

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 396**

**Representatives McGregor, Murray**

—

**A BILL**

To amend sections 101.35, 103.0511, 107.54, 111.15, 117.20, 119.01, 119.03, 119.04, 121.39, 121.73, 121.74, 121.81, 121.82, 121.83, 127.18, 1531.08, 3319.22, 3319.221, 3333.021, 3333.048, 3737.88, 3746.04, 4117.02, 4141.14, 5103.0325, 5117.02, 5703.14, 6111.31, and 6111.51; to enact sections 106.01, 106.02, 106.021, 106.022, 106.023, 106.03, 106.031, 106.032, 106.04, 106.041, and 106.042; and to repeal sections 119.031 and 119.032 of the Revised Code to revise rule-making and rule review procedures and to declare an emergency.

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

**Section 1.** That sections 101.35, 103.0511, 107.54, 111.15, 117.20, 119.01, 119.03, 119.04, 121.39, 121.73, 121.74, 121.81, 121.82, 121.83, 127.18, 1531.08, 3319.22, 3319.221, 3333.021, 3333.048, 3737.88, 3746.04, 4117.02, 4141.14, 5103.0325, 5117.02, 5703.14, 6111.31, and 6111.51 be amended and that sections 106.01, 106.02, 106.021, 106.022, 106.023, 106.03, 106.031, 106.032, 106.04, 106.041, and 106.042 of the Revised Code be enacted to read as follows:

**Sec. 101.35.** There is hereby created in the general assembly

the joint committee on agency rule review. The committee shall 21  
consist of five members of the house of representatives and five 22  
members of the senate. Within fifteen days after the commencement 23  
of the first regular session of each general assembly, the speaker 24  
of the house of representatives shall appoint the members of the 25  
committee from the house of representatives, and the president of 26  
the senate shall appoint the members of the committee from the 27  
senate. Not more than three of the members from each house shall 28  
be of the same political party. In the first regular session of a 29  
general assembly, the chairperson of the committee shall be 30  
appointed by the speaker of the house from among the house members 31  
of the committee, and the vice-chairperson shall be appointed by 32  
the president of the senate from among the senate members of the 33  
committee. In the second regular session of a general assembly, 34  
the chairperson shall be appointed by the president of the senate 35  
from among the senate members of the committee, and the 36  
vice-chairperson shall be appointed by the speaker of the house 37  
from among the house members of the committee. The chairperson, 38  
vice-chairperson, and members of the committee shall serve until 39  
their respective successors are appointed or until they are no 40  
longer members of the general assembly. When a vacancy occurs 41  
among the officers or members of the committee, it shall be filled 42  
in the same manner as the original appointment. 43

Notwithstanding section 101.26 of the Revised Code, the 44  
members, when engaged in their duties as members of the committee 45  
on days when there is not a voting session of the member's house 46  
of the general assembly, shall be paid at the per diem rate of one 47  
hundred fifty dollars, and their necessary traveling expenses, 48  
which shall be paid from the funds appropriated for the payment of 49  
expenses of legislative committees. 50

The committee has the same powers as other standing or select 51  
committees of the general assembly. Six members constitute a 52

quorum, and the concurrence of six members is required ~~for the~~ 53  
~~recommendation of a concurrent resolution invalidating to~~ 54  
recommend enactment of a bill invalidating a proposed or effective 55  
existing rule, ~~amendment, rescission, or part thereof, or for the~~ 56  
~~suspension of a rule, amendment, rescission, or part thereof,~~ 57  
under ~~division (I) of section 119.03~~ 106.021 or ~~section 119.031~~ 58  
106.031 of the Revised Code. 59

When a member of the committee is absent, the president or 60  
speaker, as the case may be, may designate a substitute from the 61  
same house and political party as the absent member. The 62  
substitute shall serve on the committee in the member's absence, 63  
and is entitled to perform the duties of a member of the 64  
committee. For serving on the committee, the substitute shall be 65  
paid the same per diem and necessary traveling expenses as the 66  
substitute would be entitled to receive if the substitute were a 67  
member of the committee. 68

The president or speaker shall inform the executive director 69  
of the committee of a substitution. If the executive director 70  
learns of a substitution sufficiently in advance of the meeting of 71  
the committee the substitute is to attend, the executive director 72  
shall publish notice of the substitution on the internet, make 73  
reasonable effort to inform of the substitution persons who are 74  
known to the executive director to be interested in rules that are 75  
scheduled for review at the meeting, and inform of the 76  
substitution persons who inquire of the executive director 77  
concerning the meeting. 78

The committee may meet during periods in which the general 79  
assembly has adjourned. ~~At~~ 80

At meetings of the committee, the committee may request a 81  
~~rule-making~~ an agency, as defined in section ~~119.01~~ 106.01 of the 82  
Revised Code, to provide information relative to the agency's 83  
implementation of its statutory authority. 84

A member of the committee, and the executive director and staff of the committee, are entitled in their official capacities to attend, but not in their official capacities to participate in, a public hearing conducted by ~~a rule-making~~ an agency on a proposed rule, ~~amendment, or rescission.~~

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

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

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

(C) Each agency that files rules and other rule-making and rule-related documents with the legislative service commission, the joint committee on agency rule review, the department of aging, the governor, the common sense initiative office, the secretary of state, the general assembly, or a committee of the senate or house of representatives under section 106.02, 106.022, 106.031, 107.54, 111.15, 117.20, 119.03, ~~119.031, 119.032~~, 119.0311, 119.04, ~~121.24~~, 121.39, 121.82, 127.18, ~~4141.14~~, 173.01, 5117.02, or 5703.14 of the Revised Code or any other statute;

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

(E) ~~The common sense initiative office; and~~

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

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

means. 115

Sec. 106.01. As used in sections 106.01 to 106.042 of the 116  
Revised Code, as the case may be: 117

(A) "Agency" means an agency as defined in sections 111.15 118  
and 119.01 of the Revised Code. 119

(B) "Review date" means the review date assigned to a rule by 120  
an agency under section 111.15 or 119.04 of the Revised Code. 121

(C) "Rule" means (1) a proposed new rule, or a proposed 122  
amendment or rescission of an existing rule, that has been filed 123  
with the joint committee on agency rule review under division (D) 124  
of section 111.15 of the Revised Code or division (D) of section 125  
119.03 of the Revised Code or (2) an existing rule that is subject 126  
to review under sections 106.03 and 106.031 of the Revised Code. 127  
"Rule" includes an appendix to a rule. 128

"Proposed rule" refers to the original and a revised version 129  
of a proposed rule. 130

"Proposed rule" does not include a proposed rule that has 131  
been adopted and is being filed in final form. 132

In sections 106.03 and 106.031 of the Revised Code, "rule" 133  
does not include a rule adopted, amended, or rescinded by the 134  
department of taxation under section 5703.14 of the Revised Code, 135  
a rule of a state college or university, community college 136  
district, technical college district, or state community college, 137  
or a rule that is consistent with and equivalent to the form 138  
required by a federal law and that does not exceed the minimum 139  
scope and intent of that federal law. 140

Sec. 106.02. When an agency files a proposed rule and rule 141  
summary and fiscal analysis with the joint committee on agency 142  
rule review, the joint committee shall review the proposed rule 143

and rule summary and fiscal analysis not later than the 144  
sixty-fifth day after the day on which the proposed rule was filed 145  
with the joint committee. If, after filing the original version of 146  
a proposed rule, the agency makes a revision in the proposed rule, 147  
the agency shall file the revised proposed rule and a revised rule 148  
summary and fiscal analysis with the joint committee. If the 149  
revised proposed rule is filed thirty-five or fewer days after the 150  
original version of the proposed rule was filed, the joint 151  
committee shall review the revised proposed rule and revised rule 152  
summary and fiscal analysis not later than the sixty-fifth day 153  
after the original version of the proposed rule was filed. If, 154  
however, the revised proposed rule is filed more than thirty-five 155  
days after the original version of the proposed rule was filed, 156  
the joint committee shall review the revised proposed rule and 157  
revised rule summary and fiscal analysis not later than the 158  
thirtieth day after the revised proposed rule was filed with the 159  
joint committee. 160

When a proposed rule or revised proposed rule is filed with 161  
the joint committee in December, the joint committee shall review 162  
the proposed rule or revised proposed rule as if the proposed rule 163  
or revised proposed rule were the original version of the proposed 164  
rule and had been filed with the joint committee on the first day 165  
of the legislative session in the following January. 166

A revised proposed rule supersedes each earlier version of 167  
the same proposed rule. 168

The joint committee shall not hold its public hearing on a 169  
proposed rule earlier than the forty-first day after the proposed 170  
rule was filed with the joint committee. 171

**Sec. 106.021.** If, upon reviewing a proposed rule or revised 172  
proposed rule, the joint committee on agency rule review makes any 173

of the following findings with regard to the proposed rule or 174  
revised proposed rule, the joint committee may recommend to the 175  
senate and house of representatives the enactment of a bill to 176  
invalidate the proposed rule or revised proposed rule or a part 177  
thereof: 178

(A) The proposed rule or revised proposed rule exceeds the 179  
scope of its statutory authority. 180

(B) The proposed rule or revised proposed rule conflicts with 181  
the legislative intent of the statute under which it was proposed. 182

(C) The proposed rule or revised proposed rule conflicts with 183  
another proposed or existing rule. 184

(D) The proposed rule or revised proposed rule incorporates a 185  
text or other material by reference and either the agency has 186  
failed to file the text or other material incorporated by 187  
reference as required by section 121.73 of the Revised Code or the 188  
incorporation by reference fails to meet the standards stated in 189  
section 121.72, 121.75, or 121.76 of the Revised Code. 190

(E) The agency has failed to demonstrate through the business 191  
impact analysis, recommendations from the common sense initiative 192  
office, and the memorandum of response that the regulatory intent 193  
of the proposed rule or revised proposed rule justifies its 194  
adverse impact on businesses in this state. 195

(F) The agency has failed to prepare a complete and accurate 196  
rule summary and fiscal analysis of the proposed rule or revised 197  
proposed rule as required by section 127.18 of the Revised Code. 198

**Sec. 106.022.** As an alternative to recommending the enactment 199  
of a bill to invalidate a proposed rule because an agency has not 200  
prepared a complete and accurate rule summary and fiscal analysis 201  
addressing the fiscal effect of the proposed rule on counties, 202  
townships, municipal corporations, or school districts, the joint 203

committee on agency rule review may issue a finding that the rule 204  
summary and fiscal analysis is incomplete or inaccurate as to that 205  
fiscal effect, and order the agency to refile the proposed rule 206  
with a revised rule summary and fiscal analysis that addresses 207  
that fiscal effect completely and accurately. The joint committee 208  
shall transmit the finding and order electronically to the agency, 209  
the secretary of state, the director of the legislative service 210  
commission, and, if the proposed rule is to replace an emergency 211  
rule, the governor. 212

Upon receiving the finding and order, the agency may revise 213  
the rule summary and fiscal analysis completely and accurately to 214  
address the fiscal effect of the proposed rule on counties, 215  
townships, municipal corporations, or school districts, and then 216  
refile the proposed rule and revised rule summary and fiscal 217  
analysis electronically with the joint committee. When the 218  
proposed rule is refiled under this paragraph it is as if the 219  
refiled proposed rule were a revised proposed rule. 220

If the joint committee finds that the revised rule summary 221  
and fiscal analysis continues incompletely or inaccurately to 222  
address the fiscal effect of the proposed rule on counties, 223  
townships, municipal corporations, or school districts, the joint 224  
committee may recommend the enactment of a bill to invalidate the 225  
proposed rule under division (F) of section 106.021 of the Revised 226  
Code. The joint committee may make only one finding and order with 227  
regard to the same proposed rule. 228

A proposed rule that is subject to a finding and order may 229  
not be adopted and filed in final form unless this section has 230  
been complied with. 231

If the proposed rule that is the subject of a finding and 232  
order is to replace an emergency rule, the governor may issue an 233  
order extending the emergency rule for an additional sixty-five 234



days after the day on which the emergency rule otherwise would 235  
become invalid. The governor shall transmit the order 236  
electronically to the agency, the joint committee, and the 237  
director of the legislative service commission. 238

**Sec. 106.023.** An agency may not adopt a proposed rule or 239  
revised proposed rule and file it in final form until the time for 240  
the joint committee on agency rule review to review the proposed 241  
rule or revised proposed rule has expired. If, before the time for 242  
its review of a proposed rule or revised proposed rule expires, 243  
the joint committee recommends enactment of a bill invalidating 244  
the proposed rule or revised proposed rule, the rule-making 245  
proceedings pertaining to the proposed rule or revised proposed 246  
rule are suspended, and the proposed rule or revised proposed rule 247  
may not be adopted and filed in final form during the suspension. 248  
The suspension begins on the day the bill proposing to implement 249  
the recommendation is submitted to the clerk of either house of 250  
the general assembly. The suspension expires on the earlier of the 251  
day that is six months after the day the bill was submitted or the 252  
day sine die adjournment of both houses occurs. Upon expiration of 253  
the suspension, the rule-making proceedings may resume. If, 254  
however, during the suspension, or at any time thereafter, an act 255  
invalidating the proposed rule or revised proposed rule takes 256  
effect, the rule, whether then existing or still proposed, is 257  
invalid as provided in the act. 258

**Sec. 106.03.** Prior to the review date of an existing rule, 259  
the agency that adopted the rule shall do both of the following: 260

(A) Review the rule to determine all of the following: 261

(1) Whether the rule should be continued without amendment, 262  
be amended, or be rescinded, taking into consideration the 263  
purpose, scope, and intent of the statute under which the rule was 264

<u>adopted;</u>	265
<u>(2) Whether the rule needs amendment or rescission to give more flexibility at the local level;</u>	266
<u>(3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork;</u>	268
<u>(4) Whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by section 121.74 of the Revised Code and whether the incorporation by reference meets the standards stated in sections 121.72, 121.75, and 121.76 of the Revised Code;</u>	270
<u>(5) Whether the rule duplicates, overlaps with, or conflicts with other rules;</u>	271
<u>(6) Whether the rule has an adverse impact on businesses, as determined under section 107.52 of the Revised Code, and whether any such adverse impact has been eliminated or reduced as required under section 121.82 of the Revised Code.</u>	272
<u>In making its review, the agency shall consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the rule.</u>	273
<u>(B) On the basis of its review of the existing rule, the agency shall determine whether the existing rule needs to be amended or rescinded.</u>	274
<u>(1) If the existing rule needs to be amended or rescinded, the agency, on or before the review date of the existing rule, shall commence the process of amending or rescinding the existing rule in accordance with its review of the rule.</u>	276
<u>(2) If the existing rule does not need to be amended or rescinded, proceedings shall be had under section 106.031 of the</u>	277

Revised Code. 295

Upon the request of the agency that adopted an existing rule, 296  
the joint committee on agency rule review may extend the review 297  
date of the rule to a date that is not later than one hundred 298  
eighty days after the review date assigned to the rule by the 299  
agency. The joint committee may further extend a review date that 300  
has been extended only if doing so is appropriate under the 301  
circumstances. 302

The agency that adopted an existing rule that is exempt from 303  
review under this section because of the fourth paragraph in 304  
division (C) of section 106.01 of the Revised Code nevertheless 305  
shall file a copy of the existing rule with the joint committee. 306  
The joint committee, after a hearing on the matter, and by a vote 307  
of two-thirds of its members present, may determine that the rule 308  
is not entitled to the exemption. Thereafter, the rule is subject 309  
to review under this section. 310

**Sec. 106.031.** If an agency, on the basis of its review of a 311  
rule under section 106.03 of the Revised Code, determines that the 312  
rule does not need to be amended or rescinded, proceedings shall 313  
be had as follows: 314

(A)(1) If, considering only the standard of review specified 315  
in division (A)(6) of section 106.03 of the Revised Code, the rule 316  
has an adverse impact on businesses that has not been eliminated 317  
or reduced, the agency shall prepare a business impact analysis 318  
that describes its review of the rule under that division and that 319  
explains why the rule is not being amended or rescinded to reduce 320  
or eliminate its adverse impact on businesses. If the rule does 321  
not have an adverse impact on businesses, the agency may proceed 322  
under division (B) of this section. 323

(2) The agency shall transmit a copy of the full text of the 324  
rule and the business impact analysis electronically to the common 325

sense initiative office. The office shall make the rule and analysis available to the public on its web site under section 107.62 of the Revised Code. 326  
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(3) The agency shall consider any recommendations made by the office. 329  
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(4) Not earlier than the sixteenth business day after transmitting the rule and analysis to the office, the agency shall either (a) proceed under division (B) of this section or (b) commence, under division (B)(1) of section 106.03 of the Revised Code, the process of rescinding the rule or of amending the rule to incorporate into the rule features the recommendations suggest will eliminate or reduce the adverse impact the rule has on businesses. If the agency determines to amend or rescind the rule, the agency is not subject to the time limit specified in division (B)(1) of section 106.03 of the Revised Code. 331  
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(5) If the agency receives recommendations from the office, and determines not to amend or rescind the rule, the agency shall prepare a memorandum of response that explains why the rule is not being rescinded or why the recommendations are not being incorporated into the rule. 341  
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(B) The agency shall assign a new review date to the rule. The review date assigned shall be not later than five years after the immediately preceding review date pertaining to the rule. If the agency assigns a review date that exceeds the five-year maximum, the review date is five years after the immediately preceding review date. 346  
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(C)(1) The agency shall file all the following, in electronic form, with the joint committee on agency rule review, the secretary of state, and the director of the legislative service commission: a copy of the rule specifying its new review date, a complete and accurate rule summary and fiscal analysis, and, if 352  
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relevant, a business impact analysis of the rule, any comments 357  
received from the common sense initiative office, and any 358  
memorandum of response. An agency may comply with the requirement 359  
to file a complete and accurate rule summary and fiscal analysis 360  
by filing a previously prepared rule summary and fiscal analysis, 361  
so long as the previous rule summary and fiscal analysis was 362  
complete and accurate at the time it was prepared, continues to be 363  
such a complete and accurate explanation of the rule, and the 364  
conditions described in division (B)(4), (5), (6), (8), (9), or 365  
(10) of section 127.18 of the Revised Code, as they relate to the 366  
rule, have not appreciably changed since the previous rule summary 367  
and fiscal analysis was prepared. 368

(2) The joint committee does not have jurisdiction to review, 369  
and shall reject, the filing of a rule under division (C)(1) of 370  
this section if, at any time while the rule is in its possession, 371  
it discovers that the rule has an adverse impact on businesses and 372  
the agency has not complied with division (A) of this section. The 373  
joint committee shall electronically return a rule that is 374  
rejected to the agency, together with any documents that were part 375  
of the filing. Such a rejection does not preclude the agency from 376  
refiling the rule under division (C)(1) of this section after 377  
complying with division (A) of this section. When the filing of a 378  
rule is rejected under this division, it is as if the filing had 379  
not been made. 380

(D) The joint committee shall publish notice of the agency's 381  
determination not to amend or rescind the rule in the register of 382  
Ohio for four consecutive weeks after the rule is filed under 383  
division (C) of this section. 384

(E) During the ninety-day period after a rule is filed under 385  
division (C) of this section, but after the four-week notice 386  
period required by division (D) of this section has ended, the 387  
joint committee, by a two-thirds vote of members present, may 388

recommend to the senate and house of representatives the enactment 389  
of a bill invalidating the rule if the joint committee finds any 390  
of the following: 391

(1) The agency improperly applied the standards in division 392  
(A) of section 106.03 of the Revised Code in reviewing the rule 393  
and in determining that the rule did not need amendment or 394  
rescission. 395

(2) The rule has an adverse impact on businesses, and the 396  
agency has failed to demonstrate through a business impact 397  
analysis, recommendations from the common sense initiative office, 398  
and a memorandum of response that the regulatory intent of the 399  
rule justifies its adverse impact on businesses. 400

(3) If the rule incorporates a text or other material by 401  
reference, the agency failed to file, or to deposit or display, 402  
the text or other material incorporated by reference as required 403  
by section 121.73 or 121.74 of the Revised Code or the 404  
incorporation by reference fails to meet the standards stated in 405  
section 121.72, 121.75, or 121.76 of the Revised Code. 406

(4) The agency otherwise failed to comply with section 106.03 407  
or 106.031 of the Revised Code. 408

If the joint committee does not recommend enactment of a bill 409  
to invalidate the rule, the rule continues in effect without 410  
amendment, and shall be next reviewed by the joint committee with 411  
reference to the new review date assigned to the rule. 412

**Sec. 106.032.** If the joint committee on agency rule review 413  
recommends invalidation of an existing rule, operation of the 414  
existing rule is suspended. The suspension begins on the day the 415  
bill proposing to implement the recommendation is submitted to the 416  
clerk of either house of the general assembly. The suspension 417  
expires on the earlier of the day that is six months after the day 418

the bill was submitted or the day sine die adjournment of both 419  
houses occurs. Upon expiration of the suspension, operation of the 420  
existing rule resumes. If, however, during the suspension, or at 421  
any time thereafter, an act invalidating the existing rule takes 422  
effect, the existing rule is invalid as provided in the act. 423

Sec. 106.04. When the joint committee on agency rule review 424  
recommends invalidation of a proposed or existing rule under 425  
section 106.021 or 106.031 of the Revised Code, the chairperson of 426  
the joint committee, or another member of the joint committee 427  
designated by the chairperson, shall prepare the recommendation of 428  
invalidation in writing. The recommendation shall identify the 429  
proposed or existing rule, the agency that proposed or submitted 430  
the proposed or existing rule, and the finding that caused the 431  
joint committee to make the recommendation, and briefly shall 432  
explain the finding. 433

The chairperson of the joint committee shall request the 434  
legislative service commission to prepare a bill to invalidate the 435  
proposed or existing rule according to the recommendation. 436

Sec. 106.041. The chairperson of the joint committee on 437  
agency rule review, or another member of the joint committee 438  
designated by the chairperson, shall submit a bill to invalidate a 439  
proposed or existing rule to the clerk of either house of the 440  
general assembly. The recommendation of invalidation and a copy of 441  
the proposed or existing rule also shall be submitted to the clerk 442  
along with the bill. 443

A bill recommended by the joint committee on agency rule 444  
review to invalidate a proposed or existing rule shall not be 445  
referred to any committee other than the committee having 446  
authority to set the calendar of bills for third consideration. 447

Sec. 106.042. The failure of the general assembly to enact a 448

bill invalidating a proposed or existing rule is not a 449  
ratification of the lawfulness or reasonableness of the proposed 450  
or existing rule or of the validity of the procedure by which the 451  
rule was proposed or adopted. 452

**Sec. 107.54.** (A)(1) When the common sense initiative office 453  
receives a draft rule and business impact analysis from an agency, 454  
the office shall evaluate the draft rule and analysis against the 455  
business impact analysis instrument and any other relevant 456  
criteria, and may prepare and transmit recommendations to the 457  
agency on how the draft rule might be revised to eliminate or 458  
reduce any adverse impact the draft rule might have on businesses. 459

(2) When the office receives a rule and business impact 460  
analysis from an agency under division (A)(2) of section 106.031 461  
of the Revised Code, the office shall evaluate the rule and 462  
analysis against the business impact analysis instrument and any 463  
other relevant criteria, and may prepare and transmit 464  
recommendations to the agency on how the rule might be amended or 465  
rescinded to eliminate or reduce any adverse impact the rule has 466  
on businesses. 467

(B) The office shall transmit any such recommendations 468  
electronically to the agency. If the office fails to make such a 469  
transmission after receiving the draft rule and business impact 470  
analysis, it is as if the office had elected not to make any 471  
recommendations. 472

**Sec. 111.15.** (A) As used in this section: 473

(1) "Rule" includes any rule, regulation, bylaw, or standard 474  
having a general and uniform operation adopted by an agency under 475  
the authority of the laws governing the agency; any appendix to a 476  
rule; and any internal management rule. "Rule" does not include 477  
any guideline adopted pursuant to section 3301.0714 of the Revised 478



Code, any order respecting the duties of employees, any finding, 479  
any determination of a question of law or fact in a matter 480  
presented to an agency, or any rule promulgated pursuant to 481  
Chapter 119., section 4141.14, division (C)(1) or (2) of section 482  
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 483  
any amendment or rescission of a rule. 484

(2) "Agency" means any governmental entity of the state and 485  
includes, but is not limited to, any board, department, division, 486  
commission, bureau, society, council, institution, state college 487  
or university, community college district, technical college 488  
district, or state community college. "Agency" does not include 489  
the general assembly, the controlling board, the adjutant 490  
general's department, or any court. 491

(3) "Internal management rule" means any rule, regulation, 492  
bylaw, or standard governing the day-to-day staff procedures and 493  
operations within an agency. 494

~~(4) "Substantive revision" has the same meaning as in 495  
division (J) of section 119.01 of the Revised Code. 496~~

(B)(1) Any rule, other than a rule of an emergency nature, 497  
adopted by any agency pursuant to this section shall be effective 498  
on the tenth day after the day on which the rule in final form and 499  
in compliance with division (B)(3) of this section is filed as 500  
follows: 501

(a) The rule shall be filed in electronic form with both the 502  
secretary of state and the director of the legislative service 503  
commission; 504

(b) The rule shall be filed in electronic form with the joint 505  
committee on agency rule review. Division (B)(1)(b) of this 506  
section does not apply to any rule to which division (D) of this 507  
section does not apply. 508

An agency that adopts or amends a rule that is subject to 509

division (D) of this section shall assign a review date to the 510  
rule that is not later than five years after its effective date. 511  
If ~~no review date is assigned to a rule, or if~~ a review date 512  
assigned to a rule exceeds the five-year maximum, the review date 513  
for the rule is five years after its effective date. A rule with a 514  
review date is subject to review under section ~~119.032~~ 106.03 of 515  
the Revised Code. This paragraph does not apply to a rule of a 516  
state college or university, community college district, technical 517  
college district, or state community college. 518

~~If all filings are not completed on the same day, the rule~~ 519  
~~shall be effective on the tenth day after the day on which the~~ 520  
~~latest filing is completed.~~ If an agency in adopting a rule 521  
designates an effective date that is later than the effective date 522  
provided for by division (B)(1) of this section, the rule if filed 523  
as required by such division shall become effective on the later 524  
date designated by the agency. 525

Any rule that is required to be filed under division (B)(1) 526  
of this section is also subject to division (D) of this section if 527  
not exempted by that division ~~(D)(1), (2), (3), (4), (5), (6),~~ 528  
~~(7), or (8) of this section.~~ 529

If a rule incorporates a text or other material by reference, 530  
the agency shall comply with sections 121.71 to 121.76 of the 531  
Revised Code. 532

(2) A rule of an emergency nature necessary for the immediate 533  
preservation of the public peace, health, or safety shall state 534  
the reasons for the necessity. The emergency rule, in final form 535  
and in compliance with division (B)(3) of this section, shall be 536  
filed in electronic form with the secretary of state, the director 537  
of the legislative service commission, and the joint committee on 538  
agency rule review. The emergency rule is effective immediately 539  
upon completion of the latest filing, except that if the agency in 540  
adopting the emergency rule designates an effective date, or date 541

and time of day, that is later than the effective date and time 542  
provided for by division (B)(2) of this section, the emergency 543  
rule, if filed as required by such division, shall become 544  
effective at the later date, or later date and time of day, 545  
designated by the agency. 546

An emergency rule becomes invalid at the end of the ninetieth 547  
day it is in effect. Prior to that date, the agency may file the 548  
emergency rule as a nonemergency rule in compliance with division 549  
(B)(1) of this section. The agency may not refile the emergency 550  
rule in compliance with division (B)(2) of this section so that, 551  
upon the emergency rule becoming invalid under such division, the 552  
emergency rule will continue in effect without interruption for 553  
another ninety-day period. 554

(3) An agency shall file a rule under division (B)(1) or (2) 555  
of this section in compliance with the following standards and 556  
procedures: 557

(a) The rule shall be numbered in accordance with the 558  
numbering system devised by the director for the Ohio 559  
administrative code. 560

(b) The rule shall be prepared and submitted in compliance 561  
with the rules of the legislative service commission. 562

(c) The rule shall clearly state the date on which it is to 563  
be effective and the date on which it will expire, if known. 564

(d) Each rule that amends or rescinds another rule shall 565  
clearly refer to the rule that is amended or rescinded. Each 566  
amendment shall fully restate the rule as amended. 567

If the director of the legislative service commission or the 568  
director's designee gives an agency notice pursuant to section 569  
103.05 of the Revised Code that a rule filed by the agency is not 570  
in compliance with the rules of the legislative service 571  
commission, the agency shall within thirty days after receipt of 572

the notice conform the rule to the rules of the commission as 573  
directed in the notice. 574

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 575  
of this section shall be recorded by the secretary of state and 576  
the director under the title of the agency adopting the rule and 577  
shall be numbered according to the numbering system devised by the 578  
director. The secretary of state and the director shall preserve 579  
the rules in an accessible manner. Each such rule shall be a 580  
public record open to public inspection and may be transmitted to 581  
any law publishing company that wishes to reproduce it. 582

(D) At least sixty-five days before a board, commission, 583  
department, division, or bureau of the government of the state 584  
files a rule under division (B)(1) of this section, it shall file 585  
the full text of the proposed rule in electronic form with the 586  
joint committee on agency rule review, and the proposed rule is 587  
subject to legislative review and invalidation under ~~division (I)~~ 588  
~~of section 119.03~~ 106.021 of the Revised Code. If a state board, 589  
commission, department, division, or bureau makes a ~~substantive~~ 590  
revision in a proposed rule after it is filed with the joint 591  
committee, the state board, commission, department, division, or 592  
bureau shall promptly file the full text of the proposed rule in 593  
its revised form in electronic form with the joint committee. ~~The~~ 594  
~~latest version of a proposed rule as filed with the joint~~ 595  
~~committee supersedes each earlier version of the text of the same~~ 596  
~~proposed rule. Except as provided in division (F) of this section,~~ 597  
a A state board, commission, department, division, or bureau shall 598  
also file the rule summary and fiscal analysis prepared under 599  
section 127.18 of the Revised Code in electronic form along with a 600  
proposed rule, and along with a proposed rule in revised form, 601  
that is filed under this division. If a proposed rule has an 602  
adverse impact on businesses, the state board, commission, 603  
department, division, or bureau also shall file the business 604

impact analysis, any recommendations received from the common 605  
sense initiative office, and the associated memorandum of 606  
response, if any, in electronic form along with the proposed rule, 607  
or the proposed rule in revised form, that is filed under this 608  
division. 609

As used in this division, "commission" includes the public 610  
utilities commission when adopting rules under a federal or state 611  
statute. 612

This division does not apply to any of the following: 613

(1) A proposed rule of an emergency nature; 614

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 615  
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 616  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 617  
Code; 618

(3) A rule proposed by an agency other than a board, 619  
commission, department, division, or bureau of the government of 620  
the state; 621

(4) A proposed internal management rule of a board, 622  
commission, department, division, or bureau of the government of 623  
the state; 624

(5) Any proposed rule that must be adopted verbatim by an 625  
agency pursuant to federal law or rule, to become effective within 626  
sixty days of adoption, in order to continue the operation of a 627  
federally reimbursed program in this state, so long as the 628  
proposed rule contains both of the following: 629

(a) A statement that it is proposed for the purpose of 630  
complying with a federal law or rule; 631

(b) A citation to the federal law or rule that requires 632  
verbatim compliance. 633

(6) An initial rule proposed by the director of health to 634

impose safety standards and quality-of-care standards with respect 635  
to a health service specified in section 3702.11 of the Revised 636  
Code, or an initial rule proposed by the director to impose 637  
quality standards on a facility listed in division (A)(4) of 638  
section 3702.30 of the Revised Code, if section 3702.12 of the 639  
Revised Code requires that the rule be adopted under this section; 640

(7) A rule of the state lottery commission pertaining to 641  
instant game rules. 642

If a rule is exempt from legislative review under division 643  
(D)(5) of this section, and if the federal law or rule pursuant to 644  
which the rule was adopted expires, is repealed or rescinded, or 645  
otherwise terminates, the rule is thereafter subject to 646  
legislative review under division (D) of this section. 647

~~(E)~~ Whenever a state board, commission, department, division, 648  
or bureau files a proposed rule or a proposed rule in revised form 649  
under division (D) of this section, it shall also file the full 650  
text of the same proposed rule or proposed rule in revised form in 651  
electronic form with the secretary of state and the director of 652  
the legislative service commission. ~~Except as provided in division~~ 653  
~~(F) of this section, a~~ A state board, commission, department, 654  
division, or bureau shall file the rule summary and fiscal 655  
analysis prepared under section 127.18 of the Revised Code in 656  
electronic form along with a proposed rule or proposed rule in 657  
revised form that is filed with the secretary of state or the 658  
director of the legislative service commission. 659

~~(F) Except as otherwise provided in this division, the~~ 660  
~~auditor of state or the auditor of state's designee is not~~ 661  
~~required to file a rule summary and fiscal analysis along with a~~ 662  
~~proposed rule, or proposed rule in revised form, that the auditor~~ 663  
~~of state proposes under section 117.12, 117.19, 117.38, or 117.43~~ 664  
~~of the Revised Code and files under division (D) or (E) of this~~ 665  
~~section.~~ 666

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. 667  
of the Revised Code, the auditor of state or the auditor of 668  
state's designee shall do both of the following: 669

(1) Before adopting any such rule, except a rule of an 670  
emergency nature, do each of the following: 671

(a) At least thirty-five days before any public hearing on 672  
the proposed rule-making action, mail or send by electronic mail 673  
notice of the hearing to each public office and to each statewide 674  
organization that the auditor of state or designee determines will 675  
be affected or represents persons who will be affected by the 676  
proposed rule-making action; 677

(b) Mail or send by electronic mail a copy of the proposed 678  
rule to any person or organization that requests a copy within 679  
five days after receipt of the request; 680

(c) Consult with appropriate state and local government 681  
agencies, or with persons representative of their interests, 682  
including statewide organizations of local government officials, 683  
and consult with accounting professionals and other interested 684  
persons; 685

(d) Conduct, on the date and at the time and place designated 686  
in the notice, a public hearing at which any person affected by 687  
the proposed rule, including statewide organizations of local 688  
government officials, may appear and be heard in person, by 689  
attorney, or both, and may present the person's or organization's 690  
position or contentions orally or in writing. 691

(2) ~~Except as otherwise provided in division (A)(2) of this~~ 692  
~~section, comply~~ Comply with divisions (B) to (E) of section 111.15 693  
of the Revised Code. ~~The auditor of state is not required to file~~ 694  
~~a rule summary and fiscal analysis along with any copy of a~~ 695  
~~proposed rule, or proposed rule in revised form, that is filed~~ 696

~~with the joint committee on agency rule review, the secretary of 697  
state, or the director of the legislative service commission under 698  
division (D) or (E) of section 111.15 of the Revised Code. 699~~

(B) The auditor of state shall diligently discharge the 700  
duties imposed by divisions (A)(1)(a), (b), and (c) of this 701  
section, but failure to mail or send by electronic mail any notice 702  
or copy of a proposed rule, or to consult with any person or 703  
organization, shall not invalidate any rule. 704

(C) Notwithstanding any contrary provision of the Revised 705  
Code, the auditor of state may prepare and disseminate, to public 706  
offices and other interested persons and organizations, advisory 707  
bulletins, directives, and instructions relating to accounting and 708  
financial reporting systems, budgeting procedures, fiscal 709  
controls, and the constructions by the auditor of state of 710  
constitutional and statutory provisions, court decisions, and 711  
opinions of the attorney general. The bulletins, directives, and 712  
instructions shall be of an advisory nature only. 713

(D) As used in this section, "rule" includes the adoption, 714  
amendment, or rescission of a rule. 715

**Sec. 119.01.** As used in sections 119.01 to 119.13 of the 716  
Revised Code: 717

(A)(1) "Agency" means, except as limited by this division, 718  
any official, board, or commission having authority to promulgate 719  
rules or make adjudications in the civil service commission, the 720  
division of liquor control, the department of taxation, the 721  
industrial commission, the bureau of workers' compensation, the 722  
functions of any administrative or executive officer, department, 723  
division, bureau, board, or commission of the government of the 724  
state specifically made subject to sections 119.01 to 119.13 of 725  
the Revised Code, and the licensing functions of any 726  
administrative or executive officer, department, division, bureau, 727



board, or commission of the government of the state having the 728  
authority or responsibility of issuing, suspending, revoking, or 729  
canceling licenses. 730

Except as otherwise provided in division (I) of this section, 731  
sections 119.01 to 119.13 of the Revised Code do not apply to the 732  
public utilities commission. Sections 119.01 to 119.13 of the 733  
Revised Code do not apply to the utility radiological safety 734  
board; to the controlling board; to actions of the superintendent 735  
of financial institutions and the superintendent of insurance in 736  
the taking possession of, and rehabilitation or liquidation of, 737  
the business and property of banks, savings and loan associations, 738  
savings banks, credit unions, insurance companies, associations, 739  
reciprocal fraternal benefit societies, and bond investment 740  
companies; to any action taken by the division of securities under 741  
section 1707.201 of the Revised Code; or to any action that may be 742  
taken by the superintendent of financial institutions under 743  
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 744  
1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 745  
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 746

Sections 119.01 to 119.13 of the Revised Code do not apply to 747  
actions of the industrial commission or the bureau of workers' 748  
compensation under sections 4123.01 to 4123.94 of the Revised Code 749  
with respect to all matters of adjudication, or to the actions of 750  
the industrial commission, bureau of workers' compensation board 751  
of directors, and bureau of workers' compensation under division 752  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 753  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 754  
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 755  
(E) of section 4131.14 of the Revised Code with respect to all 756  
matters concerning the establishment of premium, contribution, and 757  
assessment rates. 758

(2) "Agency" also means any official or work unit having 759

authority to promulgate rules or make adjudications in the 760  
department of job and family services, but only with respect to 761  
both of the following: 762

(a) The adoption, amendment, or rescission of rules that 763  
section 5101.09 of the Revised Code requires be adopted in 764  
accordance with this chapter; 765

(b) The issuance, suspension, revocation, or cancellation of 766  
licenses. 767

(B) "License" means any license, permit, certificate, 768  
commission, or charter issued by any agency. "License" does not 769  
include any arrangement whereby a person, institution, or entity 770  
furnishes medicaid services under a provider agreement with the 771  
department of job and family services pursuant to Title XIX of the 772  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 773  
amended. 774

(C) "Rule" means any rule, regulation, or standard, having a 775  
general and uniform operation, adopted, promulgated, and enforced 776  
by any agency under the authority of the laws governing such 777  
agency, and includes any appendix to a rule. "Rule" does not 778  
include any internal management rule of an agency unless the 779  
internal management rule affects private rights and does not 780  
include any guideline adopted pursuant to section 3301.0714 of the 781  
Revised Code. 782

(D) "Adjudication" means the determination by the highest or 783  
ultimate authority of an agency of the rights, duties, privileges, 784  
benefits, or legal relationships of a specified person, but does 785  
not include the issuance of a license in response to an 786  
application with respect to which no question is raised, nor other 787  
acts of a ministerial nature. 788

(E) "Hearing" means a public hearing by any agency in 789  
compliance with procedural safeguards afforded by sections 119.01 790

to 119.13 of the Revised Code. 791

(F) "Person" means a person, firm, corporation, association, 792  
or partnership. 793

(G) "Party" means the person whose interests are the subject 794  
of an adjudication by an agency. 795

(H) "Appeal" means the procedure by which a person, aggrieved 796  
by a finding, decision, order, or adjudication of any agency, 797  
invokes the jurisdiction of a court. 798

~~(I) "Rule making agency" means any board, commission, 799  
department, division, or bureau of the government of the state 800  
that is required to file proposed rules, amendments, or 801  
rescissions under division (D) of section 111.15 of the Revised 802  
Code and any agency that is required to file proposed rules, 803  
amendments, or rescissions under divisions (B) and (H) of section 804  
119.03 of the Revised Code. "Rule making agency" includes the 805  
public utilities commission. "Rule making agency" does not include 806  
any state supported college or university. 807~~

~~(J) "Substantive revision" means any addition to, elimination 808  
from, or other change in a rule, an amendment of a rule, or a 809  
rescission of a rule, whether of a substantive or procedural 810  
nature, that changes any of the following: 811~~

~~(1) That which the rule, amendment, or rescission permits, 812  
authorizes, regulates, requires, prohibits, penalizes, rewards, or 813  
otherwise affects; 814~~

~~(2) The scope or application of the rule, amendment, or 815  
rescission. 816~~

~~(K) "Internal management rule" means any rule, regulation, or 817  
standard governing the day-to-day staff procedures and operations 818  
within an agency. 819~~

**Sec. 119.03.** In the adoption, amendment, or rescission of any 820

rule, an agency shall comply with the following procedure: 821

(A) Reasonable public notice shall be given in the register 822  
of Ohio at least thirty days prior to the date set for a hearing, 823  
in the form the agency determines. The agency shall file copies of 824  
the public notice under division (B) of this section. (The agency 825  
gives public notice in the register of Ohio when the public notice 826  
is published in the register under that division.) 827

The public notice shall include: 828

(1) A statement of the agency's intention to consider 829  
adopting, amending, or rescinding a rule; 830

(2) A synopsis of the proposed rule, amendment, or rule to be 831  
rescinded or a general statement of the subject matter to which 832  
the proposed rule, amendment, or rescission relates; 833

(3) A statement of the reason or purpose for adopting, 834  
amending, or rescinding the rule; 835

(4) The date, time, and place of a hearing on the proposed 836  
action, which shall be not earlier than the thirty-first nor later 837  
than the fortieth day after the proposed rule, amendment, or 838  
rescission is filed under division (B) of this section. 839

In addition to public notice given in the register of Ohio, 840  
the agency may give whatever other notice it reasonably considers 841  
necessary to ensure notice constructively is given to all persons 842  
who are subject to or affected by the proposed rule, amendment, or 843  
rescission. 844

The agency shall provide a copy of the public notice required 845  
under division (A) of this section to any person who requests it 846  
and pays a reasonable fee, not to exceed the cost of copying and 847  
mailing. 848

(B) The full text of the proposed rule, amendment, or rule to 849  
be rescinded, accompanied by the public notice required under 850

division (A) of this section, shall be filed in electronic form 851  
with the secretary of state and with the director of the 852  
legislative service commission. (If in compliance with this 853  
division an agency files more than one proposed rule, amendment, 854  
or rescission at the same time, and has prepared a public notice 855  
under division (A) of this section that applies to more than one 856  
of the proposed rules, amendments, or rescissions, the agency 857  
shall file only one notice with the secretary of state and with 858  
the director for all of the proposed rules, amendments, or 859  
rescissions to which the notice applies.) The proposed rule, 860  
amendment, or rescission and public notice shall be filed as 861  
required by this division at least sixty-five days prior to the 862  
date on which the agency, in accordance with division (D) of this 863  
section, issues an order adopting the proposed rule, amendment, or 864  
rescission. 865

If the proposed rule, amendment, or rescission incorporates a 866  
text or other material by reference, the agency shall comply with 867  
sections 121.71 to 121.76 of the Revised Code. 868

The proposed rule, amendment, or rescission shall be 869  
available for at least thirty days prior to the date of the 870  
hearing at the office of the agency in printed or other legible 871  
form without charge to any person affected by the proposal. 872  
Failure to furnish such text to any person requesting it shall not 873  
invalidate any action of the agency in connection therewith. 874

If the agency files a ~~substantive~~ revision in the text of the 875  
proposed rule, amendment, or rescission ~~under division (H) of this~~ 876  
~~section~~, it shall also promptly file the full text of the proposed 877  
rule, amendment, or rescission in its revised form in electronic 878  
form with the secretary of state and with the director of the 879  
legislative service commission. 880

The agency shall file the rule summary and fiscal analysis 881  
prepared under section 127.18 of the Revised Code in electronic 882

form along with a proposed rule, amendment, or rescission or 883  
proposed rule, amendment, or rescission in revised form that is 884  
filed with the secretary of state or the director of the 885  
legislative service commission. 886

The director of the legislative service commission shall 887  
publish in the register of Ohio the full text of the original and 888  
each revised version of a proposed rule, amendment, or rescission; 889  
the full text of a public notice; and the full text of a rule 890  
summary and fiscal analysis that is filed with the director under 891  
this division. 892

(C) When an agency files a proposed rule, amendment, or 893  
rescission under division (B) of this section, it also shall file 894  
in electronic form with the joint committee on agency rule review 895  
the full text of the proposed rule, amendment, or rule to be 896  
rescinded in the same form and the public notice required under 897  
division (A) of this section. (If in compliance with this division 898  
an agency files more than one proposed rule, amendment, or 899  
rescission at the same time, and has given a public notice under 900  
division (A) of this section that applies to more than one of the 901  
proposed rules, amendments, or rescissions, the agency shall file 902  
only one notice with the joint committee for all of the proposed 903  
rules, amendments, or rescissions to which the notice applies.) 904  
The proposed rule is subject to legislative review and 905  
invalidation under section 106.021 of the Revised Code. If the 906  
agency makes a revision in a proposed rule, amendment, or 907  
rescission after it is filed with the joint committee, the agency 908  
promptly shall file the full text of the proposed rule, amendment, 909  
or rescission in its revised form in electronic form with the 910  
joint committee. An agency shall file the rule summary and fiscal 911  
analysis prepared under section 127.18 of the Revised Code in 912  
electronic form along with a proposed rule, amendment, or 913  
rescission, and along with a proposed rule, amendment, or 914

rescission in revised form, that is filed under this division. If 915  
a proposed rule, amendment, or rescission has an adverse impact on 916  
businesses, the agency also shall file the business impact 917  
analysis, any recommendations received from the common sense 918  
initiative office, and the agency's memorandum of response, if 919  
any, in electronic form along with the proposed rule, amendment, 920  
or rescission, or along with the proposed rule, amendment, or 921  
rescission in revised form, that is filed under this division. 922

This division does not apply to: 923

(1) An emergency rule, amendment, or rescission; 924

(2) A proposed rule, amendment, or rescission that must be 925  
adopted verbatim by an agency pursuant to federal law or rule, to 926  
become effective within sixty days of adoption, in order to 927  
continue the operation of a federally reimbursed program in this 928  
state, so long as the proposed rule contains both of the 929  
following: 930

(a) A statement that it is proposed for the purpose of 931  
complying with a federal law or rule; 932

(b) A citation to the federal law or rule that requires 933  
verbatim compliance. 934

If a rule or amendment is exempt from legislative review 935  
under division (C)(2) of this section, and if the federal law or 936  
rule pursuant to which the rule or amendment was adopted expires, 937  
is repealed or rescinded, or otherwise terminates, the rule or 938  
amendment, or its rescission, is thereafter subject to legislative 939  
review under division (C) of this section. 940

(D) On the date and at the time and place designated in the 941  
notice, the agency shall conduct a public hearing at which any 942  
person affected by the proposed action of the agency may appear 943  
and be heard in person, by the person's attorney, or both, may 944  
present the person's position, arguments, or contentions, orally 945

or in writing, offer and examine witnesses, and present evidence 946  
tending to show that the proposed rule, amendment, or rescission, 947  
if adopted or effectuated, will be unreasonable or unlawful. An 948  
agency may permit persons affected by the proposed rule, 949  
amendment, or rescission to present their positions, arguments, or 950  
contentions in writing, not only at the hearing, but also for a 951  
reasonable period before, after, or both before and after the 952  
hearing. A person who presents a position or arguments or 953  
contentions in writing before or after the hearing is not required 954  
to appear at the hearing. 955

At the hearing, the testimony shall be recorded. Such record 956  
shall be made at the expense of the agency. The agency is required 957  
to transcribe a record that is not sight readable only if a person 958  
requests transcription of all or part of the record and agrees to 959  
reimburse the agency for the costs of the transcription. An agency 960  
may require the person to pay in advance all or part of the cost 961  
of the transcription. 962

In any hearing under this section the agency may administer 963  
oaths or affirmations. 964

~~(D)~~(E) After complying with divisions (A), (B), (C), and 965  
~~(H)~~(D) of this section, and when the time for legislative review 966  
and invalidation under ~~division (I) of this section~~ sections 967  
106.02, 106.022, and 106.023 of the Revised Code has expired, the 968  
agency may issue an order adopting the proposed rule or the 969  
proposed amendment or rescission of the rule, consistent with the 970  
synopsis or general statement included in the public notice. At 971  
that time the agency shall designate the effective date of the 972  
rule, amendment, or rescission, which shall not be earlier than 973  
the tenth day after the rule, amendment, or rescission has been 974  
filed in its final form as provided in section 119.04 of the 975  
Revised Code. 976

~~(E)~~(F) Prior to the effective date of a rule, amendment, or 977



rescission, the agency shall make a reasonable effort to inform 978  
those affected by the rule, amendment, or rescission and to have 979  
available for distribution to those requesting it the full text of 980  
the rule as adopted or as amended. 981

~~(F)~~(G) If the governor, upon the request of an agency, 982  
determines that an emergency requires the immediate adoption, 983  
amendment, or rescission of a rule, the governor shall issue an 984  
order, the text of which shall be filed in electronic form with 985  
the agency, the secretary of state, the director of the 986  
legislative service commission, and the joint committee on agency 987  
rule review, that the procedure prescribed by this section with 988  
respect to the adoption, amendment, or rescission of a specified 989  
rule is suspended. The agency may then adopt immediately the 990  
emergency rule, amendment, or rescission and it becomes effective 991  
on the date the rule, amendment, or rescission, in final form and 992  
in compliance with division (A)(2) of section 119.04 of the 993  
Revised Code, is filed in electronic form with the secretary of 994  
state, the director of the legislative service commission, and the 995  
joint committee on agency rule review. If all filings are not 996  
completed on the same day, the emergency rule, amendment, or 997  
rescission shall be effective on the day on which the latest 998  
filing is completed. The director shall publish the full text of 999  
the emergency rule, amendment, or rescission in the register of 1000  
Ohio. 1001

The emergency rule, amendment, or rescission shall become 1002  
invalid at the end of the ninetieth day it is in effect. Prior to 1003  
that date the agency may adopt the emergency rule, amendment, or 1004  
rescission as a nonemergency rule, amendment, or rescission by 1005  
complying with the procedure prescribed by this section for the 1006  
adoption, amendment, and rescission of nonemergency rules. The 1007  
agency shall not use the procedure of this division to readopt the 1008  
emergency rule, amendment, or rescission so that, upon the 1009

emergency rule, amendment, or rescission becoming invalid under 1010  
this division, the emergency rule, amendment, or rescission will 1011  
continue in effect without interruption for another ninety-day 1012  
period, except when ~~division (I)(2)(a) of this section~~ 106.02 of 1013  
the Revised Code prevents the agency from adopting the emergency 1014  
rule, amendment, or rescission as a nonemergency rule, amendment, 1015  
or rescission within the ninety-day period. 1016

This division does not apply to the adoption of any emergency 1017  
rule, amendment, or rescission by the tax commissioner under 1018  
division (C)(2) of section 5117.02 of the Revised Code. 1019

~~(G)~~(H) Rules adopted by an authority within the department of 1020  
job and family services for the administration or enforcement of 1021  
Chapter 4141. of the Revised Code or of the department of taxation 1022  
shall be effective without a hearing as provided by this section 1023  
if the statutes pertaining to such agency specifically give a 1024  
right of appeal to the board of tax appeals or to a higher 1025  
authority within the agency or to a court, and also give the 1026  
appellant a right to a hearing on such appeal. This division does 1027  
not apply to the adoption of any rule, amendment, or rescission by 1028  
the tax commissioner under division (C)(1) or (2) of section 1029  
5117.02 of the Revised Code, or deny the right to file an action 1030  
for declaratory judgment as provided in Chapter 2721. of the 1031  
Revised Code from the decision of the board of tax appeals or of 1032  
the higher authority within such agency. 1033

~~(H) When any agency files a proposed rule, amendment, or 1034  
rescission under division (B) of this section, it shall also file 1035  
in electronic form with the joint committee on agency rule review 1036  
the full text of the proposed rule, amendment, or rule to be 1037  
rescinded in the same form and the public notice required under 1038  
division (A) of this section. (If in compliance with this division 1039  
an agency files more than one proposed rule, amendment, or 1040  
rescission at the same time, and has given a public notice under 1041~~

~~division (A) of this section that applies to more than one of the  
proposed rules, amendments, or rescissions, the agency shall file  
only one notice with the joint committee for all of the proposed  
rules, amendments, or rescissions to which the notice applies.) If  
the agency makes a substantive revision in a proposed rule,  
amendment, or rescission after it is filed with the joint  
committee, the agency shall promptly file the full text of the  
proposed rule, amendment, or rescission in its revised form in  
electronic form with the joint committee. The latest version of a  
proposed rule, amendment, or rescission as filed with the joint  
committee supersedes each earlier version of the text of the same  
proposed rule, amendment, or rescission. An agency shall file the  
rule summary and fiscal analysis prepared under section 127.18 of  
the Revised Code in electronic form along with a proposed rule,  
amendment, or rescission, and along with a proposed rule,  
amendment, or rescission in revised form, that is filed under this  
division. If a proposed rule, amendment, or rescission has an  
adverse impact on businesses, the agency also shall file the  
business impact analysis, any recommendations received from the  
common sense initiative office, and the agency's memorandum of  
response, if any, in electronic form along with the proposed rule,  
amendment, or rescission, or along with the proposed rule,  
amendment, or rescission in revised form, that is filed under this  
division.~~

~~This division does not apply to:~~

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

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

<del>(a) A statement that it is proposed for the purpose of</del>	1074
<del>complying with a federal law or rule;</del>	1075
<del>(b) A citation to the federal law or rule that requires</del>	1076
<del>verbatim compliance.</del>	1077
<del>If a rule or amendment is exempt from legislative review</del>	1078
<del>under division (H)(2) of this section, and if the federal law or</del>	1079
<del>rule pursuant to which the rule or amendment was adopted expires,</del>	1080
<del>is repealed or rescinded, or otherwise terminates, the rule or</del>	1081
<del>amendment, or its rescission, is thereafter subject to legislative</del>	1082
<del>review under division (H) of this section.</del>	1083
<del>(I)(1) The joint committee on agency rule review may</del>	1084
<del>recommend the adoption of a concurrent resolution invalidating a</del>	1085
<del>proposed rule, amendment, rescission, or part thereof if it finds</del>	1086
<del>any of the following:</del>	1087
<del>(a) That the rule making agency has exceeded the scope of its</del>	1088
<del>statutory authority in proposing the rule, amendment, or</del>	1089
<del>rescission;</del>	1090
<del>(b) That the proposed rule, amendment, or rescission</del>	1091
<del>conflicts with another rule, amendment, or rescission adopted by</del>	1092
<del>the same or a different rule making agency;</del>	1093
<del>(c) That the proposed rule, amendment, or rescission</del>	1094
<del>conflicts with the legislative intent in enacting the statute</del>	1095
<del>under which the rule making agency proposed the rule, amendment,</del>	1096
<del>or rescission;</del>	1097
<del>(d) That the rule making agency has failed to prepare a</del>	1098
<del>complete and accurate rule summary and fiscal analysis of the</del>	1099
<del>proposed rule, amendment, or rescission as required by section</del>	1100
<del>127.18 of the Revised Code;</del>	1101
<del>(e) That the proposed rule, amendment, or rescission</del>	1102
<del>incorporates a text or other material by reference and either the</del>	1103

~~rule making agency has failed to file the text or other material 1104  
incorporated by reference as required by section 121.73 of the 1105  
Revised Code or, in the case of a proposed rule or amendment, the 1106  
incorporation by reference fails to meet the standards stated in 1107  
section 121.72, 121.75, or 121.76 of the Revised Code; 1108~~

~~(f) That the rule making agency has failed to demonstrate 1109  
through the business impact analysis, recommendations from the 1110  
common sense initiative office, and the memorandum of response the 1111  
agency has filed under division (H) of this section that the 1112  
regulatory intent of the proposed rule, amendment, or rescission 1113  
justifies its adverse impact on businesses in this state. 1114~~

~~The joint committee shall not hold its public hearing on a 1115  
proposed rule, amendment, or rescission earlier than the 1116  
forty first day after the original version of the proposed rule, 1117  
amendment, or rescission was filed with the joint committee. 1118~~

~~The house of representatives and senate may adopt a 1119  
concurrent resolution invalidating a proposed rule, amendment, 1120  
rescission, or part thereof. The concurrent resolution shall state 1121  
which of the specific rules, amendments, rescissions, or parts 1122  
thereof are invalidated. A concurrent resolution invalidating a 1123  
proposed rule, amendment, or rescission shall be adopted not later 1124  
than the sixty fifth day after the original version of the text of 1125  
the proposed rule, amendment, or rescission is filed with the 1126  
joint committee, except that if more than thirty five days after 1127  
the original version is filed the rule making agency either files 1128  
a revised version of the text of the proposed rule, amendment, or 1129  
rescission, or revises the rule summary and fiscal analysis in 1130  
accordance with division (I)(4) of this section, a concurrent 1131  
resolution invalidating the proposed rule, amendment, or 1132  
rescission shall be adopted not later than the thirtieth day after 1133  
the revised version of the proposed rule or rule summary and 1134  
fiscal analysis is filed. If, after the joint committee on agency 1135~~

~~rule review recommends the adoption of a concurrent resolution 1136  
invalidating a proposed rule, amendment, rescission, or part 1137  
thereof, the house of representatives or senate does not, within 1138  
the time remaining for adoption of the concurrent resolution, hold 1139  
five floor sessions at which its journal records a roll call vote 1140  
disclosing a sufficient number of members in attendance to pass a 1141  
bill, the time within which that house may adopt the concurrent 1142  
resolution is extended until it has held five such floor sessions. 1143~~

~~Within five days after the adoption of a concurrent 1144  
resolution invalidating a proposed rule, amendment, rescission, or 1145  
part thereof, the clerk of the senate shall send the rule making 1146  
agency, the secretary of state, and the director of the 1147  
legislative service commission in electronic form a certified text 1148  
of the resolution together with a certification stating the date 1149  
on which the resolution takes effect. The secretary of state and 1150  
the director of the legislative service commission shall each note 1151  
the invalidity of the proposed rule, amendment, rescission, or 1152  
part thereof, and shall each remove the invalid proposed rule, 1153  
amendment, rescission, or part thereof from the file of proposed 1154  
rules. The rule making agency shall not proceed to adopt in 1155  
accordance with division (D) of this section, or to file in 1156  
accordance with division (B)(1) of section 111.15 of the Revised 1157  
Code, any version of a proposed rule, amendment, rescission, or 1158  
part thereof that has been invalidated by concurrent resolution. 1159~~

~~Unless the house of representatives and senate adopt a 1160  
concurrent resolution invalidating a proposed rule, amendment, 1161  
rescission, or part thereof within the time specified by this 1162  
division, the rule making agency may proceed to adopt in 1163  
accordance with division (D) of this section, or to file in 1164  
accordance with division (B)(1) of section 111.15 of the Revised 1165  
Code, the latest version of the proposed rule, amendment, or 1166  
rescission as filed with the joint committee. If by concurrent 1167~~

~~resolution certain of the rules, amendments, rescissions, or parts 1168  
thereof are specifically invalidated, the rule making agency may 1169  
proceed to adopt, in accordance with division (D) of this section, 1170  
or to file in accordance with division (B)(1) of section 111.15 of 1171  
the Revised Code, the latest version of the proposed rules, 1172  
amendments, rescissions, or parts thereof as filed with the joint 1173  
committee that are not specifically invalidated. The rule making 1174  
agency may not revise or amend any proposed rule, amendment, 1175  
rescission, or part thereof that has not been invalidated except 1176  
as provided in this chapter or in section 111.15 of the Revised 1177  
Code. 1178~~

~~(2)(a) A proposed rule, amendment, or rescission that is 1179  
filed with the joint committee under division (H) of this section 1180  
or division (D) of section 111.15 of the Revised Code shall be 1181  
carried over for legislative review to the next succeeding regular 1182  
session of the general assembly if the original or any revised 1183  
version of the proposed rule, amendment, or rescission is filed 1184  
with the joint committee on or after the first day of December of 1185  
any year. 1186~~

~~(b) The latest version of any proposed rule, amendment, or 1187  
rescission that is subject to division (I)(2)(a) of this section, 1188  
as filed with the joint committee, is subject to legislative 1189  
review and invalidation in the next succeeding regular session of 1190  
the general assembly in the same manner as if it were the original 1191  
version of a proposed rule, amendment, or rescission that had been 1192  
filed with the joint committee for the first time on the first day 1193  
of the session. A rule making agency shall not adopt in accordance 1194  
with division (D) of this section, or file in accordance with 1195  
division (B)(1) of section 111.15 of the Revised Code, any version 1196  
of a proposed rule, amendment, or rescission that is subject to 1197  
division (I)(2)(a) of this section until the time for legislative 1198  
review and invalidation, as contemplated by division (I)(2)(b) of 1199~~

~~this section, has expired.~~ 1200

~~(3) Invalidation of any version of a proposed rule, 1201  
amendment, rescission, or part thereof by concurrent resolution 1202  
shall prevent the rule making agency from instituting or 1203  
continuing proceedings to adopt any version of the same proposed 1204  
rule, amendment, rescission, or part thereof for the duration of 1205  
the general assembly that invalidated the proposed rule, 1206  
amendment, rescission, or part thereof unless the same general 1207  
assembly adopts a concurrent resolution permitting the rule making 1208  
agency to institute or continue such proceedings.~~ 1209

~~The failure of the general assembly to invalidate a proposed 1210  
rule, amendment, rescission, or part thereof under this section 1211  
shall not be construed as a ratification of the lawfulness or 1212  
reasonableness of the proposed rule, amendment, rescission, or any 1213  
part thereof or of the validity of the procedure by which the 1214  
proposed rule, amendment, rescission, or any part thereof was 1215  
proposed or adopted.~~ 1216

~~(4) In lieu of recommending a concurrent resolution to 1217  
invalidate a proposed rule, amendment, rescission, or part thereof 1218  
because the rule making agency has failed to prepare a complete 1219  
and accurate fiscal analysis, the joint committee on agency rule 1220  
review may issue, on a one time basis, for rules, amendments, 1221  
rescissions, or parts thereof that have a fiscal effect on school 1222  
districts, counties, townships, or municipal corporations, a 1223  
finding that the rule summary and fiscal analysis is incomplete or 1224  
inaccurate and order the rule making agency to revise the rule 1225  
summary and fiscal analysis and refile it with the proposed rule, 1226  
amendment, rescission, or part thereof. If an emergency rule is 1227  
filed as a nonemergency rule before the end of the ninetieth day 1228  
of the emergency rule's effectiveness, and the joint committee 1229  
issues a finding and orders the rule making agency to refile under 1230  
division (I)(4) of this section, the governor may also issue an 1231~~



~~order stating that the emergency rule shall remain in effect for 1232  
an additional sixty days after the ninetieth day of the emergency 1233  
rule's effectiveness. The governor's orders shall be filed in 1234  
accordance with division (F) of this section. The joint committee 1235  
shall send in electronic form to the rule making agency, the 1236  
secretary of state, and the director of the legislative service 1237  
commission a certified text of the finding and order to revise the 1238  
rule summary and fiscal analysis, which shall take immediate 1239  
effect. 1240~~

~~An order issued under division (I)(4) of this section shall 1241  
prevent the rule making agency from instituting or continuing 1242  
proceedings to adopt any version of the proposed rule, amendment, 1243  
rescission, or part thereof until the rule making agency revises 1244  
the rule summary and fiscal analysis and refiles it in electronic 1245  
form with the joint committee along with the proposed rule, 1246  
amendment, rescission, or part thereof. If the joint committee 1247  
finds the rule summary and fiscal analysis to be complete and 1248  
accurate, the joint committee shall issue a new order noting that 1249  
the rule making agency has revised and refiled a complete and 1250  
accurate rule summary and fiscal analysis. The joint committee 1251  
shall send in electronic form to the rule making agency, the 1252  
secretary of state, and the director of the legislative service 1253  
commission a certified text of this new order. The secretary of 1254  
state and the director of the legislative service commission shall 1255  
each link this order to the proposed rule, amendment, rescission, 1256  
or part thereof. The rule making agency may then proceed to adopt 1257  
in accordance with division (D) of this section, or to file in 1258  
accordance with division (B)(1) of section 111.15 of the Revised 1259  
Code, the proposed rule, amendment, rescission, or part thereof 1260  
that was subject to the finding and order under division (I)(4) of 1261  
this section. If the joint committee determines that the revised 1262  
rule summary and fiscal analysis is still inaccurate or 1263  
incomplete, the joint committee shall recommend the adoption of a 1264~~

~~concurrent resolution in accordance with division (I)(1) of this section.~~ 1265  
1266

**Sec. 119.04.** (A)(1) Any rule adopted by any agency shall be 1267  
effective on the tenth day after the day on which the rule in 1268  
final form and in compliance with division (A)(2) of this section 1269  
is filed as follows: 1270

(a) The rule shall be filed in electronic form with both the 1271  
secretary of state and the director of the legislative service 1272  
commission; 1273

(b) The rule shall be filed in electronic form with the joint 1274  
committee on agency rule review. Division (A)(1)(b) of this 1275  
section does not apply to any rule to which division ~~(H)~~(C) of 1276  
section 119.03 of the Revised Code does not apply. 1277

~~If all filings are not completed on the same day, the rule shall be effective on the tenth day after the day on which the latest filing is completed.~~ 1278  
If an agency in adopting a rule 1279  
designates an effective date that is later than the effective date 1280  
provided for by this division, the rule if filed as required by 1281  
this division shall become effective on the later date designated 1282  
by the agency. 1283  
1284

An agency that adopts or amends a rule that is subject to 1285  
~~division (H) of section 119.03~~ 106.03 of the Revised Code shall 1286  
assign a review date to the rule that is not later than five years 1287  
after its effective date. ~~If no review date is assigned to a rule,~~ 1288  
~~or if~~ a review date assigned to a rule exceeds the five-year 1289  
maximum, the review date for the rule is five years after its 1290  
effective date. A rule with a review date is subject to review 1291  
under section ~~119.032~~ 106.03 of the Revised Code. This paragraph 1292  
does not apply to the department of taxation. 1293

(2) The agency shall file the rule in compliance with the 1294

following standards and procedures: 1295

(a) The rule shall be numbered in accordance with the 1296  
numbering system devised by the director for the Ohio 1297  
administrative code. 1298

(b) The rule shall be prepared and submitted in compliance 1299  
with the rules of the legislative service commission. 1300

(c) The rule shall clearly state the date on which it is to 1301  
be effective and the date on which it will expire, if known. 1302

(d) Each rule that amends or rescinds another rule shall 1303  
clearly refer to the rule that is amended or rescinded. Each 1304  
amendment shall fully restate the rule as amended. 1305

If the director of the legislative service commission or the 1306  
director's designee gives an agency notice pursuant to section 1307  
103.05 of the Revised Code that a rule filed by the agency is not 1308  
in compliance with the rules of the commission, the agency shall 1309  
within thirty days after receipt of the notice conform the rule to 1310  
the rules of the commission as directed in the notice. 1311

(3) As used in this section, "rule" includes an amendment or 1312  
rescission of a rule. 1313

(B) The secretary of state and the director shall preserve 1314  
the rules filed under division (A)(1)(a) of this section in an 1315  
accessible manner. Each such rule shall be a public record open to 1316  
public inspection and may be transmitted to any law publishing 1317  
company that wishes to reproduce it. 1318

~~Any rule that has been adopted in compliance with section 1319  
119.03 of the Revised Code and that is in effect before January 1, 1320  
1977, may be divided into sections, numbered, provided with a 1321  
subject heading, and filed with the secretary of state and the 1322  
director to comply with the provisions of this section without 1323  
carrying out the adoption procedure required by section 119.03 of 1324~~

~~the Revised Code. The codification of existing rules to comply~~ 1325  
~~with this section shall not constitute adoption, amendment, or~~ 1326  
~~rescission.~~ 1327

**Sec. 121.39.** (A) As used in this section, "environmental 1328  
protection" means any of the following: 1329

(1) Protection of human health or safety, biological 1330  
resources, or natural resources by preventing, reducing, or 1331  
remediating the pollution or degradation of air, land, or water 1332  
resources or by preventing or limiting the exposure of humans, 1333  
animals, or plants to pollution; 1334

(2) Appropriation or regulation of privately owned property 1335  
to preserve air, land, or water resources in a natural state or to 1336  
wholly or partially restore them to a natural state; 1337

(3) Regulation of the collection, management, treatment, 1338  
reduction, storage, or disposal of solid, hazardous, radioactive, 1339  
or other wastes; 1340

(4) Plans or programs to promote or regulate the 1341  
conservation, recycling, or reuse of energy, materials, or wastes. 1342

(B) Except as otherwise provided in division (E) of this 1343  
section, when proposed legislation dealing with environmental 1344  
protection or containing a component dealing with environmental 1345  
protection is referred to a committee of the general assembly, 1346  
other than a committee on rules or reference, the sponsor of the 1347  
legislation, at the time of the first hearing of the legislation 1348  
before the committee, shall submit to the members of the committee 1349  
a written statement identifying either the documentation that is 1350  
the basis of the legislation or the federal requirement or 1351  
requirements with which the legislation is intended to comply. If 1352  
the legislation is not based on documentation or has not been 1353  
introduced to comply with a federal requirement or requirements, 1354

the written statement from the sponsor shall so indicate. 1355

Also at the time of the first hearing of the legislation 1356  
before the committee, a statewide organization that represents 1357  
businesses in this state and that elects its board of directors 1358  
may submit to the members of the committee a written estimate of 1359  
the costs to the regulated community in this state of complying 1360  
with the legislation if it is enacted. 1361

At any hearing of the legislation before the committee, a 1362  
representative of any state agency, environmental advocacy 1363  
organization, or consumer advocacy organization or any private 1364  
citizen may present documentation containing an estimate of the 1365  
monetary and other costs to public health and safety and the 1366  
environment and to consumers and residential utility customers, 1367  
and the effects on property values, if the legislation is not 1368  
enacted. 1369

(C) Until such time as the statement required under division 1370  
(B) of this section is submitted to the committee to which 1371  
proposed legislation dealing with environmental protection or 1372  
containing a component dealing with environmental protection was 1373  
referred, the legislation shall not be reported by that committee. 1374  
This requirement does not apply if the component dealing with 1375  
environmental protection is removed from the legislation or if 1376  
two-thirds of the members of the committee vote in favor of a 1377  
motion to report the proposed legislation. 1378

(D) Except as otherwise provided in division (E) of this 1379  
section, prior to adopting a rule or an amendment proposed to a 1380  
rule dealing with environmental protection or containing a 1381  
component dealing with environmental protection, a state agency 1382  
shall do all of the following: 1383

(1) Consult with organizations that represent political 1384  
subdivisions, environmental interests, business interests, and 1385

other persons affected by the proposed rule or amendment; 1386

(2) Consider documentation relevant to the need for, the 1387  
environmental benefits or consequences of, other benefits of, and 1388  
the technological feasibility of the proposed rule or amendment; 1389

(3) Specifically identify whether the proposed rule or 1390  
amendment is being adopted or amended to enable the state to 1391  
obtain or maintain approval to administer and enforce a federal 1392  
environmental law or to participate in a federal environmental 1393  
program, whether the proposed rule or amendment is more stringent 1394  
than its federal counterpart, and, if the proposed rule or 1395  
amendment is more stringent, the rationale for not incorporating 1396  
its federal counterpart; 1397

(4) Include with the proposed rule or amendment and the rule 1398  
summary and fiscal analysis required under section 127.18 of the 1399  
Revised Code, when they are filed with the joint committee on 1400  
agency rule review in accordance with division (D) of section 1401  
111.15 or division ~~(H)~~(C) of section 119.03 of the Revised Code, 1402  
one of the following in electronic form, as applicable: 1403

(a) The information identified under division (D)(3) of this 1404  
section and, if the proposed rule or amendment is more stringent 1405  
than its federal counterpart, as identified in that division, the 1406  
documentation considered under division (D)(2) of this section; 1407

(b) If an amendment proposed to a rule is being adopted or 1408  
amended under a state statute that establishes standards with 1409  
which the amendment shall comply, and the proposed amendment is 1410  
more stringent than the rule that it is proposing to amend, the 1411  
documentation considered under division (D)(2) of this section; 1412

(c) If division (D)(4)(a) or (b) of this section is not 1413  
applicable, the documentation considered under division (D)(2) of 1414  
this section. 1415

If the agency subsequently files a revision of such a 1416

proposed rule or amendment in accordance with division (D) of 1417  
section 111.15 or division ~~(H)~~(C) of section 119.03 of the Revised 1418  
Code, the revision shall be accompanied in electronic form by the 1419  
applicable information or documentation. 1420

Division (D) of this section does not apply to any emergency 1421  
rule adopted under division (B)(2) of section 111.15 or division 1422  
~~(F)~~(G) of section 119.03 of the Revised Code, but does apply to 1423  
any such rule that subsequently is adopted as a nonemergency rule 1424  
under either of those divisions. 1425

The information or documentation submitted under division 1426  
(D)(4) of this section may be in the form of a summary or index of 1427  
available knowledge or information and shall consist of or be 1428  
based upon the best available generally accepted knowledge or 1429  
information in the appropriate fields, as determined by the agency 1430  
that prepared the documentation. 1431

(E) The statement required under division (B) and the 1432  
information or documentation required under division (D) of this 1433  
section need not be prepared or submitted with regard to a 1434  
proposed statute or rule, or an amendment to a rule, if the 1435  
statute, rule, or amendment is procedural or budgetary in nature, 1436  
or governs the organization or operation of a state agency, and 1437  
will not affect the substantive rights or obligations of any 1438  
person other than a state agency or an employee or contractor of a 1439  
state agency. 1440

(F) The insufficiency, incompleteness, or inadequacy of a 1441  
statement, information, documentation, or a summary of information 1442  
or documentation provided in accordance with division (B) or (D) 1443  
of this section shall not be grounds for invalidation of any 1444  
statute, rule, or amendment to a rule. 1445

(G) This section applies only to the following: 1446

(1) Legislation and components of legislation dealing with 1447

environmental protection that are introduced in the general 1448  
assembly after March 5, 1996; 1449

(2) Rules and rule amendments dealing with environmental 1450  
protection that are filed with the joint committee on agency rule 1451  
review in accordance with division (D) of section 111.15 or 1452  
division ~~(H)~~(C) of section 119.03 of the Revised Code after March 1453  
5, 1996. 1454

**Sec. 121.73.** As used in this section, "rule" has the same 1455  
meaning as in section 121.71 of the Revised Code and also includes 1456  
the rescission of an existing rule. 1457

(A) When an agency files the original or a revised version of 1458  
a rule in proposed form under division (D) of section 111.15 or 1459  
division ~~(H)~~(C) of section 119.03, or a rule for review under 1460  
section ~~119.032~~ 106.03 of the Revised Code, that incorporates a 1461  
text or other material by reference, the agency also shall file in 1462  
electronic form, one complete and accurate copy of the text or 1463  
other material incorporated by reference with the joint committee 1464  
on agency rule review. An agency is not, however, required to file 1465  
a text or other material incorporated by reference with the joint 1466  
committee if the agency revises a rule in proposed form that 1467  
incorporates a text or other material by reference and the 1468  
incorporation by reference in the revised version of the rule is 1469  
identical to the incorporation by reference in the preceding 1470  
version of the rule. 1471

If it is infeasible for the agency to file a text or other 1472  
material incorporated by reference electronically, the agency, as 1473  
soon as possible, but not later than three days after completing 1474  
the electronic filing, shall deliver one complete and accurate 1475  
copy of the text or other material incorporated by reference to 1476  
the joint committee, and shall attach a memorandum to the text or 1477  
other material identifying the filing to which it relates. 1478



An agency is not required to file a text or other material 1479  
incorporated by reference into a rule that is proposed for 1480  
rescission if it is infeasible for the agency to do so. 1481

An agency shall not file a copy of a text or other material 1482  
incorporated by reference with the secretary of state or with the 1483  
director of the legislative service commission. 1484

(B) Upon completing its review of a rule in proposed form, or 1485  
its review of a rule, that incorporates a text or other material 1486  
by reference, the joint committee shall forward its copy of the 1487  
text or other material incorporated by reference to the director 1488  
of the legislative service commission. The director shall maintain 1489  
a file of texts and other materials that are or were incorporated 1490  
by reference into rules. 1491

**Sec. 121.74.** As used in this section, "rule" has the same 1492  
meaning as in section 121.71 of the Revised Code and also includes 1493  
the rescission of an existing rule. 1494

When an agency files a rule in final form under division 1495  
(B)(1) of section 111.15, or division (A)(1) of section 119.04, 1496  
~~division (B)(1) of section 4141.14, or division (A) of section~~ 1497  
~~5703.14~~ of the Revised Code that incorporates or incorporated a 1498  
text or other material by reference, the agency, prior to the 1499  
effective date of the rule, shall either: 1500

(A) Deposit one complete and accurate copy of the text or 1501  
other material incorporated by reference in each of the five 1502  
depository libraries designated by the state library board; or 1503

(B) Display a complete and accurate copy of the text or other 1504  
material incorporated by reference on a web site maintained or 1505  
made available by the agency. 1506

An agency is not required to comply with this section if the 1507  
text or other material incorporated by reference is identical to a 1508

text or other material the agency, at the time compliance with 1509  
this section otherwise would be required, already is depositing or 1510  
displaying under this section. 1511

**Sec. 121.81.** As used in sections 121.81 to 121.83 of the 1512  
Revised Code: 1513

(A) "Agency" means a state agency that is required to file 1514  
proposed rules for legislative review under division (D) of 1515  
section 111.15 or division ~~(H)~~(C) of section 119.03 of the Revised 1516  
Code. "Agency" does not include the offices of governor, 1517  
lieutenant governor, auditor of state, secretary of state, 1518  
treasurer of state, or attorney general. 1519

(B) "Draft rule" means any newly proposed rule and any 1520  
proposed amendment, adoption, or rescission of a rule prior to the 1521  
filing of that rule for legislative review under division (D) of 1522  
section 111.15 or division ~~(H)~~(C) of section 119.03 of the Revised 1523  
Code and includes a proposed amendment, adoption, or rescission of 1524  
a rule in both its original and any revised form. "Draft rule" 1525  
does not include an emergency rule adopted under division (B)(2) 1526  
of section 111.15 or division ~~(F)~~(G) of section 119.03 of the 1527  
Revised Code, but does include a rule that is proposed to replace 1528  
an emergency rule that expires under those divisions. 1529

Sections 121.81 to 121.83 and 121.91 of the Revised Code are 1530  
complementary to sections 107.51 to 107.55 and 107.61 to 107.63 of 1531  
the Revised Code. 1532

**Sec. 121.82.** In the course of developing a draft rule that is 1533  
intended to be proposed under division (D) of section 111.15 or 1534  
division ~~(H)~~(C) of section 119.03 of the Revised Code, an agency 1535  
shall: 1536

(A) Evaluate the draft rule against the business impact 1537  
analysis instrument. If, based on that evaluation, the draft rule 1538

will not have an adverse impact on businesses, the agency may 1539  
proceed with the rule-filing process. If the evaluation determines 1540  
that the draft rule will have an adverse impact on businesses, the 1541  
agency shall incorporate features into the draft rule that will 1542  
eliminate or adequately reduce any adverse impact the draft rule 1543  
might have on businesses; 1544

(B) Prepare a business impact analysis that describes its 1545  
evaluation of the draft rule against the business impact analysis 1546  
instrument, that identifies any features that were incorporated 1547  
into the draft rule as a result of the evaluation, and that 1548  
explains how those features, if there were any, eliminate or 1549  
adequately reduce any adverse impact the draft rule might have on 1550  
businesses; 1551

(C) Transmit a copy of the full text of the draft rule and 1552  
the business impact analysis electronically to the common sense 1553  
initiative office, which information shall be made available to 1554  
the public on the office's web site in accordance with section 1555  
107.62 of the Revised Code; 1556

(D) Consider any recommendations made by the common sense 1557  
initiative office with regard to the draft rule, and either 1558  
incorporate into the draft rule features the recommendations 1559  
suggest will eliminate or reduce any adverse impact the draft rule 1560  
might have on businesses or document, in writing, the reasons 1561  
those recommendations are not being incorporated into the draft 1562  
rule; and 1563

(E) Prepare a memorandum of response identifying features 1564  
suggested by any recommendations that were incorporated into the 1565  
draft rule and features suggested by any recommendations that were 1566  
not incorporated into the draft rule, explaining how the features 1567  
that were incorporated into the draft rule eliminate or reduce any 1568  
adverse impact the draft rule might have on businesses, and 1569  
explaining why the features that were not incorporated into the 1570

draft rule were not incorporated. 1571

An agency may not file a proposed rule for legislative review 1572  
under division (D) of section 111.15 or division ~~(H)~~(C) of section 1573  
119.03 of the Revised Code earlier than the sixteenth business day 1574  
after electronically transmitting the draft rule to the common 1575  
sense initiative office. 1576

**Sec. 121.83.** (A) When an agency files a proposed rule for 1577  
legislative review under division (D) of section 111.15 of the 1578  
Revised Code or division (H) of section 119.03 of the Revised 1579  
Code, the agency electronically shall file one copy of the 1580  
business impact analysis, any recommendations received from the 1581  
common sense initiative office, and the agency's memorandum of 1582  
response, if any, along with the proposed rule. 1583

(B)(1) The joint committee on agency rule review does not 1584  
have jurisdiction to review, and shall reject, the filing of a 1585  
proposed rule if, at any time while the proposed rule is in its 1586  
possession, it discovers that the proposed rule might have an 1587  
adverse impact on businesses and the agency has not included with 1588  
the filing a business impact analysis or has included a business 1589  
impact analysis that is inadequately prepared. The joint committee 1590  
electronically shall return a filing that is rejected to the 1591  
agency. Such a rejection does not preclude the agency from 1592  
refiling the proposed rule after complying with section 121.82 of 1593  
the Revised Code. When a filing is rejected under this division, 1594  
it is as if the filing had not been made. 1595

(2) If the last previously filed version of a proposed rule, 1596  
the filing of a later version of which has been rejected by the 1597  
joint committee, remains in the possession of the joint committee, 1598  
and if the time for legislative review of that previously filed 1599  
version has expired, or if fewer than thirty days remain before 1600  
the time for legislative review of that previously filed version 1601

expires, then the time for legislative review of that previously 1602  
filed version is revived or extended, and recommendation of a bill 1603  
to invalidate that previously filed version may be adopted not 1604  
later than the sixty-fifth day after the day on which the filing 1605  
of the later version of the proposed rule was rejected. This 1606  
deadline is subject to extension under section 106.02 of the 1607  
Revised Code. 1608

**Sec. 127.18.** (A) As used in this section: 1609

(1) "~~Rule-making agency~~ Agency" has the same meaning as 1610  
defined in division (I) of section 119.01 106.01 of the Revised 1611  
Code. 1612

(2) "Rule" includes the adoption, amendment, or rescission of 1613  
a rule. 1614

(3) "Proposed rule" means the original version of a proposed 1615  
rule, and each revised version of the same proposed rule, that is 1616  
filed with the joint committee on agency rule review under 1617  
division (D) of section 111.15 or division ~~(H)~~(C) of section 1618  
119.03 of the Revised Code. 1619

(B) ~~A rule-making~~ An agency shall prepare, in the form 1620  
prescribed by the joint committee on agency rule review ~~under~~ 1621  
~~division (E) of this section,~~ a complete and accurate rule summary 1622  
and fiscal analysis of each proposed rule that it files under 1623  
division (D) of section 111.15 or division ~~(H)~~(C) of section 1624  
119.03 of the Revised Code. The rule summary and fiscal analysis 1625  
shall include all of the following information: 1626

(1) The name, address, ~~and~~ telephone number, and electronic 1627  
mail address of the ~~rule-making~~ agency, and the name ~~and,~~ 1628  
telephone number, and electronic mail address of an individual or 1629  
office within the agency designated by that agency to be 1630  
responsible for coordinating and making available information in 1631

the possession of the agency regarding the proposed rule; 1632

(2) The Ohio Administrative Code rule number of the proposed 1633  
rule; 1634

(3) A brief summary of, and the legal basis for, the proposed 1635  
rule, including citations identifying the statute that prescribes 1636  
the procedure in accordance with which the ~~rule-making~~ agency is 1637  
required to adopt the proposed rule, the statute that authorizes 1638  
the agency to adopt the proposed rule, and the statute that the 1639  
agency intends to amplify or implement by adopting the proposed 1640  
rule; 1641

(4) An estimate, in dollars, of the amount by which the 1642  
proposed rule would increase or decrease revenues or expenditures 1643  
during the current biennium; 1644

(5) A citation identifying the appropriation that authorizes 1645  
each expenditure that would be necessitated by the proposed rule; 1646

(6) A summary of the estimated cost of compliance with the 1647  
rule to all directly affected persons; 1648

(7) The reasons why the rule is being proposed; 1649

(8) If the rule has a fiscal effect on school districts, 1650  
counties, townships, or municipal corporations, an estimate in 1651  
dollars of the cost of compliance with the rule, or, if dollar 1652  
amounts cannot be determined, a written explanation of why it was 1653  
not possible to ascertain dollar amounts; 1654

(9) If the rule has a fiscal effect on school districts, 1655  
counties, townships, or municipal corporations and is the result 1656  
of a federal requirement, a clear explanation that the proposed 1657  
state rule does not exceed the scope and intent of the 1658  
requirement, or, if the state rule does exceed the minimum 1659  
necessary federal requirement, a justification of the excess cost, 1660  
and an estimate of the costs, including those costs for local 1661

governments, exceeding the federal requirement; 1662

(10) If the rule has a fiscal effect on school districts, 1663  
counties, townships, or municipal corporations, a comprehensive 1664  
cost estimate that includes the procedure and method of 1665  
calculating the costs of compliance and identifies major cost 1666  
categories including personnel costs, new equipment or other 1667  
capital costs, operating costs, and indirect central service costs 1668  
related to the rule. The fiscal analysis shall also include a 1669  
written explanation of the agency's and the affected local 1670  
government's ability to pay for the new requirements and a 1671  
statement of any impact the rule will have on economic 1672  
development. 1673

(11) If the rule incorporates a text or other material by 1674  
reference, and the agency claims the incorporation by reference is 1675  
exempt from compliance with sections 121.71 to 121.74 of the 1676  
Revised Code because the text or other material is generally 1677  
available to persons who reasonably can be expected to be affected 1678  
by the rule, an explanation of how the text or other material is 1679  
generally available to those persons; 1680

(12) If the rule incorporates a text or other material by 1681  
reference, and it was infeasible for the agency to file the text 1682  
or other material electronically, an explanation of why filing the 1683  
text or other material electronically was infeasible; 1684

(13) If the rule is being rescinded and incorporates a text 1685  
or other material by reference, and it was infeasible for the 1686  
agency to file the text or other material, an explanation of why 1687  
filing the text or other material was infeasible; 1688

(14) Any other information the joint committee on agency rule 1689  
review considers necessary to make the proposed rule or the fiscal 1690  
effect of the proposed rule fully understandable. 1691

(C) The ~~rule-making~~ agency shall file the rule summary and 1692

fiscal analysis in electronic form along with the proposed rule 1693  
that it files under ~~divisions~~ division (D) and ~~(E)~~ of section 1694  
111.15 or divisions (B) and ~~(H)~~(C) of section 119.03 of the 1695  
Revised Code. The joint committee on agency rule review shall not 1696  
accept any proposed rule for filing unless a copy of the rule 1697  
summary and fiscal analysis of the proposed rule, completely and 1698  
accurately prepared, is filed along with the proposed rule. 1699

(D) The joint committee on agency rule review shall review 1700  
the fiscal effect of each proposed rule that is filed under 1701  
division (D) of section 111.15 or division ~~(H)~~(C) of section 1702  
119.03 of the Revised Code. 1703

(E) The joint committee on agency rule review shall prescribe 1704  
the form in which each rule-making agency shall prepare its rule 1705  
summary and fiscal analysis of a proposed rule. 1706

~~(F) This section does not require the auditor of state or the 1707  
auditor of state's designee to prepare or attach a rule summary 1708  
and fiscal analysis to any copy of a rule proposed under section 1709  
117.12, 117.19, 117.38, or 117.43 of the Revised Code. 1710~~

**Sec. 1531.08.** In conformity with Section 36 of Article II, 1711  
Ohio Constitution, providing for the passage of laws for the 1712  
conservation of the natural resources of the state, including 1713  
streams, lakes, submerged lands, and swamplands, and in conformity 1714  
with this chapter and Chapter 1533. of the Revised Code, the chief 1715  
of the division of wildlife has authority and control in all 1716  
matters pertaining to the protection, preservation, propagation, 1717  
possession, and management of wild animals and may adopt rules 1718  
under section 1531.10 of the Revised Code for the management of 1719  
wild animals. Notwithstanding division (B) of section 119.03 of 1720  
the Revised Code, such rules in proposed form shall be filed under 1721  
this section. Each year there shall be a public fish hearing and 1722  
public game hearing. The results of the investigation and public 1723



hearing shall be filed in the office of the chief and shall be 1724  
kept open for public inspection during all regular office hours. 1725  
Modifying or rescinding such rules does not require a public 1726  
hearing. 1727

The chief may adopt, amend, rescind, and enforce rules 1728  
throughout the state or in any part or waters thereof as provided 1729  
by sections 1531.08 to 1531.12 and other sections of the Revised 1730  
Code. The rules shall be filed in proposed form and available at 1731  
the central wildlife office and at each of the wildlife district 1732  
offices, including the Lake Erie unit located at Sandusky, at 1733  
least thirty days prior to the date of the hearing required by 1734  
division ~~(C)~~(D) of section 119.03 of the Revised Code. The rules 1735  
shall be based upon a public hearing and investigation of the best 1736  
available biological information derived from professionally 1737  
accepted practices in wildlife and fisheries management. 1738

Each rule adopted under this section shall clearly and 1739  
distinctly describe and set forth the waters or area or part 1740  
thereof affected by the rule and whether the rule is applicable to 1741  
all wild animals or only to certain kinds of species designated 1742  
therein. 1743

The chief may regulate any of the following: 1744

(A) Taking and possessing wild animals, at any time and place 1745  
or in any number, quantity, or length, and in any manner, and with 1746  
such devices as ~~he~~ the chief prescribes; 1747

(B) Transportation of such animals or any part thereof; 1748

(C) Buying, selling, offering for sale, or exposing for sale 1749  
any such animal or part thereof; 1750

(D) Taking, possessing, transporting, buying, selling, 1751  
offering for sale, and exposing for sale commercial fish or any 1752  
part thereof, including species taken, length, weight, method of 1753  
taking, mesh sizes, specifications of nets and other fishing 1754

devices, seasons, and time and place of taking. 1755

When the chief increases the size of a fish named in section 1756  
1533.63 of the Revised Code, any fish that were legally taken, 1757  
caught, or possessed prior to the increase may be possessed after 1758  
the increase if the possession of the fish has been reported to 1759  
the chief prior to the increase, but on or after the date of the 1760  
increase the fish may not be sold to a buyer in this state. 1761

**Sec. 3319.22.** (A)(1) The state board of education shall issue 1762  
the following educator licenses: 1763

(a) A resident educator license, which shall be valid for 1764  
four years, except that the state board, on a case-by-case basis, 1765  
may extend the license's duration as necessary to enable the 1766  
license holder to complete the Ohio teacher residency program 1767  
established under section 3319.223 of the Revised Code; 1768

(b) A professional educator license, which shall be valid for 1769  
five years and shall be renewable; 1770

(c) A senior professional educator license, which shall be 1771  
valid for five years and shall be renewable; 1772

(d) A lead professional educator license, which shall be 1773  
valid for five years and shall be renewable. 1774

(2) The state board may issue any additional educator 1775  
licenses of categories, types, and levels the board elects to 1776  
provide. 1777

(3) The state board shall adopt rules establishing the 1778  
standards and requirements for obtaining each educator license 1779  
issued under this section. 1780

(B) The rules adopted under this section shall require at 1781  
least the following standards and qualifications for the educator 1782  
licenses described in division (A)(1) of this section: 1783

(1) An applicant for a resident educator license shall hold 1784  
at least a bachelor's degree from an accredited teacher 1785  
preparation program or be a participant in the teach for America 1786  
program and meet the qualifications required under section 1787  
3319.227 of the Revised Code. 1788

(2) An applicant for a professional educator license shall: 1789

(a) Hold at least a bachelor's degree from an institution of 1790  
higher education accredited by a regional accrediting 1791  
organization; 1792

(b) Have successfully completed the Ohio teacher residency 1793  
program established under section 3319.223 of the Revised Code, if 1794  
the applicant's current or most recently issued license is a 1795  
resident educator license issued under this section or an 1796  
alternative resident educator license issued under section 3319.26 1797  
of the Revised Code. 1798

(3) An applicant for a senior professional educator license 1799  
shall: 1800

(a) Hold at least a master's degree from an institution of 1801  
higher education accredited by a regional accrediting 1802  
organization; 1803

(b) Have previously held a professional educator license 1804  
issued under this section or section 3319.222 or under former 1805  
section 3319.22 of the Revised Code; 1806

(c) Meet the criteria for the accomplished or distinguished 1807  
level of performance, as described in the standards for teachers 1808  
adopted by the state board under section 3319.61 of the Revised 1809  
Code. 1810

(4) An applicant for a lead professional educator license 1811  
shall: 1812

(a) Hold at least a master's degree from an institution of 1813

higher education accredited by a regional accrediting organization; 1814  
1815

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 1816  
1817  
1818  
1819

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 1820  
1821  
1822

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 1823  
1824  
1825  
1826  
1827

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 1828  
1829  
1830  
1831

(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law. 1832  
1833  
1834  
1835  
1836

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 1837  
1838  
1839  
1840  
1841

(1) Notwithstanding division ~~(D)~~(E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any 1842  
1843  
1844

rule that necessitates institutions' offering preparation programs 1845  
for educators and other school personnel that are approved by the 1846  
chancellor of the Ohio board of regents under section 3333.048 of 1847  
the Revised Code to revise the curriculum of those programs, the 1848  
effective date shall not be as prescribed in division ~~(D)~~(E) of 1849  
section 119.03 and division (A)(1) of section 119.04 of the 1850  
Revised Code. Instead, the effective date of such rules, or the 1851  
amendment or rescission of such rules, shall be the date 1852  
prescribed by section 3333.048 of the Revised Code. 1853

(2) Notwithstanding the authority to adopt, amend, or rescind 1854  
emergency rules in division ~~(F)~~(G) of section 119.03 of the 1855  
Revised Code, this authority shall not apply to the state board of 1856  
education with regard to rules for educator licenses. 1857

(F)(1) The rules adopted under this section establishing 1858  
standards requiring additional coursework for the renewal of any 1859  
educator license shall require a school district and a chartered 1860  
nonpublic school to establish local professional development 1861  
committees. In a nonpublic school, the chief administrative 1862  
officer shall establish the committees in any manner acceptable to 1863  
such officer. The committees established under this division shall 1864  
determine whether coursework that a district or chartered 1865  
nonpublic school teacher proposes to complete meets the 1866  
requirement of the rules. The department of education shall 1867  
provide technical assistance and support to committees as the 1868  
committees incorporate the professional development standards 1869  
adopted by the state board of education pursuant to section 1870  
3319.61 of the Revised Code into their review of coursework that 1871  
is appropriate for license renewal. The rules shall establish a 1872  
procedure by which a teacher may appeal the decision of a local 1873  
professional development committee. 1874

(2) In any school district in which there is no exclusive 1875  
representative established under Chapter 4117. of the Revised 1876

Code, the professional development committees shall be established 1877  
as described in division (F)(2) of this section. 1878

Not later than the effective date of the rules adopted under 1879  
this section, the board of education of each school district shall 1880  
establish the structure for one or more local professional 1881  
development committees to be operated by such school district. The 1882  
committee structure so established by a district board shall 1883  
remain in effect unless within thirty days prior to an anniversary 1884  
of the date upon which the current committee structure was 1885  
established, the board provides notice to all affected district 1886  
employees that the committee structure is to be modified. 1887  
Professional development committees may have a district-level or 1888  
building-level scope of operations, and may be established with 1889  
regard to particular grade or age levels for which an educator 1890  
license is designated. 1891

Each professional development committee shall consist of at 1892  
least three classroom teachers employed by the district, one 1893  
principal employed by the district, and one other employee of the 1894  
district appointed by the district superintendent. For committees 1895  
with a building-level scope, the teacher and principal members 1896  
shall be assigned to that building, and the teacher members shall 1897  
be elected by majority vote of the classroom teachers assigned to 1898  
that building. For committees with a district-level scope, the 1899  
teacher members shall be elected by majority vote of the classroom 1900  
teachers of the district, and the principal member shall be 1901  
elected by a majority vote of the principals of the district, 1902  
unless there are two or fewer principals employed by the district, 1903  
in which case the one or two principals employed shall serve on 1904  
the committee. If a committee has a particular grade or age level 1905  
scope, the teacher members shall be licensed to teach such grade 1906  
or age levels, and shall be elected by majority vote of the 1907  
classroom teachers holding such a license and the principal shall 1908

be elected by all principals serving in buildings where any such 1909  
teachers serve. The district superintendent shall appoint a 1910  
replacement to fill any vacancy that occurs on a professional 1911  
development committee, except in the case of vacancies among the 1912  
elected classroom teacher members, which shall be filled by vote 1913  
of the remaining members of the committee so selected. 1914

Terms of office on professional development committees shall 1915  
be prescribed by the district board establishing the committees. 1916  
The conduct of elections for members of professional development 1917  
committees shall be prescribed by the district board establishing 1918  
the committees. A professional development committee may include 1919  
additional members, except that the majority of members on each 1920  
such committee shall be classroom teachers employed by the 1921  
district. Any member appointed to fill a vacancy occurring prior 1922  
to the expiration date of the term for which a predecessor was 1923  
appointed shall hold office as a member for the remainder of that 1924  
term. 1925

The initial meeting of any professional development 1926  
committee, upon election and appointment of all committee members, 1927  
shall be called by a member designated by the district 1928  
superintendent. At this initial meeting, the committee shall 1929  
select a chairperson and such other officers the committee deems 1930  
necessary, and shall adopt rules for the conduct of its meetings. 1931  
Thereafter, the committee shall meet at the call of the 1932  
chairperson or upon the filing of a petition with the district 1933  
superintendent signed by a majority of the committee members 1934  
calling for the committee to meet. 1935

(3) In the case of a school district in which an exclusive 1936  
representative has been established pursuant to Chapter 4117. of 1937  
the Revised Code, professional development committees shall be 1938  
established in accordance with any collective bargaining agreement 1939  
in effect in the district that includes provisions for such 1940

committees. 1941

If the collective bargaining agreement does not specify a 1942  
different method for the selection of teacher members of the 1943  
committees, the exclusive representative of the district's 1944  
teachers shall select the teacher members. 1945

If the collective bargaining agreement does not specify a 1946  
different structure for the committees, the board of education of 1947  
the school district shall establish the structure, including the 1948  
number of committees and the number of teacher and administrative 1949  
members on each committee; the specific administrative members to 1950  
be part of each committee; whether the scope of the committees 1951  
will be district levels, building levels, or by type of grade or 1952  
age levels for which educator licenses are designated; the lengths 1953  
of terms for members; the manner of filling vacancies on the 1954  
committees; and the frequency and time and place of meetings. 1955  
However, in all cases, except as provided in division (F)(4) of 1956  
this section, there shall be a majority of teacher members of any 1957  
professional development committee, there shall be at least five 1958  
total members of any professional development committee, and the 1959  
exclusive representative shall designate replacement members in 1960  
the case of vacancies among teacher members, unless the collective 1961  
bargaining agreement specifies a different method of selecting 1962  
such replacements. 1963

(4) Whenever an administrator's coursework plan is being 1964  
discussed or voted upon, the local professional development 1965  
committee shall, at the request of one of its administrative 1966  
members, cause a majority of the committee to consist of 1967  
administrative members by reducing the number of teacher members 1968  
voting on the plan. 1969

(G)(1) The department of education, educational service 1970  
centers, county boards of developmental disabilities, regional 1971  
professional development centers, special education regional 1972



resource centers, college and university departments of education, 1973  
head start programs, the eTech Ohio commission, and the Ohio 1974  
education computer network may establish local professional 1975  
development committees to determine whether the coursework 1976  
proposed by their employees who are licensed or certificated under 1977  
this section or section 3319.222 of the Revised Code, or under the 1978  
former version of either section as it existed prior to October 1979  
16, 2009, meet the requirements of the rules adopted under this 1980  
section. They may establish local professional development 1981  
committees on their own or in collaboration with a school district 1982  
or other agency having authority to establish them. 1983

Local professional development committees established by 1984  
county boards of developmental disabilities shall be structured in 1985  
a manner comparable to the structures prescribed for school 1986  
districts in divisions (F)(2) and (3) of this section, as shall 1987  
the committees established by any other entity specified in 1988  
division (G)(1) of this section that provides educational services 1989  
by employing or contracting for services of classroom teachers 1990  
licensed or certificated under this section or section 3319.222 of 1991  
the Revised Code, or under the former version of either section as 1992  
it existed prior to October 16, 2009. All other entities specified 1993  
in division (G)(1) of this section shall structure their 1994  
committees in accordance with guidelines which shall be issued by 1995  
the state board. 1996

(2) Any public agency that is not specified in division 1997  
(G)(1) of this section but provides educational services and 1998  
employs or contracts for services of classroom teachers licensed 1999  
or certificated under this section or section 3319.222 of the 2000  
Revised Code, or under the former version of either section as it 2001  
existed prior to October 16, 2009, may establish a local 2002  
professional development committee, subject to the approval of the 2003  
department of education. The committee shall be structured in 2004

accordance with guidelines issued by the state board. 2005

**Sec. 3319.221.** (A) The state board of education shall adopt 2006  
rules establishing the standards and requirements for obtaining a 2007  
school nurse license and a school nurse wellness coordinator 2008  
license. At a minimum, the rules shall require that an applicant 2009  
for a school nurse license be licensed as a registered nurse under 2010  
Chapter 4723. of the Revised Code. 2011

(B) If the state board requires any examinations for 2012  
licensure under this section, the department of education shall 2013  
provide the examination results received by the department to the 2014  
chancellor of the Ohio board of regents, in the manner and to the 2015  
extent permitted by state and federal law. 2016

(C) Any rules for licenses described in this section that the 2017  
state board adopts, amends, or rescinds under this section, 2018  
division (D) of section 3301.07 of the Revised Code, or any other 2019  
law shall be adopted, amended, or rescinded under Chapter 119. of 2020  
the Revised Code, except that the authority to adopt, amend, or 2021  
rescind emergency rules under division ~~(F)~~(G) of section 119.03 of 2022  
the Revised Code shall not apply to the state board with respect 2023  
to rules for licenses described in this section. 2024

(D) Any registered nurse employed by a school district in the 2025  
capacity of school nurse on January 1, 1973, or any registered 2026  
nurse employed by a city or general health district on January 1, 2027  
1973, to serve full-time in the capacity of school nurse in one or 2028  
more school districts, shall be considered to have fulfilled the 2029  
requirements for the issuance of a school nurse license under this 2030  
section. 2031

**Sec. 3333.021.** As used in this section, "university" means 2032  
any college or university that receives a state appropriation. 2033

(A) This division does not apply to proposed rules, 2034

amendments, or rescissions subject to legislative review under 2035  
~~division (I)~~ of section ~~119.03~~ 106.02 of the Revised Code. No 2036  
action taken by the chancellor of the Ohio board of regents that 2037  
could reasonably be expected to have an effect on the revenue or 2038  
expenditures of any university shall take effect unless at least 2039  
two weeks prior to the date on which the action is taken, the 2040  
chancellor has filed with the speaker of the house of 2041  
representatives, the president of the senate, the legislative 2042  
budget office of the legislative service commission, and the 2043  
director of budget and management a fiscal analysis of the 2044  
proposed action. The analysis shall include an estimate of the 2045  
amount by which, during the current and ensuing fiscal biennium, 2046  
the action would increase or decrease the university's revenues or 2047  
expenditures and increase or decrease any state expenditures and 2048  
any other information the chancellor considers necessary to 2049  
explain the action's fiscal effect. 2050

(B) Within three days of the date the chancellor files with 2051  
the clerk of the senate a proposed rule, amendment, or rescission 2052  
that is subject to legislative review and invalidation under 2053  
~~division (I)~~ of section ~~119.03~~ 106.02 of the Revised Code, the 2054  
chancellor shall file with the speaker of the house of 2055  
representatives, the president of the senate, ~~the legislative~~ 2056  
~~budget office~~ of the legislative service commission, and the 2057  
director of budget and management a fiscal analysis of the 2058  
proposed rule. The analysis shall include an estimate of the 2059  
amount by which, during the current and ensuing fiscal biennium, 2060  
the action would increase or decrease any university's revenues or 2061  
expenditures and increase or decrease state revenues or 2062  
expenditures and any other information the chancellor considers 2063  
necessary to explain the fiscal effect of the rule, amendment, or 2064  
rescission. No rule, amendment, or rescission shall take effect 2065  
unless the chancellor has complied with this division. 2066

Sec. 3333.048. (A) Not later than one year after ~~the~~ 2067  
~~effective date of this section~~ October 16, 2009, the chancellor of 2068  
the Ohio board of regents and the superintendent of public 2069  
instruction jointly shall do the following: 2070

(1) In accordance with Chapter 119. of the Revised Code, 2071  
establish metrics and educator preparation programs for the 2072  
preparation of educators and other school personnel and the 2073  
institutions of higher education that are engaged in their 2074  
preparation. The metrics and educator preparation programs shall 2075  
be aligned with the standards and qualifications for educator 2076  
licenses adopted by the state board of education under section 2077  
3319.22 of the Revised Code and the requirements of the Ohio 2078  
teacher residency program established under section 3319.223 of 2079  
the Revised Code. The metrics and educator preparation programs 2080  
also shall ensure that educators and other school personnel are 2081  
adequately prepared to use the value-added progress dimension 2082  
prescribed by section 3302.021 of the Revised Code. 2083

(2) Provide for the inspection of institutions of higher 2084  
education desiring to prepare educators and other school 2085  
personnel. 2086

(B) Not later than one year after ~~the effective date of this~~ 2087  
~~section~~ October 16, 2009, the chancellor shall approve 2088  
institutions of higher education engaged in the preparation of 2089  
educators and other school personnel that maintain satisfactory 2090  
training procedures and records of performance, as determined by 2091  
the chancellor. 2092

(C) If the metrics established under division (A)(1) of this 2093  
section require an institution of higher education that prepares 2094  
teachers to satisfy the standards of an independent accreditation 2095  
organization, the chancellor shall permit each institution to 2096  
satisfy the standards of either the national council for 2097

accreditation of teacher education or the teacher education 2098  
accreditation council. 2099

(D) The metrics and educator preparation programs established 2100  
under division (A)(1) of this section may require an institution 2101  
of higher education, as a condition of approval by the chancellor, 2102  
to make changes in the curricula of its preparation programs for 2103  
educators and other school personnel. 2104

Notwithstanding division ~~(D)~~(E) of section 119.03 and 2105  
division (A)(1) of section 119.04 of the Revised Code, any 2106  
metrics, educator preparation programs, rules, and regulations, or 2107  
any amendment or rescission of such metrics, educator preparation 2108  
programs, rules, and regulations, adopted under this section that 2109  
necessitate institutions offering preparation programs for 2110  
educators and other school personnel approved by the chancellor to 2111  
revise the curricula of those programs shall not be effective for 2112  
at least one year after the first day of January next succeeding 2113  
the publication of the said change. 2114

Each institution shall allocate money from its existing 2115  
appropriations to pay the cost of making the curricular changes. 2116

(E) The chancellor shall notify the state board of the 2117  
metrics and educator preparation programs established under 2118  
division (A)(1) of this section and the institutions of higher 2119  
education approved under division (B) of this section. The state 2120  
board shall publish the metrics, educator preparation programs, 2121  
and approved institutions with the standards and qualifications 2122  
for each type of educator license. 2123

(F) The graduates of institutions of higher education 2124  
approved by the chancellor shall be licensed by the state board in 2125  
accordance with the standards and qualifications adopted under 2126  
section 3319.22 of the Revised Code. 2127

**Sec. 3737.88.** (A)(1) The fire marshal shall have 2128  
responsibility for implementation of the underground storage tank 2129  
program and corrective action program for releases of petroleum 2130  
from underground storage tanks established by the "Resource 2131  
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 2132  
6901, as amended. To implement the programs, the fire marshal may 2133  
adopt, amend, and rescind such rules, conduct such inspections, 2134  
require annual registration of underground storage tanks, issue 2135  
such citations and orders to enforce those rules, enter into 2136  
environmental covenants in accordance with sections 5301.80 to 2137  
5301.92 of the Revised Code, and perform such other duties, as are 2138  
consistent with those programs. The fire marshal, by rule, may 2139  
delegate the authority to conduct inspections of underground 2140  
storage tanks to certified fire safety inspectors. 2141

(2) In the place of any rules regarding release containment 2142  
and release detection for underground storage tanks adopted under 2143  
division (A)(1) of this section, the fire marshal, by rule, shall 2144  
designate areas as being sensitive for the protection of human 2145  
health and the environment and adopt alternative rules regarding 2146  
release containment and release detection methods for new and 2147  
upgraded underground storage tank systems located in those areas. 2148  
In designating such areas, the fire marshal shall take into 2149  
consideration such factors as soil conditions, hydrogeology, water 2150  
use, and the location of public and private water supplies. Not 2151  
later than July 11, 1990, the fire marshal shall file the rules 2152  
required under this division with the secretary of state, director 2153  
of the legislative service commission, and joint committee on 2154  
agency rule review in accordance with divisions (B) and ~~(H)~~(C) of 2155  
section 119.03 of the Revised Code. 2156

(3) Notwithstanding sections 3737.87 to 3737.89 of the 2157  
Revised Code, a person who is not a responsible person may conduct 2158  
a voluntary action in accordance with Chapter 3746. of the Revised 2159

Code and rules adopted under it for a class C release. The 2160  
director of environmental protection, pursuant to section 3746.12 2161  
of the Revised Code, may issue a covenant not to sue to any person 2162  
who properly completes a voluntary action with respect to a class 2163  
C release in accordance with Chapter 3746. of the Revised Code and 2164  
rules adopted under it. 2165

(B) Before adopting any rule under this section or section 2166  
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 2167  
file written notice of the proposed rule with the chairperson of 2168  
the state fire council, and, within sixty days after notice is 2169  
filed, the council may file responses to or comments on and may 2170  
recommend alternative or supplementary rules to the fire marshal. 2171  
At the end of the sixty-day period or upon the filing of 2172  
responses, comments, or recommendations by the council, the fire 2173  
marshal may adopt the rule filed with the council or any 2174  
alternative or supplementary rule recommended by the council. 2175

(C) The state fire council may recommend courses of action to 2176  
be taken by the fire marshal in carrying out the fire marshal's 2177  
duties under this section. The council shall file its 2178  
recommendations in the office of the fire marshal, and, within 2179  
sixty days after the recommendations are filed, the fire marshal 2180  
shall file with the chairperson of the council comments on, and 2181  
proposed action in response to, the recommendations. 2182

(D) For the purpose of sections 3737.87 to 3737.89 of the 2183  
Revised Code, the fire marshal shall adopt, and may amend and 2184  
rescind, rules identifying or listing hazardous substances. The 2185  
rules shall be consistent with and equivalent in scope, coverage, 2186  
and content to regulations identifying or listing hazardous 2187  
substances adopted under the "Comprehensive Environmental 2188  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 2189  
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 2190  
not identify or list as a hazardous substance any hazardous waste 2191

identified or listed in rules adopted under division (A) of 2192  
section 3734.12 of the Revised Code. 2193

(E) Except as provided in division (A)(3) of this section, 2194  
the fire marshal shall have exclusive jurisdiction to regulate the 2195  
storage, treatment, and disposal of petroleum contaminated soil 2196  
generated from corrective actions undertaken in response to 2197  
releases of petroleum from underground storage tank systems. The 2198  
fire marshal may adopt, amend, or rescind such rules as the fire 2199  
marshal considers to be necessary or appropriate to regulate the 2200  
storage, treatment, or disposal of petroleum contaminated soil so 2201  
generated. 2202

(F) The fire marshal shall adopt, amend, and rescind rules 2203  
under sections 3737.88 to 3737.882 of the Revised Code in 2204  
accordance with Chapter 119. of the Revised Code. 2205

**Sec. 3746.04.** Within one year after September 28, 1994, the 2206  
director of environmental protection, in accordance with Chapter 2207  
119. of the Revised Code and with the advice of the 2208  
multidisciplinary council appointed under section 3746.03 of the 2209  
Revised Code, shall adopt, and subsequently may amend, suspend, or 2210  
rescind, rules that do both of the following: 2211

(A) Revise the rules adopted under Chapters 3704., 3714., 2212  
3734., 6109., and 6111. of the Revised Code to incorporate the 2213  
provisions necessary to conform those rules to the requirements of 2214  
this chapter. The amended rules adopted under this division also 2215  
shall establish response times for all submittals to the 2216  
environmental protection agency required under this chapter or 2217  
rules adopted under it. 2218

(B) Establish requirements and procedures that are reasonably 2219  
necessary for the implementation and administration of this 2220  
chapter, including, without limitation, all of the following: 2221



(1) Appropriate generic numerical clean-up standards for the treatment or removal of soils, sediments, and water media for hazardous substances and petroleum. The rules shall establish separate generic numerical clean-up standards based upon the intended use of properties after the completion of voluntary actions, including industrial, commercial, and residential uses and such other categories of land use as the director considers to be appropriate. The generic numerical clean-up standards established for each category of land use shall be the concentration of each contaminant that may be present on a property that shall ensure protection of public health and safety and the environment for the reasonable exposure for that category of land use. When developing the standards, the director shall consider such factors as all of the following:

(a) Scientific information, including, without limitation, toxicological information and realistic assumptions regarding human and environmental exposure to hazardous substances or petroleum;

(b) Climatic factors;

(c) Human activity patterns;

(d) Current statistical techniques;

(e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.

The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation, the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.

6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2253  
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 2254  
Environmental Response, Compensation, and Liability Act of 1980," 2255  
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 2256  
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 2257  
amended. 2258

In order for the rules adopted under division (B)(1) of this 2259  
section to require that any such federal environmental standard 2260  
apply to a property, the property shall meet the requirements of 2261  
the particular federal statute or regulation involved in the 2262  
manner specified by the statute or regulation. 2263

The generic numerical clean-up standards for petroleum at 2264  
commercial or residential property shall be the standards 2265  
established in rules adopted under division (B) of section 2266  
3737.882 of the Revised Code. 2267

(2)(a) Procedures for performing property-specific risk 2268  
assessments that would be performed at a property to demonstrate 2269  
that the remedy evaluated in a risk assessment results in 2270  
protection of public health and safety and the environment instead 2271  
of complying with the generic numerical clean-up standards 2272  
established in the rules adopted under division (B)(1) of this 2273  
section. The risk assessment procedures shall describe a 2274  
methodology to establish, on a property-specific basis, allowable 2275  
levels of contamination to remain at a property to ensure 2276  
protection of public health and safety and the environment on the 2277  
property and off the property when the contamination is emanating 2278  
off the property, taking into account all of the following: 2279

(i) The implementation of treatment, storage, or disposal, or 2280  
a combination thereof, of hazardous substances or petroleum; 2281

(ii) The existence of institutional controls or activity and 2282  
use limitations that eliminate or mitigate exposure to hazardous 2283

substances or petroleum through the restriction of access to 2284  
hazardous substances or petroleum; 2285

(iii) The existence of engineering controls that eliminate or 2286  
mitigate exposure to hazardous substances or petroleum through 2287  
containment of, control of, or restrictions of access to hazardous 2288  
substances or petroleum, including, without limitation, fences, 2289  
cap systems, cover systems, and landscaping. 2290

(b) The risk assessment procedures and levels of acceptable 2291  
risk set forth in the rules adopted under division (B)(2) of this 2292  
section shall be based upon all of the following: 2293

(i) Scientific information, including, without limitation, 2294  
toxicological information and actual or proposed human and 2295  
environmental exposure; 2296

(ii) Locational and climatic factors; 2297

(iii) Surrounding land use and human activities; 2298

(iv) Differing levels of remediation that may be required 2299  
when an existing land use is continued compared to when a 2300  
different land use follows the remediation. 2301

(c) Any standards established pursuant to rules adopted under 2302  
division (B)(2) of this section shall be no more stringent than 2303  
standards established under the environmental statutes of this 2304  
state and rules adopted under them for the same contaminant in the 2305  
same environmental medium that are in effect at the time the risk 2306  
assessment is conducted. 2307

(3) Minimum standards for phase I property assessments. The 2308  
standards shall specify the information needed to demonstrate that 2309  
there is no reason to believe that contamination exists on a 2310  
property. The rules adopted under division (B)(3) of this section, 2311  
at a minimum, shall require that a phase I property assessment 2312  
include all of the following: 2313

(a) A review and analysis of deeds, mortgages, easements of record, and similar documents relating to the chain of title to the property that are publicly available or that are known to and reasonably available to the owner or operator;

(b) A review and analysis of any previous environmental assessments, property assessments, environmental studies, or geologic studies of the property and any land within two thousand feet of the boundaries of the property that are publicly available or that are known to and reasonably available to the owner or operator;

(c) A review of current and past environmental compliance histories of persons who owned or operated the property;

(d) A review of aerial photographs of the property that indicate prior uses of the property;

(e) Interviews with managers of activities conducted at the property who have knowledge of environmental conditions at the property;

(f) Conducting an inspection of the property consisting of a walkover;

(g) Identifying the current and past uses of the property, adjoining tracts of land, and the area surrounding the property, including, without limitation, interviews with persons who reside or have resided, or who are or were employed, within the area surrounding the property regarding the current and past uses of the property and adjacent tracts of land.

The rules adopted under division (B)(3) of this section shall establish criteria to determine when a phase II property assessment shall be conducted when a phase I property assessment reveals facts that establish a reason to believe that hazardous substances or petroleum have been treated, stored, managed, or disposed of on the property if the person undertaking the phase I

property assessment wishes to obtain a covenant not to sue under 2345  
section 3746.12 of the Revised Code. 2346

(4) Minimum standards for phase II property assessments. The 2347  
standards shall specify the information needed to demonstrate that 2348  
any contamination present at the property does not exceed 2349  
applicable standards or that the remedial activities conducted at 2350  
the property have achieved compliance with applicable standards. 2351  
The rules adopted under division (B)(4) of this section, at a 2352  
minimum, shall require that a phase II property assessment include 2353  
all of the following: 2354

(a) A review and analysis of all documentation prepared in 2355  
connection with a phase I property assessment conducted within the 2356  
one hundred eighty days before the phase II property assessment 2357  
begins. The rules adopted under division (B)(4)(a) of this section 2358  
shall require that if a period of more than one hundred eighty 2359  
days has passed between the time that the phase I assessment of 2360  
the property was completed and the phase II assessment begins, the 2361  
phase II assessment shall include a reasonable inquiry into the 2362  
change in the environmental condition of the property during the 2363  
intervening period. 2364

(b) Quality assurance objectives for measurements taken in 2365  
connection with a phase II assessment; 2366

(c) Sampling procedures to ensure the representative sampling 2367  
of potentially contaminated environmental media; 2368

(d) Quality assurance and quality control requirements for 2369  
samples collected in connection with phase II assessments; 2370

(e) Analytical and data assessment procedures; 2371

(f) Data objectives to ensure that samples collected in 2372  
connection with phase II assessments are biased toward areas where 2373  
information indicates that contamination by hazardous substances 2374  
or petroleum is likely to exist. 2375

(5) Standards governing the conduct of certified professionals, criteria and procedures for the certification of professionals to issue no further action letters under section 3746.11 of the Revised Code, and criteria for the suspension and revocation of those certifications. The director shall take an action regarding a certification as a final action. The issuance, denial, renewal, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, except that, in lieu of publishing an action regarding a certification in a newspaper of general circulation as required in section 3745.07 of the Revised Code, such an action shall be published on the environmental protection agency's web site and in the agency's weekly review not later than fifteen days after the date of the issuance, denial, renewal, suspension, or revocation of the certification and not later than thirty days before a hearing or public meeting concerning the action.

The rules adopted under division (B)(5) of this section shall do all of the following:

(a) Provide for the certification of environmental professionals to issue no further action letters pertaining to investigations and remedies in accordance with the criteria and procedures set forth in the rules. The rules adopted under division (B)(5)(a) of this section shall do at least all of the following:

(i) Authorize the director to consider such factors as an environmental professional's previous performance record regarding such investigations and remedies and the environmental professional's environmental compliance history when determining whether to certify the environmental professional;

(ii) Ensure that an application for certification is reviewed in a timely manner;

(iii) Require the director to certify any environmental professional who the director determines complies with those criteria;	2407 2408 2409
(iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.	2410 2411 2412
(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.	2413 2414 2415 2416 2417 2418 2419
(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals under division (D) of section 3746.07 of the Revised Code in order to determine if they comply with the criteria established in rules adopted under division (B)(5) of this section. The rules adopted under division (B)(5)(c) of this section shall do at least all of the following:	2420 2421 2422 2423 2424 2425 2426 2427
(i) Ensure that the review is conducted in a timely fashion;	2428
(ii) Require the director to certify any such environmental professional who the director determines complies with those criteria;	2429 2430 2431
(iii) Require any such environmental professional initially to pay the fee established in the rules adopted under division (B)(5)(b) of this section at the time that the environmental professional is so certified by the director;	2432 2433 2434 2435
(iv) Establish a time period within which any such environmental professional who does not comply with those criteria	2436 2437

may obtain the credentials that are necessary for certification; 2438

(v) Require the director to deny certification for any such 2439  
environmental professional who does not comply with those criteria 2440  
and who fails to obtain the necessary credentials within the 2441  
established time period. 2442

(d) Require that any information submitted to the director 2443  
for the purposes of the rules adopted under division (B)(5)(a) or 2444  
(c) of this section comply with division (A) of section 3746.20 of 2445  
the Revised Code; 2446

(e) Authorize the director to suspend or revoke the 2447  
certification of an environmental professional if the director 2448  
finds that the environmental professional's performance has 2449  
resulted in the issuance of no further action letters under 2450  
section 3746.11 of the Revised Code that are not consistent with 2451  
applicable standards or finds that the certified environmental 2452  
professional has not substantially complied with section 3746.31 2453  
of the Revised Code; 2454

(f) Authorize the director to suspend for a period of not 2455  
more than five years or to permanently revoke a certified 2456  
environmental professional's certification for any violation of or 2457  
failure to comply with an ethical standard established in rules 2458  
adopted under division (B)(5) of this section; 2459

(g) Require the director to revoke the certification of an 2460  
environmental professional if the director finds that the 2461  
environmental professional falsified any information on the 2462  
environmental professional's application for certification 2463  
regarding the environmental professional's credentials or 2464  
qualifications or any other information generated for the purposes 2465  
of or use under this chapter or rules adopted under it; 2466

(h) Require the director permanently to revoke the 2467  
certification of an environmental professional who has violated or 2468



is violating division (A) of section 3746.18 of the Revised Code; 2469

(i) Preclude the director from revoking the certification of 2470  
an environmental professional who only conducts investigations and 2471  
remedies at property contaminated solely with petroleum unless the 2472  
director first consults with the director of commerce. 2473

(6) Criteria and procedures for the certification of 2474  
laboratories to perform analyses under this chapter and rules 2475  
adopted under it. The issuance, denial, suspension, and revocation 2476  
of those certifications are subject to Chapter 3745. of the 2477  
Revised Code, and the director of environmental protection shall 2478  
take any such action regarding a certification as a final action. 2479

The rules adopted under division (B)(6) of this section shall 2480  
do all of the following: 2481

(a) Provide for the certification to perform analyses of 2482  
laboratories in accordance with the criteria and procedures 2483  
established in the rules adopted under division (B)(6)(a) of this 2484  
section and establish an annual fee to be paid by those 2485  
laboratories. The fee shall be established at an amount calculated 2486  
to defray the costs to the agency for the review of the 2487  
qualifications of those laboratories for certification and for the 2488  
issuance of the certifications. The rules adopted under division 2489  
(B)(6)(a) of this section may provide for the certification of 2490  
those laboratories to perform only particular types or categories 2491  
of analyses, specific test parameters or group of test parameters, 2492  
or a specific matrix or matrices under this chapter. 2493

(b) Develop a schedule for and establish requirements 2494  
governing the review by the director of the operations of 2495  
laboratories that were deemed to be certified laboratories under 2496  
division (E) of section 3746.07 of the Revised Code in order to 2497  
determine if they comply with the criteria established in rules 2498  
adopted under division (B)(6) of this section. The rules adopted 2499

under division (B)(6)(b) of this section shall do at least all of 2500  
the following: 2501

(i) Ensure that the review is conducted in a timely fashion; 2502

(ii) Require the director to certify any such laboratory that 2503  
the director determines complies with those criteria; 2504

(iii) Require any such laboratory initially to pay the fee 2505  
established in the rules adopted under division (B)(6)(a) of this 2506  
section at the time that the laboratory is so certified by the 2507  
director; 2508

(iv) Establish a time period within which any such laboratory 2509  
that does not comply with those criteria may make changes in its 2510  
operations necessary for the performance of analyses under this 2511  
chapter and rules adopted under it in order to be certified by the 2512  
director; 2513

(v) Require the director to deny certification for any such 2514  
laboratory that does not comply with those criteria and that fails 2515  
to make the necessary changes in its operations within the 2516  
established time period. 2517

(c) Require that any information submitted to the director 2518  
for the purposes of the rules adopted under division (B)(6)(a) or 2519  
(b) of this section comply with division (A) of section 3746.20 of 2520  
the Revised Code; 2521

(d) Authorize the director to suspend or revoke the 2522  
certification of a laboratory if the director finds that the 2523  
laboratory's performance has resulted in the issuance of no 2524  
further action letters under section 3746.11 of the Revised Code 2525  
that are not consistent with applicable standards; 2526

(e) Authorize the director to suspend or revoke the 2527  
certification of a laboratory if the director finds that the 2528  
laboratory falsified any information on its application for 2529

certification regarding its credentials or qualifications;	2530
(f) Require the director permanently to revoke the	2531
certification of a laboratory that has violated or is violating	2532
division (A) of section 3746.18 of the Revised Code.	2533
(7) Information to be included in a no further action letter	2534
prepared under section 3746.11 of the Revised Code, including,	2535
without limitation, all of the following:	2536
(a) A summary of the information required to be submitted to	2537
the certified environmental professional preparing the no further	2538
action letter under division (C) of section 3746.10 of the Revised	2539
Code;	2540
(b) Notification that a risk assessment was performed in	2541
accordance with rules adopted under division (B)(2) of this	2542
section if such an assessment was used in lieu of generic	2543
numerical clean-up standards established in rules adopted under	2544
division (B)(1) of this section;	2545
(c) The contaminants addressed at the property, if any, their	2546
source, if known, and their levels prior to remediation;	2547
(d) The identity of any other person who performed work to	2548
support the request for the no further action letter as provided	2549
in division (B)(2) of section 3746.10 of the Revised Code and the	2550
nature and scope of the work performed by that person;	2551
(e) A list of the data, information, records, and documents	2552
relied upon by the certified environmental professional in	2553
preparing the no further action letter.	2554
(8) Methods for determining fees to be paid for the following	2555
services provided by the agency under this chapter and rules	2556
adopted under it:	2557
(a) Site- or property-specific technical assistance in	2558
developing or implementing plans in connection with a voluntary	2559

action;	2560
(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;	2561 2562 2563
(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;	2564 2565 2566
(d) Reviewing no further action letters, issuing covenants not to sue, and monitoring compliance with any terms and conditions of those covenants and with operation and maintenance agreements entered into pursuant to those covenants, including, without limitation, conducting audits of properties where voluntary actions are being or were conducted under this chapter and rules adopted under it.	2567 2568 2569 2570 2571 2572 2573
The fees established pursuant to the rules adopted under division (B)(8) of this section shall be at a level sufficient to defray the direct and indirect costs incurred by the agency for the administration and enforcement of this chapter and rules adopted under it other than the provisions regarding the certification of professionals and laboratories.	2574 2575 2576 2577 2578 2579
(9) Criteria for selecting the no further action letters issued under section 3746.11 of the Revised Code that will be audited under section 3746.17 of the Revised Code, and the scope and procedures for conducting those audits. The rules adopted under division (B)(9) of this section, at a minimum, shall require the director to establish priorities for auditing no further action letters to which any of the following applies:	2580 2581 2582 2583 2584 2585 2586
(a) The letter was prepared by an environmental professional who was deemed to be a certified professional under division (D) of section 3746.07 of the Revised Code, but who does not comply with the criteria established in rules adopted under division	2587 2588 2589 2590

(B)(5) of this section as determined pursuant to rules adopted	2591
under division (B)(5)(d) of this section;	2592
(b) The letter was submitted fraudulently;	2593
(c) The letter was prepared by a certified environmental	2594
professional whose certification subsequently was revoked in	2595
accordance with rules adopted under division (B)(5) of this	2596
section, or analyses were performed for the purposes of the no	2597
further action letter by a certified laboratory whose	2598
certification subsequently was revoked in accordance with rules	2599
adopted under division (B)(6) of this section;	2600
(d) A covenant not to sue that was issued pursuant to the	2601
letter was revoked under this chapter;	2602
(e) The letter was for a voluntary action that was conducted	2603
pursuant to a risk assessment in accordance with rules adopted	2604
under division (B)(2) of this section;	2605
(f) The letter was for a voluntary action that included as	2606
remedial activities engineering controls or institutional controls	2607
or activity and use limitations authorized under section 3746.05	2608
of the Revised Code.	2609
The rules adopted under division (B)(9) of this section shall	2610
provide for random audits of no further action letters to which	2611
the rules adopted under divisions (B)(9)(a) to (f) of this section	2612
do not apply.	2613
(10) A classification system to characterize ground water	2614
according to its capability to be used for human use and its	2615
impact on the environment and a methodology that shall be used to	2616
determine when ground water that has become contaminated from	2617
sources on a property for which a covenant not to sue is requested	2618
under section 3746.11 of the Revised Code shall be remediated to	2619
the standards established in the rules adopted under division	2620
(B)(1) or (2) of this section.	2621

(a) In adopting rules under division (B)(10) of this section	2622
to characterize ground water according to its capability for human	2623
use, the director shall consider all of the following:	2624
(i) The presence of legally enforceable, reliable	2625
restrictions on the use of ground water, including, without	2626
limitation, local rules or ordinances;	2627
(ii) The presence of regional commingled contamination from	2628
multiple sources that diminishes the quality of ground water;	2629
(iii) The natural quality of ground water;	2630
(iv) Regional availability of ground water and reasonable	2631
alternative sources of drinking water;	2632
(v) The productivity of the aquifer;	2633
(vi) The presence of restrictions on the use of ground water	2634
implemented under this chapter and rules adopted under it;	2635
(vii) The existing use of ground water.	2636
(b) In adopting rules under division (B)(10) of this section	2637
to characterize ground water according to its impacts on the	2638
environment, the director shall consider both of the following:	2639
(i) The risks posed to humans, fauna, surface water,	2640
sediments, soil, air, and other resources by the continuing	2641
presence of contaminated ground water;	2642
(ii) The availability and feasibility of technology to remedy	2643
ground water contamination.	2644
(11) Governing the application for and issuance of variances	2645
under section 3746.09 of the Revised Code;	2646
(12)(a) In the case of voluntary actions involving	2647
contaminated ground water, specifying the circumstances under	2648
which the generic numerical clean-up standards established in	2649
rules adopted under division (B)(1) of this section and standards	2650

established through a risk assessment conducted pursuant to rules 2651  
adopted under division (B)(2) of this section shall be 2652  
inapplicable to the remediation of contaminated ground water and 2653  
under which the standards for remediating contaminated ground 2654  
water shall be established on a case-by-case basis prior to the 2655  
commencement of the voluntary action pursuant to rules adopted 2656  
under division (B)(12)(b) of this section; 2657

(b) Criteria and procedures for the case-by-case 2658  
establishment of standards for the remediation of contaminated 2659  
ground water under circumstances in which the use of the generic 2660  
numerical clean-up standards and standards established through a 2661  
risk assessment are precluded by the rules adopted under division 2662  
(B)(12)(a) of this section. The rules governing the procedures for 2663  
the case-by-case development of standards for the remediation of 2664  
contaminated ground water shall establish application, public 2665  
participation, adjudication, and appeals requirements and 2666  
procedures that are equivalent to the requirements and procedures 2667  
established in section 3746.09 of the Revised Code and rules 2668  
adopted under division (B)(11) of this section, except that the 2669  
procedural rules shall not require an applicant to make the 2670  
demonstrations set forth in divisions (A)(1) to (3) of section 2671  
3746.09 of the Revised Code. 2672

(13) A definition of the evidence that constitutes sufficient 2673  
evidence for the purpose of division (A)(5) of section 3746.02 of 2674  
the Revised Code. 2675

At least thirty days before filing the proposed rules 2676  
required to be adopted under this section with the secretary of 2677  
state, director of the legislative service commission, and joint 2678  
committee on agency rule review in accordance with divisions (B) 2679  
and ~~(H)~~(C) of section 119.03 of the Revised Code, the director of 2680  
environmental protection shall hold at least one public meeting on 2681  
the proposed rules in each of the five districts into which the 2682

agency has divided the state for administrative purposes. 2683

**Sec. 4117.02.** (A) There is hereby created the state 2684  
employment relations board, consisting of three members to be 2685  
appointed by the governor with the advice and consent of the 2686  
senate. Members shall be knowledgeable about labor relations or 2687  
personnel practices. No more than two of the three members shall 2688  
belong to the same political party. A member of the state 2689  
employment relations board during the member's period of service 2690  
shall hold no other public office or public or private employment 2691  
and shall allow no other responsibilities to interfere or conflict 2692  
with the member's duties as a full-time state employment relations 2693  
board member. Of the initial appointments made to the state 2694  
employment relations board, one shall be for a term ending October 2695  
6, 1984, one shall be for a term ending October 6, 1985, and one 2696  
shall be for a term ending October 6, 1986. Thereafter, terms of 2697  
office shall be for six years, each term ending on the same day of 2698  
the same month of the year as did the term that it succeeds. Each 2699  
member shall hold office from the date of the member's appointment 2700  
until the end of the term for which the member is appointed. Any 2701  
member appointed to fill a vacancy occurring prior to the 2702  
expiration of the term for which the member's predecessor was 2703  
appointed shall hold office for the remainder of the term. Any 2704  
member shall continue in office subsequent to the expiration of 2705  
the member's term until the member's successor takes office or 2706  
until a period of sixty days has elapsed, whichever occurs first. 2707  
The governor may remove any member of the state employment 2708  
relations board, upon notice and public hearing, for neglect of 2709  
duty or malfeasance in office, but for no other cause. 2710

(B)(1) The governor shall designate one member of the state 2711  
employment relations board to serve as chairperson of the state 2712  
employment relations board. The chairperson is the head of the 2713  
state employment relations board and its chief executive officer. 2714



(2) The chairperson shall exercise all administrative powers 2715  
and duties conferred upon the state employment relations board 2716  
under this chapter and shall do all of the following: 2717

(a) Employ, promote, supervise, and remove all employees of 2718  
the state employment relations board, and establish, change, or 2719  
abolish positions and assign or reassign the duties of those 2720  
employees as the chairperson determines necessary to achieve the 2721  
most efficient performance of the duties of the state employment 2722  
relations board under this chapter; 2723

(b) Determine the utilization by the state personnel board of 2724  
review of employees of the state employment relations board as 2725  
necessary for the state personnel board of review to exercise the 2726  
powers and perform the duties of the state personnel board of 2727  
review. 2728

(c) Maintain the office of the state employment relations 2729  
board in Columbus and manage the office's daily operations, 2730  
including securing offices, facilities, equipment, and supplies 2731  
necessary to house the state employment relations board, employees 2732  
of the state employment relations board, the state personnel board 2733  
of review, and files and records under the control of the state 2734  
employment relations board and under the control of the state 2735  
personnel board of review; 2736

(d) Prepare and submit to the office of budget and management 2737  
a budget for each biennium according to section 107.03 of the 2738  
Revised Code, and include in the budget the costs of the state 2739  
employment relations board and its staff and the costs of the 2740  
state employment relations board in discharging any duty imposed 2741  
by law upon the state employment relations board, the chairperson, 2742  
or any of the employees or agents of the state employment 2743  
relations board, and the costs of the state personnel board of 2744  
review in discharging any duty imposed by law on the state 2745  
personnel board of review or an agent of the state personnel board 2746

of review. 2747

(C) The vacancy on the state employment relations board does 2748  
not impair the right of the remaining members to exercise all the 2749  
powers of the state employment relations board, and two members of 2750  
the state employment relations board, at all times, constitute a 2751  
quorum. The state employment relations board shall have an 2752  
official seal of which courts shall take judicial notice. 2753

(D) The state employment relations board shall make an annual 2754  
report in writing to the governor and to the general assembly, 2755  
stating in detail the work it has done. 2756

(E) Compensation of the chairperson and members shall be in 2757  
accordance with division (J) of section 124.15 of the Revised 2758  
Code. The chairperson and the members are eligible for 2759  
reappointment. In addition to such compensation, all members shall 2760  
be reimbursed for their necessary expenses incurred in the 2761  
performance of their work as members. 2762

(F)(1) The chairperson, after consulting with the other state 2763  
employment relations board members and receiving the consent of at 2764  
least one other board member, shall appoint an executive director. 2765  
The chairperson also shall appoint attorneys and shall appoint an 2766  
assistant executive director who shall be an attorney admitted to 2767  
practice law in this state and who shall serve as a liaison to the 2768  
attorney general on legal matters before the state employment 2769  
relations board. 2770

(2) The state employment relations board shall appoint 2771  
members of fact-finding panels and shall prescribe their job 2772  
duties. 2773

(G)(1) The executive director shall serve at the pleasure of 2774  
the chairperson. The executive director, under the direction of 2775  
the chairperson, shall do all of the following: 2776

(a) Act as chief administrative officer for the state 2777

employment relations board; 2778

(b) Ensure that all employees of the state employment 2779  
relations board comply with the rules of the state employment 2780  
relations board; 2781

(c) Do all things necessary for the efficient and effective 2782  
implementation of the duties of the state employment relations 2783  
board. 2784

(2) The duties of the executive director described in 2785  
division (G)(1) of this section do not relieve the chairperson 2786  
from final responsibility for the proper performance of the duties 2787  
described in that division. 2788

(H) The attorney general shall be the legal adviser of the 2789  
state employment relations board and shall appear for and 2790  
represent the state employment relations board and its agents in 2791  
all legal proceedings. The state employment relations board may 2792  
utilize regional, local, or other agencies, and utilize voluntary 2793  
and uncompensated services as needed. The state employment 2794  
relations board may contract with the federal mediation and 2795  
conciliation service for the assistance of mediators, arbitrators, 2796  
and other personnel the service makes available. The chairperson 2797  
shall appoint all employees on the basis of training, practical 2798  
experience, education, and character, notwithstanding the 2799  
requirements established by section 119.09 of the Revised Code. 2800  
The chairperson shall give special regard to the practical 2801  
training and experience that employees have for the particular 2802  
position involved. The executive director, assistant executive 2803  
director, administrative law judges, employees holding a fiduciary 2804  
or administrative relation to the state employment relations board 2805  
as described in division (A)(9) of section 124.11 of the Revised 2806  
Code, and the personal secretaries and assistants of the state 2807  
employment relations board members are in the unclassified 2808  
service. All other full-time employees of the state employment 2809

relations board are in the classified service. All employees of 2810  
the state employment relations board shall be paid in accordance 2811  
with Chapter 124. of the Revised Code. 2812

(I) The chairperson shall select and assign administrative 2813  
law judges and other agents whose functions are to conduct 2814  
hearings with due regard to their impartiality, judicial 2815  
temperament, and knowledge. If in any proceeding under this 2816  
chapter, any party prior to five days before the hearing thereto 2817  
files with the state employment relations board a sworn statement 2818  
charging that the administrative law judge or other agent 2819  
designated to conduct the hearing is biased or partial in the 2820  
proceeding, the state employment relations board may disqualify 2821  
the person and designate another administrative law judge or agent 2822  
to conduct the proceeding. At least ten days before any hearing, 2823  
the state employment relations board shall notify all parties to a 2824  
proceeding of the name of the administrative law judge or agent 2825  
designated to conduct the hearing. 2826

(J) The principal office of the state employment relations 2827  
board is in Columbus, but it may meet and exercise any or all of 2828  
its powers at any other place within the state. The state 2829  
employment relations board may, by one or more of its employees, 2830  
or any agents or agencies it designates, conduct in any part of 2831  
this state any proceeding, hearing, investigation, inquiry, or 2832  
election necessary to the performance of its functions; provided, 2833  
that no person so designated may later sit in determination of an 2834  
appeal of the decision of that cause or matter. 2835

(K) In addition to the powers and functions provided in other 2836  
sections of this chapter, the state employment relations board 2837  
shall do all of the following: 2838

(1) Create a bureau of mediation within the state employment 2839  
relations board, to perform the functions provided in section 2840  
4117.14 of the Revised Code. This bureau shall also establish, 2841

after consulting representatives of employee organizations and 2842  
public employers, panels of qualified persons to be available to 2843  
serve as members of fact-finding panels and arbitrators. 2844

(2) Conduct studies of problems involved in representation 2845  
and negotiation and make recommendations for legislation; 2846

(3) Hold hearings pursuant to this chapter and, for the 2847  
purpose of the hearings and inquiries, administer oaths and 2848  
affirmations, examine witnesses and documents, take testimony and 2849  
receive evidence, compel the attendance of witnesses and the 2850  
production of documents by the issuance of subpoenas, and delegate 2851  
these powers to any members of the state employment relations 2852  
board or any administrative law judge employed by the state 2853  
employment relations board for the performance of its functions; 2854

(4) Train representatives of employee organizations and 2855  
public employers in the rules and techniques of collective 2856  
bargaining procedures; 2857

(5) Make studies and analyses of, and act as a clearinghouse 2858  
of information relating to, conditions of employment of public 2859  
employees throughout the state and request assistance, services, 2860  
and data from any public employee organization, public employer, 2861  
or governmental unit. Public employee organizations, public 2862  
employers, and governmental units shall provide such assistance, 2863  
services, and data as will enable the state employment relations 2864  
board to carry out its functions and powers. 2865

(6) Make available to employee organizations, public 2866  
employers, mediators, fact-finding panels, arbitrators, and joint 2867  
study committees statistical data relating to wages, benefits, and 2868  
employment practices in public and private employment applicable 2869  
to various localities and occupations to assist them to resolve 2870  
issues in negotiations; 2871

(7) Notwithstanding section 119.13 of the Revised Code, 2872

establish standards of persons who practice before it; 2873

(8) Adopt, amend, and rescind rules and procedures and 2874  
exercise other powers appropriate to carry out this chapter. 2875  
Before the adoption, amendment, or rescission of rules and 2876  
procedures under this section, the state employment relations 2877  
board shall do all of the following: 2878

(a) Maintain a list of interested public employers and 2879  
employee organizations and mail notice to such groups of any 2880  
proposed rule or procedure, amendment thereto, or rescission 2881  
thereof at least thirty days before any public hearing thereon; 2882

(b) Mail a copy of each proposed rule or procedure, amendment 2883  
thereto, or rescission thereof to any person who requests a copy 2884  
within five days after receipt of the request therefor; 2885

(c) Consult with appropriate statewide organizations 2886  
representing public employers or employees who would be affected 2887  
by the proposed rule or procedure. 2888

Although the state employment relations board is expected to 2889  
discharge these duties diligently, failure to mail any notice or 2890  
copy, or to so consult with any person, is not jurisdictional and 2891  
shall not be construed to invalidate any proceeding or action of 2892  
the state employment relations board. 2893

(L) In case of neglect or refusal to obey a subpoena issued 2894  
to any person, the court of common pleas of the county in which 2895  
the investigation or the public hearing occurs, upon application 2896  
by the state employment relations board, may issue an order 2897  
requiring the person to appear before the state employment 2898  
relations board and give testimony about the matter under 2899  
investigation. The court may punish a failure to obey the order as 2900  
contempt. 2901

(M) Any subpoena, notice of hearing, or other process or 2902  
notice of the state employment relations board issued under this 2903

section may be served personally, by certified mail, or by leaving 2904  
a copy at the principal office or personal residence of the 2905  
respondent required to be served. A return, made and verified by 2906  
the individual making the service and setting forth the manner of 2907  
service, is proof of service, and a return post office receipt, 2908  
when certified mail is used, is proof of service. All process in 2909  
any court to which application is made under this chapter may be 2910  
served in the county wherein the persons required to be served 2911  
reside or are found. 2912

(N) All expenses of the state employment relations board, 2913  
including all necessary traveling and subsistence expenses 2914  
incurred by the members or employees of the state employment 2915  
relations board under its orders, shall be paid pursuant to 2916  
itemized vouchers approved by the chairperson of the state 2917  
employment relations board, the executive director, or both, or 2918  
such other person as the chairperson designates for that purpose. 2919

(O) Whenever the state employment relations board determines 2920  
that a substantial controversy exists with respect to the 2921  
application or interpretation of this chapter and the matter is of 2922  
public or great general interest, the state employment relations 2923  
board shall certify its final order directly to the court of 2924  
appeals having jurisdiction over the area in which the principal 2925  
office of the public employer directly affected by the application 2926  
or interpretation is located. The chairperson shall file with the 2927  
clerk of the court a certified copy of the transcript of the 2928  
proceedings before the state employment relations board pertaining 2929  
to the final order. If upon hearing and consideration the court 2930  
decides that the final order of the state employment relations 2931  
board is unlawful or is not supported by substantial evidence on 2932  
the record as a whole, the court shall reverse and vacate the 2933  
final order or modify it and enter final judgment in accordance 2934  
with the modification; otherwise, the court shall affirm the final 2935

order. The notice of the final order of the state employment relations board to the interested parties shall contain a certification by the chairperson of the state employment relations board that the final order is of public or great general interest and that a certified transcript of the record of the proceedings before the state employment relations board had been filed with the clerk of the court as an appeal to the court. For the purposes of this division, the state employment relations board has standing to bring its final order properly before the court of appeals.

(P) Except as otherwise specifically provided in this section, the state employment relations board is subject to Chapter 119. of the Revised Code, including the procedure for submission of proposed rules to the general assembly for legislative review under division ~~(H)~~(C) of section 119.03 of the Revised Code.

**Sec. 4141.14.** ~~(A)~~ All rules of the director of the department of job and family services adopted pursuant to this chapter shall be approved by the unemployment compensation review commission before the rules become effective. All such rules shall specify on their face their effective date and the date on which they will expire, if known. Approval by the unemployment compensation review commission shall also be required before amendments to, or rescission of, any rules of the director adopted pursuant to this chapter become effective. If the commission disapproves a rule of the director, it shall determine and promulgate a rule that it considers appropriate after affording a hearing to the director.

~~(B)(1) Any rule promulgated pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(2) of this section~~



~~is filed as follows:~~ 2967

~~(a) The rule shall be filed in electronic form with both the  
secretary of state and the director of the legislative service  
commission;~~ 2968  
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~~(b) The rule shall be filed in electronic form with the joint  
committee on agency rule review. Division (B)(1)(b) of this  
section does not apply to any rule to which division (H) of  
section 119.03 of the Revised Code does not apply.~~ 2971  
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~~If all filings are not completed on the same day, the rule  
shall be effective on the tenth day after the day on which the  
latest filing is completed. If the department of job and family  
services or the unemployment compensation review commission in  
adopting a rule pursuant to this chapter designates an effective  
date that is later than the effective date provided for by this  
division, the rule if filed as required by this division shall  
become effective on the later date designated by the department or  
commission.~~ 2975  
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~~If the commission or department adopts or amends a rule that  
is subject to division (H) of section 119.03 of the Revised Code,  
the commission or department shall assign a review date to the  
rule that is not later than five years after its effective date.  
If no review date is assigned to a rule, or if a review date  
assigned to a rule exceeds the five year maximum, the review date  
for the rule is five years after its effective date. A rule with a  
review date is subject to review under section 119.032 of the  
Revised Code.~~ 2984  
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~~(2) The department and commission shall file the rule in  
compliance with the following standards and procedures:~~ 2993  
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~~(a) The rule shall be numbered in accordance with the  
numbering system devised by the director for the Ohio  
administrative code.~~ 2995  
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~~(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.~~ 2998  
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~~(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.~~ 3000  
3001

~~(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.~~ 3002  
3003  
3004

~~If the director of the legislative service commission or the director's designee gives the department of job and family services or the unemployment compensation review commission notice pursuant to section 103.05 of the Revised Code that a rule filed by the department or review commission is not in compliance with the rules of the legislative service commission, the department or review commission shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.~~ 3005  
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~~The secretary of state and the director of the legislative service commission shall preserve the rules filed under division (B)(1)(a) of this section in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.~~ 3014  
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~~(C) As used in this section:~~ 3020

~~(1) "Rule" includes an amendment or rescission of a rule.~~ 3021

~~(2) "Substantive revision" has the same meaning as in division (J) of section 119.01 of the Revised Code.~~ 3022  
3023

**Sec. 5103.0325.** Notwithstanding ~~division (B) of section 119.032~~ 106.03 of the Revised Code, the department of job and family services shall review once every two years the department's rules governing visits and contacts by a public children services 3024  
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agency or private child placing agency with a child in the 3028  
agency's custody and placed in foster care in this state. The 3029  
department shall adopt rules in accordance with Chapter 119. of 3030  
the Revised Code to ensure compliance with the department's rules 3031  
governing agency visits and contacts with a child in its custody. 3032

**Sec. 5117.02.** (A) The director of development shall adopt 3033  
rules, or amendments and rescissions of rules, pursuant to section 3034  
4928.52 of the Revised Code, for the administration of the Ohio 3035  
energy credit program under sections 5117.01 to 5117.12 of the 3036  
Revised Code. 3037

(B) As a means of efficiently administering the program, the 3038  
director may extend, by as much as a total of thirty days, any 3039  
date specified in such sections for the performance of a 3040  
particular action by an individual or an officer. 3041

(C)(1) Except as provided in division (C)(2) of this section, 3042  
the director shall adopt, in accordance with divisions (A), (B), 3043  
(C), (D), (E), and ~~(H)~~(F) of section 119.03 and section 119.04 of 3044  
the Revised Code, whatever rules, or amendments or rescissions of 3045  
rules are required by or are otherwise necessary to implement 3046  
sections 5117.01 to 5117.12 of the Revised Code. A rule, 3047  
amendment, or rescission adopted under this division is not exempt 3048  
from the hearing requirements of section 119.03 of the Revised 3049  
Code pursuant to division ~~(G)~~(H) of that section, or subject to 3050  
section 111.15 of the Revised Code. 3051

(2) If an emergency necessitates the immediate adoption of a 3052  
rule, or the immediate adoption of an amendment or rescission of a 3053  
rule that is required by or otherwise necessary to implement 3054  
sections 5117.01 to 5117.12 of the Revised Code, the director 3055  
immediately may adopt the emergency rule, amendment, or rescission 3056  
without complying with division (A), (B), (C), (D), (E), or ~~(H)~~(F) 3057  
of section 119.03 of the Revised Code so long as the ~~commissioner~~ 3058

director states the reasons for the necessity in the emergency 3059  
rule, amendment, or rescission. The emergency rule, amendment, or 3060  
rescission is effective on the day the emergency rule, amendment, 3061  
or rescission, in final form and in compliance with division 3062  
(A)(2) of section 119.04 of the Revised Code, is filed in 3063  
electronic form with the secretary of state, the director of the 3064  
legislative service commission, and the joint committee on agency 3065  
rule review. If all filings are not completed on the same day, the 3066  
emergency rule, amendment, or rescission is effective on the day 3067  
on which the latest filing is completed. An emergency rule, 3068  
amendment, or rescission adopted under this division is not 3069  
subject to section 111.15 or division ~~(F)~~(G) of section 119.03 of 3070  
the Revised Code. An emergency rule, amendment, or rescission 3071  
adopted under this division continues in effect until amended or 3072  
rescinded by the director in accordance with division (C)(1) or 3073  
(2) of this section, except that the rescission of an emergency 3074  
rescission does not revive the rule rescinded. 3075

(D) Except where otherwise provided, each form, application, 3076  
notice, and the like used in fulfilling the requirements of 3077  
sections 5117.01 to 5117.12 of the Revised Code shall be approved 3078  
by the director. 3079

**Sec. 5703.14.** ~~(A) Any rule adopted by the board of tax 3080  
appeals and any rule of the department of taxation adopted by the 3081  
tax commissioner shall be effective on the tenth day after the day 3082  
on which the rule in final form and in compliance with division 3083  
~~(B)~~ of this section is filed by the board or the commissioner as 3084  
follows:~~ 3085

~~(1) The rule shall be filed in electronic form with both the 3086  
secretary of state and the director of the legislative service 3087  
commission;~~ 3088

~~(2) The rule shall be filed in electronic form with the joint 3089~~

~~committee on agency rule review. Division (A)(2) of this section 3090  
does not apply to any rule to which division (H) of section 119.03 3091  
of the Revised Code does not apply. 3092~~

~~If all filings are not completed on the same day, the rule 3093  
shall be effective on the tenth day after the day on which the 3094  
latest filing is completed. If the board or the commissioner in 3095  
adopting a rule designates an effective date that is later than 3096  
the effective date provided for by this division, the rule if 3097  
filed as required by this division shall become effective on the 3098  
later date designated by the board or commissioner. 3099~~

~~(B) The board and commissioner shall file the rule in 3100  
compliance with the following standards and procedures: 3101~~

~~(1) The rule shall be numbered in accordance with the 3102  
numbering system devised by the director for the Ohio 3103  
administrative code. 3104~~

~~(2) The rule shall be prepared and submitted in compliance 3105  
with the rules of the legislative service commission. 3106~~

~~(3) The rule shall clearly state the date on which it is to 3107  
be effective and the date on which it will expire, if known. 3108~~

~~(4) Each rule that amends or rescinds another rule shall 3109  
clearly refer to the rule that is amended or rescinded. Each 3110  
amendment shall fully restate the rule as amended. 3111~~

~~If the director of the legislative service commission or the 3112  
director's designee gives the board or commissioner notice 3113  
pursuant to section 103.05 of the Revised Code that a rule filed 3114  
by the board or commissioner is not in compliance with the rules 3115  
of the legislative service commission, the board or commissioner 3116  
shall within thirty days after receipt of the notice conform the 3117  
rule to the rules of the legislative service commission as 3118  
directed in the notice. 3119~~

~~All rules of the department and board filed pursuant to 3120  
division (A)(1) of this section shall be recorded by the secretary 3121  
of state and the director under the name of the department or 3122  
board and shall be numbered in accordance with the numbering 3123  
system devised by the director. The secretary of state and the 3124  
director shall preserve the rules in an accessible manner. Each 3125  
such rule shall be a public record open to public inspection and 3126  
may be transmitted to any law publishing company that wishes to 3127  
reproduce it. Each such rule shall also be made available to 3128  
interested parties upon request directed to the department. 3129~~

(C) Applications for review of any rule adopted and 3130  
promulgated by the tax commissioner may be filed with the board of 3131  
tax appeals by any person who has been or may be injured by the 3132  
operation of the rule. The appeal may be taken at any time after 3133  
the rule is filed with the secretary of the state, the director of 3134  
the legislative service commission, and, if applicable, the joint 3135  
committee on agency rule review. Failure to file an appeal does 3136  
not preclude any person from seeking any other remedy against the 3137  
application of the rule to the person. The applications shall set 3138  
forth, or have attached thereto and incorporated by reference, a 3139  
true copy of the rule, and shall allege that the rule complained 3140  
of is unreasonable and shall state the grounds upon which the 3141  
allegation is based. Upon the filing of the application, the board 3142  
shall notify the commissioner of the filing of the application, 3143  
fix a time for hearing the application, notify the commissioner 3144  
and the applicant of the time for the hearing, and afford both an 3145  
opportunity to be heard. The appellant, the tax commissioner, and 3146  
any other interested persons that the board permits, may introduce 3147  
evidence. The burden of proof to show that the rule is 3148  
unreasonable shall be upon the appellant. After the hearing, the 3149  
board shall determine whether the rule complained of is reasonable 3150  
or unreasonable. A determination that the rule complained of is 3151  
unreasonable shall require a majority vote of the three members of 3152

the board, and the reasons for the determination shall be entered 3153  
on the journal of the board. 3154

Upon determining that the rule complained of is unreasonable, 3155  
the board shall file copies of its determination as follows: 3156

~~(1)~~(A) The determination shall be filed in electronic form 3157  
with both the secretary of state and the director of the 3158  
legislative service commission, who shall note the date of their 3159  
receipt of the certified copies conspicuously in their files of 3160  
the rules of the department; 3161

~~(2)~~(B) The determination shall be filed in electronic form 3162  
with the joint committee on agency rule review. Division (C)(2) of 3163  
this section does not apply to any rule to which division ~~(H)~~(C) 3164  
of section 119.03 of the Revised Code does not apply. 3165

On the tenth day after the determination has been received by 3166  
the secretary of state, the director, and, if applicable, the 3167  
joint committee, the rule referred to in the determination shall 3168  
cease to be in effect. If all filings of the determination are not 3169  
completed on the same day, the rule shall remain in effect until 3170  
the tenth day after the day on which the latest filing is 3171  
completed. This section does not apply to licenses issued under 3172  
sections 5735.02, 5739.17, and 5743.15 of the Revised Code, which 3173  
shall be governed by sections 119.01 to 119.13 of the Revised 3174  
Code. 3175

The board is not required to hear an application for the 3176  
review of any rule where the grounds of the allegation that the 3177  
rule is unreasonable have been previously contained in an 3178  
application for review and have been previously heard and passed 3179  
upon by the board. 3180

~~(D) As used in this section, "substantive revision" has the 3181  
same meaning as in division (J) of section 119.01 of the Revised 3182  
Code.~~ 3183

**Sec. 6111.31.** All substantive wetland, stream, or lake 3184  
mitigation standards, criteria, scientific methods, processes, or 3185  
other procedures or policies that are used in a uniform manner by 3186  
the director of environmental protection in evaluating the 3187  
adequacy of a mitigation proposal contained in an application for 3188  
a section 401 water quality certification shall be adopted and 3189  
reviewed in accordance with sections 119.03 and ~~119.032~~ 106.03 of 3190  
the Revised Code before those standards, criteria, or scientific 3191  
methods have the force of law. Until that time, any such 3192  
mitigation standards, criteria, scientific methods, processes, or 3193  
other procedures or policies that are used by or approved for use 3194  
by the director to evaluate, measure, or determine the success, 3195  
approval, or denial of a mitigation proposal, but that have not 3196  
been subject to review under sections 119.03 and ~~119.032~~ 106.03 of 3197  
the Revised Code shall not be used as the basis for any 3198  
certification or permit denial or as a standard applied to 3199  
mitigation unless the applicant has been notified in advance that 3200  
additional mitigation standards, criteria, scientific methods, 3201  
processes, or procedures will be considered as part of the review 3202  
process. 3203

**Sec. 6111.51.** (A)(1) The director of environmental protection 3204  
shall adopt rules that establish criteria for three levels of 3205  
credible data related to surface water monitoring and assessment. 3206  
The rules pertaining to each level shall establish requirements 3207  
for data assessment, sample collection and analytical methods, and 3208  
quality assurance and quality control procedures that must be 3209  
followed in order to classify data as credible at that level. The 3210  
rules shall provide that level three credible data are collected 3211  
by employing the most stringent methods and procedures, level two 3212  
credible data are collected using methods and procedures that are 3213  
less stringent than methods and procedures used to collect level 3214



three credible data, but more stringent than methods and 3215  
procedures used to collect level one, and level one credible data 3216  
are collected by employing the least stringent methods and 3217  
procedures. 3218

The requirements established in the rules for each level of 3219  
credible data shall be commensurate with, and no more stringent 3220  
than necessary to support, the purposes for which the data will be 3221  
used. In adopting rules under this section, the director shall 3222  
consider the cost of data collection methods and procedures to 3223  
persons or entities collecting data, and the burden of compliance 3224  
with those methods and procedures for those persons or entities, 3225  
while ensuring the degree of accuracy commensurate with the 3226  
purpose for which the data will be used. No data shall be 3227  
classified as credible data unless they have been collected in 3228  
compliance with the applicable methods and procedures for 3229  
collecting the data established in rules adopted under this 3230  
section. 3231

(2) The director shall file the rules required to be adopted 3232  
under division (A)(1) of this section with the secretary of state, 3233  
the director of the legislative service commission, and the joint 3234  
committee on agency rule review in accordance with divisions (B) 3235  
and ~~(H)~~(C) of section 119.03 of the Revised Code not later than 3236  
one year after ~~the effective date of this section~~ October 21, 3237  
2003. As soon as practicable thereafter, the director shall 3238  
proceed to adopt the rules in accordance with all other applicable 3239  
provisions of Chapter 119. of the Revised Code. 3240

(B)(1) Level three credible data shall be used for the 3241  
purposes specified in section 6111.52 of the Revised Code. 3242

(2) Levels two and three credible data shall be used for the 3243  
purpose of evaluating the effectiveness of pollution controls for 3244  
point sources and nonpoint sources and initial screening of water 3245  
quality problems to determine if additional study is needed. 3246

(3) Levels one, two, and three credible data shall be used 3247  
for public awareness and education activities. 3248

(C) No data shall be considered credible unless the data 3249  
originate from studies and samples collected by the environmental 3250  
protection agency, its contractors, federal or state environmental 3251  
agencies, or qualified data collectors. However, data submitted 3252  
pursuant to the requirements of a permit issued by an agency of 3253  
the state or submitted as a result of findings and orders issued 3254  
by the director or pursuant to a court order shall be considered 3255  
credible unless the director identifies reasons why the data are 3256  
not credible. 3257

(D) If the director has obtained credible data for a surface 3258  
water, the director also may use historical data for the purpose 3259  
of determining whether any water quality trends exist for that 3260  
surface water. 3261

(E) Sections 6111.50 to 6111.56 of the Revised Code do not 3262  
apply to civil or criminal enforcement actions brought under 3263  
section 6111.07 of the Revised Code. 3264

(F) The director's use of credible data shall be consistent 3265  
with the Federal Water Pollution Control Act. 3266

(G) Nothing in sections 6111.50 to 6111.56 of the Revised 3267  
Code is an exception to statutory, common, or municipal law of 3268  
trespass. 3269

**Section 2.** That existing sections 101.35, 103.0511, 107.54, 3270  
111.15, 117.20, 119.01, 119.03, 119.04, 121.39, 121.73, 121.74, 3271  
121.81, 121.82, 121.83, 127.18, 1531.08, 3319.22, 3319.221, 3272  
3333.021, 3333.048, 3737.88, 3746.04, 4117.02, 4141.14, 5103.0325, 3273  
5117.02, 5703.14, 6111.31, and 6111.51 of the Revised Code are 3274  
repealed. 3275

**Section 3.** That sections 119.031 and 119.032 of the Revised 3276

Code are repealed. 3277

**Section 4.** Sections 106.02 and 106.021 of the Revised Code 3278  
are a continuation, although with revisions, of former division 3279  
(I) of section 119.03 of the Revised Code. Division (C) of section 3280  
119.03 of the Revised Code is a continuation, although with 3281  
revisions, of former division (H) of that section. And sections 3282  
106.03 and 106.031 of the Revised Code are a continuation, 3283  
although with revisions, of former section 119.032 of the Revised 3284  
Code. 3285

**Section 5.** (A)(1) Sections 106.02 and 106.021 of the Revised 3286  
Code do not apply to a proposed rule or revised proposed rule that 3287  
was filed under division (D) of section 111.15 or former division 3288  
(H) of section 119.03 of the Revised Code and, on the effective 3289  
date of this section, is pending before the Joint Committee on 3290  
Agency Rule Review for review under former division (I) of section 3291  
119.03 of the Revised Code. The Joint Committee, subject to 3292  
division (B) of this section, shall review the proposed rule or 3293  
revised proposed rule under former division (I) of section 119.03 3294  
of the Revised Code as if the division had not been repealed. 3295

(2) Sections 106.03 and 106.031 of the Revised Code do not 3296  
apply to an existing rule that was filed under former section 3297  
119.032 of the Revised Code and, on the effective date of this 3298  
section, is pending before the Joint Committee on Agency Rule 3299  
Review for review under that former section. The Joint Committee, 3300  
subject to division (B) of this section, shall review the existing 3301  
rule under former section 119.032 of the Revised Code as if the 3302  
section had not been repealed. 3303

(B) If, on or after the effective date of this section, the 3304  
Joint Committee on Agency Rule Review recommends invalidation of a 3305  
proposed rule or revised proposed rule under section 106.021 or 3306

former division (I) of section 119.03 of the Revised Code, or 3307  
invalidation of an existing rule under section 106.031 or former 3308  
section 119.032 of the Revised Code, the invalidation shall be 3309  
carried out under sections 106.04 and 106.041 of the Revised Code. 3310

**Section 6.** Sections 1, 2, 3, 4, 5, and 7 of this act take 3311  
effect on January 1, 2012. 3312

**Section 7.** The General Assembly, applying the principle 3313  
stated in division (B) of section 1.52 of the Revised Code that 3314  
amendments are to be harmonized if reasonably capable of 3315  
simultaneous operation, finds that the following sections, 3316  
presented in this act as composites of the sections as amended by 3317  
the acts indicated, are the resulting versions of the sections in 3318  
effect prior to the effective date of the sections as presented in 3319  
this act: 3320

Section 3737.88 of the Revised Code as amended by both Am. 3321  
Sub. H.B. 153 and Sub. S.B. 171 of the 129th General Assembly. 3322

Section 5117.02 of the Revised Code as amended by both Am. 3323  
Sub. S.B. 3 and the version of Am. Sub. S.B. 11 of the 123rd 3324  
General Assembly effective on April 1, 2002. 3325

Section 5703.14 of the Revised Code as amended by both Am. 3326  
Sub. S.B. 3 and the version of Am. Sub. S.B. 11 of the 123rd 3327  
General Assembly effective on April 1, 2002. 3328

**Section 8.** This act is an emergency measure necessary for the 3329  
immediate preservation of the public peace, health, and safety. 3330  
The validity of existing laws providing for legislative review of 3331  
rules is uncertain, there are omissions in the intended scope of 3332  
recently enacted laws for reviewing, and thereby reducing or 3333  
eliminating, adverse impacts of rules on businesses, and existing 3334  
laws providing for rule-making and for review of rules are 3335  
miscodified, anachronistic, and otherwise uncertain. This act 3336

attempts to cure the uncertain validity better to ensure that	3337
rules are consistent with their authorizing statutes, its cure of	3338
the omission in the intended scope of the business review laws	3339
needs to be coordinated with the first applicability of those	3340
laws, and its reorganization, updating, and clarification of the	3341
laws providing for rule-making and for review of rules will	3342
improve the operation of those laws. Therefore this act goes into	3343
immediate effect.	3344