service performance standards for 730  
officers and employees of state agencies under section 124.95 of 731  
the Revised Code; 732



(N) To delegate any of the powers, functions, or duties 733  
granted or assigned to the director under this chapter to any 734  
other state agency of this state as the director considers 735  
necessary; 736

~~(N)~~(O) To delegate any of the powers, functions, or duties 737  
granted or assigned to the director under this chapter to any 738  
political subdivision with the concurrence of the legislative 739  
authority of the political subdivision. 740

**Sec. 124.95.** (A) As used in this section, "state agency" has 741  
the meaning defined in section 1.60 of the Revised Code, but does 742  
not include any court or judicial agency, the general assembly or 743  
any legislative agency, or the controlling board. 744

(B) On or before January 1, 2010, the director of 745  
administrative services, under division (A) of section 124.09 of 746  
the Revised Code, shall develop and adopt rules, and thereafter 747  
may amend or rescind rules, that establish customer service 748  
performance standards for officers and employees of state 749  
agencies, but not for officers who are elected. The performance 750  
standards shall be specific to the various positions in each state 751  
agency and shall be based on the duties, responsibilities, 752  
requirements, and qualifications of the positions. The performance 753  
standards shall be applied to and used in conducting each 754  
employee's annual performance review. 755

The director shall solicit recommendations concerning 756  
improving customer service from human resource professionals, and, 757  
before adopting rules under this section, shall consider the 758  
recommendations that are submitted. 759

**Section 2.** That sections 103.0511, 111.15, 117.20, 119.031, 760  
121.39, 122.081, 122.94, and 1710.02 of the Revised Code be 761  
amended to read as follows: 762

**Sec. 103.0511.** The director of the legislative service 763  
commission shall establish and maintain, and enhance and improve, 764  
an electronic rule-filing system connecting: 765

(A) The legislative service commission, the joint committee 766  
on agency rule review, the secretary of state, and the office of 767  
small business; 768

(B) The governor, the senate and house of representatives, 769  
and the clerks of the senate and house of representatives; 770

(C) Each agency that files rules and other rule-making and 771  
rule-related documents with the legislative service commission, 772  
the joint committee on agency rule review, the governor, the 773  
secretary of state, the ~~office of small business~~ Ohio small 774  
business ombudsperson, the general assembly, or a committee of the 775  
senate or house of representatives under section 111.15, 117.20, 776  
119.03, 119.031, 119.032, 119.0311, 119.04, ~~121.24~~, 121.252, 777  
121.39, 127.18, 4141.14, 5117.02, or 5703.14 of the Revised Code 778  
or any other statute; 779

(D) The several publishers of the Administrative Code; and 780

(E) Any other person or governmental officer or entity whose 781  
inclusion in the system is required for the system to be a 782  
complete electronic rule-filing system. 783

The electronic rule-filing system is to enable rules and 784  
rule-making and rule-related documents to be filed, and official 785  
responses to these filings to be made, exclusively by electronic 786  
means. 787

**Sec. 111.15.** (A) As used in this section: 788

(1) "Rule" includes any rule, regulation, bylaw, or standard 789  
having a general and uniform operation adopted by an agency under 790  
the authority of the laws governing the agency; any appendix to a 791

rule; and any internal management rule. "Rule" does not include 792  
any guideline adopted pursuant to section 3301.0714 of the Revised 793  
Code, any order respecting the duties of employees, any finding, 794  
any determination of a question of law or fact in a matter 795  
presented to an agency, or any rule promulgated pursuant to 796  
Chapter 119., section 4141.14, division (C)(1) or (2) of section 797  
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 798  
any amendment or rescission of a rule. 799

(2) "Agency" means any governmental entity of the state and 800  
includes, but is not limited to, any board, department, division, 801  
commission, bureau, society, council, institution, state college 802  
or university, community college district, technical college 803  
district, or state community college. "Agency" does not include 804  
the general assembly, the controlling board, the adjutant 805  
general's department, or any court. 806

(3) "Internal management rule" means any rule, regulation, 807  
bylaw, or standard governing the day-to-day staff procedures and 808  
operations within an agency. 809

(4) "Substantive revision" has the same meaning as in 810  
division (J) of section 119.01 of the Revised Code. 811

(B)(1) Any rule, other than a rule of an emergency nature, 812  
adopted by any agency pursuant to this section shall be effective 813  
on the tenth day after the day on which the rule in final form and 814  
in compliance with division (B)(3) of this section is filed as 815  
follows: 816

(a) The rule shall be filed in electronic form with both the 817  
secretary of state and the director of the legislative service 818  
commission; 819

(b) The rule shall be filed in electronic form with the joint 820  
committee on agency rule review. Division (B)(1)(b) of this 821  
section does not apply to any rule to which division (D) of this 822

section does not apply. 823

An agency that adopts or amends a rule that is subject to 824  
division (D) of this section shall assign a review date to the 825  
rule that is not later than five years after its effective date. 826  
If no review date is assigned to a rule, or if a review date 827  
assigned to a rule exceeds the five-year maximum, the review date 828  
for the rule is five years after its effective date. A rule with a 829  
review date is subject to review under section 119.032 of the 830  
Revised Code. This paragraph does not apply to a rule of a state 831  
college or university, community college district, technical 832  
college district, or state community college. 833

If all filings are not completed on the same day, the rule 834  
shall be effective on the tenth day after the day on which the 835  
latest filing is completed. If an agency in adopting a rule 836  
designates an effective date that is later than the effective date 837  
provided for by division (B)(1) of this section, the rule if filed 838  
as required by such division shall become effective on the later 839  
date designated by the agency. 840

Any rule that is required to be filed under division (B)(1) 841  
of this section is also subject to division (D) of this section if 842  
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 843  
(8) of this section. 844

If a rule incorporates a text or other material by reference, 845  
the agency shall comply with sections 121.71 to 121.76 of the 846  
Revised Code. 847

(2) A rule of an emergency nature necessary for the immediate 848  
preservation of the public peace, health, or safety shall state 849  
the reasons for the necessity. The emergency rule, in final form 850  
and in compliance with division (B)(3) of this section, shall be 851  
filed in electronic form with the secretary of state, the director 852  
of the legislative service commission, and the joint committee on 853

agency rule review. The emergency rule is effective immediately 854  
upon completion of the latest filing, except that if the agency in 855  
adopting the emergency rule designates an effective date, or date 856  
and time of day, that is later than the effective date and time 857  
provided for by division (B)(2) of this section, the emergency 858  
rule if filed as required by such division shall become effective 859  
at the later date, or later date and time of day, designated by 860  
the agency. 861

An emergency rule becomes invalid at the end of the ninetieth 862  
day it is in effect. Prior to that date, the agency may file the 863  
emergency rule as a nonemergency rule in compliance with division 864  
(B)(1) of this section. The agency may not refile the emergency 865  
rule in compliance with division (B)(2) of this section so that, 866  
upon the emergency rule becoming invalid under such division, the 867  
emergency rule will continue in effect without interruption for 868  
another ninety-day period. 869

(3) An agency shall file a rule under division (B)(1) or (2) 870  
of this section in compliance with the following standards and 871  
procedures: 872

(a) The rule shall be numbered in accordance with the 873  
numbering system devised by the director for the Ohio 874  
administrative code. 875

(b) The rule shall be prepared and submitted in compliance 876  
with the rules of the legislative service commission. 877

(c) The rule shall clearly state the date on which it is to 878  
be effective and the date on which it will expire, if known. 879

(d) Each rule that amends or rescinds another rule shall 880  
clearly refer to the rule that is amended or rescinded. Each 881  
amendment shall fully restate the rule as amended. 882

If the director of the legislative service commission or the 883  
director's designee gives an agency notice pursuant to section 884

103.05 of the Revised Code that a rule filed by the agency is not 885  
in compliance with the rules of the legislative service 886  
commission, the agency shall within thirty days after receipt of 887  
the notice conform the rule to the rules of the commission as 888  
directed in the notice. 889

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 890  
of this section shall be recorded by the secretary of state and 891  
the director under the title of the agency adopting the rule and 892  
shall be numbered according to the numbering system devised by the 893  
director. The secretary of state and the director shall preserve 894  
the rules in an accessible manner. Each such rule shall be a 895  
public record open to public inspection and may be transmitted to 896  
any law publishing company that wishes to reproduce it. 897

(D) At least sixty-five days before a board, commission, 898  
department, division, or bureau of the government of the state 899  
files a rule under division (B)(1) of this section, it shall file 900  
the full text of the proposed rule in electronic form with the 901  
joint committee on agency rule review, and the proposed rule is 902  
subject to legislative review and invalidation under division (I) 903  
of section 119.03 of the Revised Code. If a state board, 904  
commission, department, division, or bureau makes a substantive 905  
revision in a proposed rule after it is filed with the joint 906  
committee, the state board, commission, department, division, or 907  
bureau shall promptly file the full text of the proposed rule in 908  
its revised form in electronic form with the joint committee. The 909  
latest version of a proposed rule as filed with the joint 910  
committee supersedes each earlier version of the text of the same 911  
proposed rule. Except as provided in division (F) of this section, 912  
a state board, commission, department, division, or bureau shall 913  
also file the rule summary and fiscal analysis prepared under 914  
section ~~121.24~~ ~~or~~ 127.18 of the Revised Code, ~~or both,~~ in 915  
electronic form along with a proposed rule, and along with a 916

proposed rule in revised form, that is filed under this division. 917

As used in this division, "commission" includes the public 918  
utilities commission when adopting rules under a federal or state 919  
statute. 920

This division does not apply to any of the following: 921

(1) A proposed rule of an emergency nature; 922

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 923  
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 924  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 925  
Code; 926

(3) A rule proposed by an agency other than a board, 927  
commission, department, division, or bureau of the government of 928  
the state; 929

(4) A proposed internal management rule of a board, 930  
commission, department, division, or bureau of the government of 931  
the state; 932

(5) Any proposed rule that must be adopted verbatim by an 933  
agency pursuant to federal law or rule, to become effective within 934  
sixty days of adoption, in order to continue the operation of a 935  
federally reimbursed program in this state, so long as the 936  
proposed rule contains both of the following: 937

(a) A statement that it is proposed for the purpose of 938  
complying with a federal law or rule; 939

(b) A citation to the federal law or rule that requires 940  
verbatim compliance. 941

(6) An initial rule proposed by the director of health to 942  
impose safety standards and quality-of-care standards with respect 943  
to a health service specified in section 3702.11 of the Revised 944  
Code, or an initial rule proposed by the director to impose 945  
quality standards on a facility listed in division (A)(4) of 946

section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;

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

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

(E) Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section ~~121.24~~ or 127.18 of the Revised Code, ~~or both,~~ in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

(F) Except as otherwise provided in this division, the auditor of state or the auditor of state's designee is not required to file a rule summary and fiscal analysis along with a proposed rule, or proposed rule in revised form, that the auditor of state proposes under section 117.12, 117.19, 117.38, or 117.43 of the Revised Code and files under division (D) or (E) of this section. ~~If, however, the auditor of state or the designee prepares a rule summary and fiscal analysis of the original version of such a proposed rule for purposes of complying with section 121.24 of the Revised Code, the auditor of state or designee shall file the rule summary and fiscal analysis in~~



~~electronic form along with the original version of the proposed 979  
rule filed under division (D) or (E) of this section. 980~~

**Sec. 117.20.** (A) In adopting rules pursuant to Chapter 117. 981  
of the Revised Code, the auditor of state or the auditor of 982  
state's designee shall do both of the following: 983

(1) Before adopting any such rule, except a rule of an 984  
emergency nature, do each of the following: 985

(a) At least thirty-five days before any public hearing on 986  
the proposed rule-making action, mail notice of the hearing to 987  
each public office and to each statewide organization that the 988  
auditor of state or designee determines will be affected or 989  
represents persons who will be affected by the proposed 990  
rule-making action; 991

(b) Mail a copy of the proposed rule to any person or 992  
organization that requests a copy within five days after receipt 993  
of the request; 994

(c) Consult with appropriate state and local government 995  
agencies, or with persons representative of their interests, 996  
including statewide organizations of local government officials, 997  
and consult with accounting professionals and other interested 998  
persons; 999

(d) Conduct, on the date and at the time and place designated 1000  
in the notice, a public hearing at which any person affected by 1001  
the proposed rule, including statewide organizations of local 1002  
government officials, may appear and be heard in person, by 1003  
attorney, or both, and may present the person's or organization's 1004  
position or contentions orally or in writing. 1005

(2) Except as otherwise provided in division (A)(2) of this 1006  
section, comply with divisions (B) to (E) of section 111.15 of the 1007  
Revised Code. The auditor of state is not required to file a rule 1008

summary and fiscal analysis along with any copy of a proposed 1009  
rule, or proposed rule in revised form, that is filed with the 1010  
joint committee on agency rule review, the secretary of state, or 1011  
the director of the legislative service commission under division 1012  
(D) or (E) of section 111.15 of the Revised Code; ~~however, if the 1013~~  
~~auditor of state or the auditor of state's designee prepares a 1014~~  
~~rule summary and fiscal analysis of the original version of a 1015~~  
~~proposed rule for purposes of complying with section 121.24 of the 1016~~  
~~Revised Code, the auditor of state or designee shall file a copy 1017~~  
~~of the rule summary and fiscal analysis in electronic form along 1018~~  
~~with the original version of the proposed rule filed under 1019~~  
~~division (D) or (E) of section 111.15 of the Revised Code. 1020~~

(B) The auditor of state shall diligently discharge the 1021  
duties imposed by divisions (A)(1)(a), (b), and (c) of this 1022  
section, but failure to mail any notice or copy of a proposed 1023  
rule, or to consult with any person or organization, shall not 1024  
invalidate any rule. 1025

(C) Notwithstanding any contrary provision of the Revised 1026  
Code, the auditor of state may prepare and disseminate, to public 1027  
offices and other interested persons and organizations, advisory 1028  
bulletins, directives, and instructions relating to accounting and 1029  
financial reporting systems, budgeting procedures, fiscal 1030  
controls, and the constructions by the auditor of state of 1031  
constitutional and statutory provisions, court decisions, and 1032  
opinions of the attorney general. The bulletins, directives, and 1033  
instructions shall be of an advisory nature only. 1034

(D) As used in this section, "rule" includes the adoption, 1035  
amendment, or rescission of a rule. 1036

**Sec. 119.031.** (A) The chairperson of the joint committee on 1037  
agency rule review shall compare each rule, amendment, or 1038  
rescission as filed in final form with the latest version of the 1039

same rule, amendment, or rescission as filed in proposed form. 1040

(B) If, upon making the comparison required by division (A) 1041  
of this section, the chairperson of the joint committee on agency 1042  
rule review finds that the rule-making agency has made a 1043  
substantive revision in the rule, amendment, or rescission between 1044  
the time it filed the latest version of the rule, amendment, or 1045  
rescission in proposed form and the time it filed the rule, 1046  
amendment, or rescission in final form, the chairperson shall 1047  
promptly notify the rule-making agency, the secretary of state, 1048  
and the director of the legislative service commission in 1049  
electronic form of that finding. 1050

(C) The joint committee on agency rule review shall review 1051  
any rule, amendment, or rescission as filed in final form if, 1052  
under division (B) of this section, it is found to contain a 1053  
substantive revision. The joint committee may do either or both of 1054  
the following: 1055

(1) If the joint committee makes any of the findings stated 1056  
in division (I)(1)(a), (b), ~~or (c)~~, or (f) of section 119.03 of 1057  
the Revised Code, it may suspend the rule, amendment, rescission, 1058  
or any part thereof. The suspension shall remain in effect until 1059  
the time for legislative review and invalidation has expired under 1060  
division (D) of this section, or until the general assembly adopts 1061  
a concurrent resolution invalidating the rule, amendment, 1062  
rescission, or any part thereof, whichever occurs first. The 1063  
chairperson of the joint committee shall promptly notify the 1064  
rule-making agency, the secretary of state, and the director of 1065  
the legislative service commission in electronic form of the 1066  
suspension. 1067

(2) The joint committee may recommend the adoption of a 1068  
concurrent resolution invalidating the rule, amendment, 1069  
rescission, or any part thereof if it makes any of the findings 1070  
stated in division (I)(1)(a), (b), ~~or (c)~~, or (f) of section 1071

119.03 of the Revised Code. 1072

(D) A rule, amendment, or rescission that, under division (B) 1073  
of this section, is found to contain a substantive revision shall 1074  
nevertheless become effective pursuant to division (B)(1) of 1075  
section 111.15, division (A)(1) of section 119.04, division (B)(1) 1076  
of section 4141.14, or division (A) of section 5703.14 of the 1077  
Revised Code and remain in effect as filed in final form unless: 1078

(1) Under division (C)(1) of this section, the joint 1079  
committee suspends the rule, amendment, rescission, or any part 1080  
thereof; or 1081

(2) Prior to the sixtieth day after the rule, amendment, or 1082  
rescission was filed in final form, the house of representatives 1083  
and senate adopt a concurrent resolution invalidating the rule, 1084  
amendment, rescission, or any part thereof. If, after the joint 1085  
committee on agency rule review recommends the adoption of a 1086  
concurrent resolution invalidating the rule, amendment, 1087  
rescission, or part thereof, the house of representatives or 1088  
senate does not, within the time remaining for adoption of the 1089  
concurrent resolution, hold five floor sessions at which its 1090  
journal records a roll call vote disclosing a sufficient number of 1091  
members in attendance to pass a bill, the time within which that 1092  
house may adopt the concurrent resolution is extended until it has 1093  
held five such floor sessions. 1094

Upon the adoption of such a concurrent resolution, the clerk 1095  
of the senate shall, within five days thereafter, send the 1096  
rule-making agency, the secretary of state, and the director of 1097  
the legislative service commission, in electronic form, a 1098  
certified copy of the resolution together with a certification 1099  
stating the date on which the resolution takes effect. The 1100  
secretary of state and the director shall each note the invalidity 1101  
of the rule, amendment, rescission, or part thereof, and shall 1102  
remove the invalid rule, amendment, rescission, or part thereof 1103

from the file of current rules. The director shall also indicate 1104  
in the Ohio administrative code that the rule, amendment, 1105  
rescission, or part thereof is invalid and the date of 1106  
invalidation. The rule-making agency shall make appropriate 1107  
adjustments to reflect the invalidity of the rule, amendment, 1108  
rescission, or part thereof. 1109

(E) Invalidation of a rule, amendment, rescission, or part 1110  
thereof under this section shall prevent the rule-making agency 1111  
from instituting proceedings to readopt any version of the same 1112  
rule, amendment, rescission, or part thereof for the duration of 1113  
the general assembly that invalidated the rule, amendment, 1114  
rescission, or part thereof unless the same general assembly 1115  
adopts a concurrent resolution permitting the rule-making agency 1116  
to institute such proceedings. 1117

(F) The failure of the general assembly to invalidate a rule, 1118  
amendment, rescission, or part thereof under this section shall 1119  
not be construed as a ratification of the lawfulness or 1120  
reasonableness of the rule, amendment, rescission, or any part 1121  
thereof or of the validity of the procedure by which the rule, 1122  
amendment, rescission, or any part thereof was adopted. 1123

(G) As used in this section, a rule, amendment, or rescission 1124  
is filed: 1125

(1) "In proposed form" when it is filed in such form with the 1126  
joint committee under division (D) of section 111.15 or division 1127  
(H) of section 119.03 of the Revised Code; 1128

(2) "In final form" when it is filed in such form with the 1129  
joint committee under division (B)(1)(b) of section 111.15, 1130  
division (A)(1)(b) of section 119.04, division (B)(1)(b) of 1131  
section 4141.14, or division (A)(2) of section 5703.14 of the 1132  
Revised Code. 1133

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

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

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

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

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

(B) Except as otherwise provided in division (E) of this section, when proposed legislation dealing with environmental protection or containing a component dealing with environmental protection is referred to a committee of the general assembly, other than a committee on rules or reference, the sponsor of the legislation, at the time of the first hearing of the legislation before the committee, shall submit to the members of the committee a written statement identifying either the documentation that is the basis of the legislation or the federal requirement or requirements with which the legislation is intended to comply. If the legislation is not based on documentation or has not been introduced to comply with a federal requirement or requirements, the written statement from the sponsor shall so indicate.

Also at the time of the first hearing of the legislation before the committee, a statewide organization that represents

businesses in this state and that elects its board of directors 1164  
may submit to the members of the committee a written estimate of 1165  
the costs to the regulated community in this state of complying 1166  
with the legislation if it is enacted. 1167

At any hearing of the legislation before the committee, a 1168  
representative of any state agency, environmental advocacy 1169  
organization, or consumer advocacy organization or any private 1170  
citizen may present documentation containing an estimate of the 1171  
monetary and other costs to public health and safety and the 1172  
environment and to consumers and residential utility customers, 1173  
and the effects on property values, if the legislation is not 1174  
enacted. 1175

(C) Until such time as the statement required under division 1176  
(B) of this section is submitted to the committee to which 1177  
proposed legislation dealing with environmental protection or 1178  
containing a component dealing with environmental protection was 1179  
referred, the legislation shall not be reported by that committee. 1180  
This requirement does not apply if the component dealing with 1181  
environmental protection is removed from the legislation or if 1182  
two-thirds of the members of the committee vote in favor of a 1183  
motion to report the proposed legislation. 1184

(D) Except as otherwise provided in division (E) of this 1185  
section, prior to adopting a rule or an amendment proposed to a 1186  
rule dealing with environmental protection or containing a 1187  
component dealing with environmental protection, a state agency 1188  
shall do all of the following: 1189

(1) Consult with organizations that represent political 1190  
subdivisions, environmental interests, business interests, and 1191  
other persons affected by the proposed rule or amendment; 1192

(2) Consider documentation relevant to the need for, the 1193  
environmental benefits or consequences of, other benefits of, and 1194

the technological feasibility of the proposed rule or amendment; 1195

(3) Specifically identify whether the proposed rule or 1196  
amendment is being adopted or amended to enable the state to 1197  
obtain or maintain approval to administer and enforce a federal 1198  
environmental law or to participate in a federal environmental 1199  
program, whether the proposed rule or amendment is more stringent 1200  
than its federal counterpart, and, if the proposed rule or 1201  
amendment is more stringent, the rationale for not incorporating 1202  
its federal counterpart; 1203

(4) Include with the proposed rule or amendment and the rule 1204  
summary and fiscal analysis required under ~~sections 121.24 and~~ 1205  
section 127.18 of the Revised Code, when they are filed with the 1206  
joint committee on agency rule review in accordance with division 1207  
(D) of section 111.15 or division (H) of section 119.03 of the 1208  
Revised Code, one of the following in electronic form, as 1209  
applicable: 1210

(a) The information identified under division (D)(3) of this 1211  
section and, if the proposed rule or amendment is more stringent 1212  
than its federal counterpart, as identified in that division, the 1213  
documentation considered under division (D)(2) of this section; 1214

(b) If an amendment proposed to a rule is being adopted or 1215  
amended under a state statute that establishes standards with 1216  
which the amendment shall comply, and the proposed amendment is 1217  
more stringent than the rule that it is proposing to amend, the 1218  
documentation considered under division (D)(2) of this section; 1219

(c) If division (D)(4)(a) or (b) of this section is not 1220  
applicable, the documentation considered under division (D)(2) of 1221  
this section. 1222

If the agency subsequently files a revision of such a 1223  
proposed rule or amendment in accordance with division (D) of 1224  
section 111.15 or division (H) of section 119.03 of the Revised 1225



Code, the revision shall be accompanied in electronic form by the 1226  
applicable information or documentation. 1227

Division (D) of this section does not apply to any emergency 1228  
rule adopted under division (B)(2) of section 111.15 or division 1229  
(F) of section 119.03 of the Revised Code, but does apply to any 1230  
such rule that subsequently is adopted as a nonemergency rule 1231  
under either of those divisions. 1232

The information or documentation submitted under division 1233  
(D)(4) of this section may be in the form of a summary or index of 1234  
available knowledge or information and shall consist of or be 1235  
based upon the best available generally accepted knowledge or 1236  
information in the appropriate fields, as determined by the agency 1237  
that prepared the documentation. 1238

(E) The statement required under division (B) and the 1239  
information or documentation required under division (D) of this 1240  
section need not be prepared or submitted with regard to a 1241  
proposed statute or rule, or an amendment to a rule, if the 1242  
statute, rule, or amendment is procedural or budgetary in nature, 1243  
or governs the organization or operation of a state agency, and 1244  
will not affect the substantive rights or obligations of any 1245  
person other than a state agency or an employee or contractor of a 1246  
state agency. 1247

(F) The insufficiency, incompleteness, or inadequacy of a 1248  
statement, information, documentation, or a summary of information 1249  
or documentation provided in accordance with division (B) or (D) 1250  
of this section shall not be grounds for invalidation of any 1251  
statute, rule, or amendment to a rule. 1252

(G) This section applies only to the following: 1253

(1) Legislation and components of legislation dealing with 1254  
environmental protection that are introduced in the general 1255  
assembly after March 5, 1996; 1256

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

**Sec. 122.081.** (A) The office of small business in the department of development shall prepare and publish a "small business register" or contract with any person as provided in this section to prepare and publish the register. The small business register shall contain the following information regarding each proposed rule filed with the ~~office of small business~~ Ohio small business ombudsperson under ~~division (B)(2) of section 121.24~~ 121.252 of the Revised Code:

(1) The title and administrative code rule number of the proposed rule;

(2) A brief summary of the proposed rule;

(3) The date on which the proposed rule was filed with the office of small business ~~under division (B)(2) of section 121.24 of the Revised Code;~~ and

(4) The name, address, and telephone number of the individual or office within the agency that proposed the rule ~~who has been designated as being responsible for complying with division (E) of section 121.24 of the Revised Code with regard to the proposed rule.~~

(B) The small business register shall be published on a weekly basis. The information required under division (A) of this section shall be published in the register no later than two weeks after the proposed rule to which the information relates is filed with the ~~office of small business~~ ombudsperson under ~~division (B)(2) of section 121.24~~ 121.252 of the Revised Code. The office

of small business shall furnish the small business register, on a 1287  
single copy or subscription basis, to any person who requests it 1288  
and pays a single copy price or subscription rate fixed by the 1289  
office. ~~The office shall furnish the chairmen of the standing 1290~~  
~~committees of the senate and house of representatives having 1291~~  
~~jurisdiction over individuals, small businesses, and small 1292~~  
~~organizations with free subscriptions to the small business 1293~~  
~~register. 1294~~

(C) Upon the request of the office of small business, the 1295  
director of administrative services shall, in accordance with the 1296  
competitive selection procedure of Chapter 125. of the Revised 1297  
Code, let a contract for the compilation, printing, and 1298  
distribution of the small business register. 1299

(D) The office of small business shall adopt, and may amend 1300  
or rescind, in accordance with Chapter 119. of the Revised Code, 1301  
such rules as are necessary to enable it to properly carry out 1302  
this section. 1303

**Sec. 122.94.** The director of the department of development 1304  
shall: 1305

(A) Promulgate rules in accordance with Chapter 119. of the 1306  
Revised Code for the conduct of the minority business development 1307  
division's business and for carrying out the purposes of sections 1308  
122.92 to 122.94 of the Revised Code; 1309

(B) Prepare an annual report to the governor and the general 1310  
assembly on or before the first day of February of its activities 1311  
for the preceding calendar year. ~~In addition to the submissions 1312~~  
~~required by section 101.68 of the Revised Code, the director shall 1313~~  
~~submit copies of the annual report to the chairmen of the standing 1314~~  
~~committees of the senate and house of representatives having 1315~~  
~~jurisdiction over individuals, small businesses, and small 1316~~  
~~organizations, as those terms are defined in section 121.24 of the 1317~~

~~Revised Code.~~ 1318

**Sec. 1710.02.** (A) A special improvement district may be 1319  
created within the boundaries of any one municipal corporation, 1320  
any one township, or any combination of contiguous municipal 1321  
corporations and townships by a petition of the property owners 1322  
within the proposed district, for the purpose of developing and 1323  
implementing plans for public improvements and public services 1324  
that benefit the district. All territory in a district shall be 1325  
contiguous. 1326

The district shall be governed by the board of trustees of a 1327  
nonprofit corporation. This board shall be known as the board of 1328  
directors of the special improvement district. No special 1329  
improvement district shall include any church property, or 1330  
property of the federal or state government or a county, township, 1331  
or municipal corporation, unless the church or the county, 1332  
township, or municipal corporation specifically requests in 1333  
writing that the property be included within the district. More 1334  
than one district may be created within a participating political 1335  
subdivision, but no real property may be included within more than 1336  
one district unless the owner of the property files a written 1337  
consent with the clerk of the legislative authority, the township 1338  
fiscal officer, or the village clerk, as appropriate. The area of 1339  
each district shall be contiguous. 1340

(B) Except as provided in division (C) of this section, a 1341  
district created under this chapter is not a political 1342  
subdivision. A district created under this chapter shall be 1343  
considered a public agency under section 102.01 and a public 1344  
authority under section 4115.03 of the Revised Code. Each member 1345  
of the board of directors of a district, each member's designee or 1346  
proxy, and each officer and employee of a district shall be 1347  
considered a public official or employee under section 102.01 of 1348

the Revised Code and a public official and public servant under 1349  
section 2921.42 of the Revised Code. Districts created under this 1350  
chapter are not subject to section ~~121.24~~ 121.251 or 121.252 of 1351  
the Revised Code. Districts created under this chapter are subject 1352  
to sections 121.22 and 121.23 of the Revised Code. 1353

(C) Each district created under this chapter shall be 1354  
considered a political subdivision for purposes of section 4905.34 1355  
of the Revised Code. 1356

Membership on the board of directors of the district shall 1357  
not be considered as holding a public office. Directors and their 1358  
designees shall be entitled to the immunities provided by Chapter 1359  
1702. and to the same immunity as an employee under division 1360  
(A)(6) of section 2744.03 of the Revised Code, except that 1361  
directors and their designees shall not be entitled to the 1362  
indemnification provided in section 2744.07 of the Revised Code 1363  
unless the director or designee is an employee or official of a 1364  
participating political subdivision of the district and is acting 1365  
within the scope of the director's or designee's employment or 1366  
official responsibilities. 1367

District officers and district members and directors and 1368  
their designees or proxies shall not be required to file a 1369  
statement with the Ohio ethics commission under section 102.02 of 1370  
the Revised Code. All records of the district shall be treated as 1371  
public records under section 149.43 of the Revised Code, except 1372  
that records of organizations contracting with a district shall 1373  
not be considered to be public records under section 149.43 or 1374  
section 149.431 of the Revised Code solely by reason of any 1375  
contract with a district. 1376

(D) Except as otherwise provided in this section, the 1377  
nonprofit corporation that governs a district shall be organized 1378  
in the manner described in Chapter 1702. of the Revised Code. The 1379  
corporation's articles of incorporation are required to be 1380

approved, as provided in division (E) of this section, by 1381  
resolution of the legislative authority of each participating 1382  
political subdivision of the district. A copy of that resolution 1383  
shall be filed along with the articles of incorporation in the 1384  
secretary of state's office. 1385

In addition to meeting the requirements for articles of 1386  
incorporation set forth in Chapter 1702. of the Revised Code, the 1387  
articles of incorporation for the nonprofit corporation governing 1388  
a district formed under this chapter shall provide all the 1389  
following: 1390

(1) The name for the district, which shall include the name 1391  
of each participating political subdivision of the district; 1392

(2) A description of the territory within the district, which 1393  
may be all or part of each participating political subdivision. 1394  
The description shall be specific enough to enable real property 1395  
owners to determine if their property is located within the 1396  
district. 1397

(3) A description of the procedure by which the articles of 1398  
incorporation may be amended. The procedure shall include 1399  
receiving approval of the amendment, by resolution, from the 1400  
legislative authority of each participating political subdivision 1401  
and filing the approved amendment and resolution with the 1402  
secretary of state. 1403

(4) The reasons for creating the district, plus an 1404  
explanation of how the district will be conducive to the public 1405  
health, safety, peace, convenience, and welfare of the district. 1406

(E) The articles of incorporation for a nonprofit corporation 1407  
governing a district created under this chapter and amendments to 1408  
them shall be submitted to the municipal executive, if any, and 1409  
the legislative authority of each municipal corporation or 1410  
township in which the proposed district is to be located, 1411

accompanied by a petition signed either by the owners of at least 1412  
sixty per cent of the front footage of all real property located 1413  
in the proposed district that abuts upon any street, alley, public 1414  
road, place, boulevard, parkway, park entrance, easement, or other 1415  
existing public improvement within the proposed district, 1416  
excluding church property or property owned by the state, county, 1417  
township, municipal, or federal government, unless a church, 1418  
county, township, or municipal corporation has specifically 1419  
requested in writing that the property be included in the 1420  
district, or by the owners of at least seventy-five per cent of 1421  
the area of all real property located within the proposed 1422  
district, excluding church property or property owned by the 1423  
state, county, township, municipal, or federal government, unless 1424  
a church, county, township, or municipal corporation has 1425  
specifically requested in writing that the property be included in 1426  
the district. For purposes of determining compliance with these 1427  
requirements, the area of the district, or the front footage and 1428  
ownership of property, shall be as shown in the most current 1429  
records available at the county recorder's office and the county 1430  
engineer's office sixty days prior to the date on which the 1431  
petition is filed. 1432

Each municipal corporation or township with which the 1433  
petition is filed has sixty days to approve or disapprove, by 1434  
resolution, the petition, including the articles of incorporation. 1435  
This chapter does not prohibit or restrict the rights of municipal 1436  
corporations under Article XVIII of the Ohio Constitution or the 1437  
right of the municipal legislative authority to impose reasonable 1438  
conditions in a resolution of approval. 1439

(F) Persons proposing creation and operation of the district 1440  
may propose an initial plan for public services or public 1441  
improvements that benefit all or any part of the district. Any 1442  
initial plan shall be submitted as part of the petition proposing 1443

creation of the district.	1444
An initial plan may include provisions for the following:	1445
(1) Creation and operation of the district and of the	1446
nonprofit corporation to govern the district under this chapter;	1447
(2) Hiring employees and professional services;	1448
(3) Contracting for insurance;	1449
(4) Purchasing or leasing office space and office equipment;	1450
(5) Other actions necessary initially to form, operate, or	1451
organize the district and the nonprofit corporation to govern the	1452
district;	1453
(6) A plan for public improvements or public services that	1454
benefit all or part of the district, which plan shall comply with	1455
the requirements of division (A) of section 1710.06 of the Revised	1456
Code and may include, but is not limited to, any of the permissive	1457
provisions described in the fourth sentence of that division or	1458
listed in divisions (A)(1) to (5) of that section.	1459
After the initial plan is approved by all municipal	1460
corporations and townships to which it is submitted for approval	1461
and the district is created, each participating subdivision shall	1462
levy a special assessment within its boundaries to pay for the	1463
costs of the initial plan. The levy shall be for no more than ten	1464
years from the date of the approval of the initial plan. For	1465
purposes of levying an assessment for this initial plan, the	1466
services or improvements included in the initial plan shall be	1467
deemed a special benefit to property owners within the district.	1468
(G) Each nonprofit corporation governing a district under	1469
this chapter may do the following:	1470
(1) Exercise all powers of nonprofit corporations granted	1471
under Chapter 1702. of the Revised Code that do not conflict with	1472
this chapter;	1473



(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the district;

(3) Contract with any person, political subdivision as defined in section 2744.01 of the Revised Code, or state agency as defined in section 1.60 of the Revised Code to develop and implement plans for public improvements or public services within the district;

(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.

**Section 3.** That existing sections 103.0511, 111.15, 117.20, 119.03, 119.031, 121.39, 122.08, 122.081, 122.94, 124.04, and 1710.02 of the Revised Code are hereby repealed.

**Section 4.** That section 121.24 of the Revised Code is hereby repealed, effective January 1, 2010.

**Section 5.** The amendment and enactment by this act of sections 103.0511, 111.15, 117.20, 119.03, 119.031, 121.25, 121.251, 121.252, 121.253, 121.254, 121.255, 121.39, 122.08, 122.081, 122.94, and 1710.02 of the Revised Code apply only to a proposed rule the original version of which is required to be filed under division (D) of section 111.15 or division (H) of section 119.03 of the Revised Code on or after January 1, 2010.

**Section 6.** The several appointing authorities shall make initial appointments to the Small Business Regulatory Review Board for terms commencing on January 1, 2010.