

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

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

**Sub. H. B. No. 396**

**Representatives McGregor, Murray**

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**A B I L L**

To amend sections 101.35, 103.0511, 107.54, 111.15, 1  
117.20, 119.01, 119.03, 119.04, 121.39, 121.73, 2  
121.74, 121.81, 121.82, 121.83, 127.18, 1531.08, 3  
3319.22, 3319.221, 3333.021, 3333.048, 3737.88, 4  
3746.04, 4117.02, 4141.14, 5103.0325, 5117.02, 5  
5703.14, 6111.31, and 6111.51; to enact sections 6  
106.01, 106.02, 106.021, 106.022, 106.023, 106.03, 7  
106.031, 106.032, 106.04, 106.041, and 106.042; 8  
and to repeal sections 119.031 and 119.032 of the 9  
Revised Code to revise rule-making and rule review 10  
procedures and to declare an emergency. 11

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

**Section 1.** That sections 101.35, 103.0511, 107.54, 111.15, 12  
117.20, 119.01, 119.03, 119.04, 121.39, 121.73, 121.74, 121.81, 13  
121.82, 121.83, 127.18, 1531.08, 3319.22, 3319.221, 3333.021, 14  
3333.048, 3737.88, 3746.04, 4117.02, 4141.14, 5103.0325, 5117.02, 15  
5703.14, 6111.31, and 6111.51 be amended and that sections 106.01, 16  
106.02, 106.021, 106.022, 106.023, 106.03, 106.031, 106.032, 17  
106.04, 106.041, and 106.042 of the Revised Code be enacted to 18  
read as follows: 19

**Sec. 101.35.** There is hereby created in the general assembly 20  
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 85  
staff of the committee, are entitled in their official capacities 86  
to attend, but not in their official capacities to participate in, 87  
a public hearing conducted by ~~a rule-making~~ an agency on a 88  
proposed rule, ~~amendment, or rescission.~~ 89

**Sec. 103.0511.** The director of the legislative service 90  
commission shall establish and maintain, and enhance and improve, 91  
an electronic rule-filing system connecting: 92

(A) The legislative service commission, the joint committee 93  
on agency rule review, and the secretary of state; 94

(B) The governor, the senate and house of representatives, 95  
and the clerks of the senate and house of representatives; 96

(C) Each agency that files rules and other rule-making and 97  
rule-related documents with the legislative service commission, 98  
the joint committee on agency rule review, the department of 99  
aging, the governor, the common sense initiative office, the 100  
secretary of state, the general assembly, or a committee of the 101  
senate or house of representatives under section 106.02, 106.022, 102  
106.031, 107.54, 111.15, 117.20, 119.03, ~~119.031, 119.032,~~ 103  
119.0311, 119.04, ~~121.24,~~ 121.39, 121.82, 127.18, ~~4141.14,~~ 173.01, 104  
or 5117.02, ~~or 5703.14~~ of the Revised Code or any other statute; 105

(D) The several publishers of the Administrative Code; and 107

(E) ~~The common sense initiative office; and~~ 108

~~(F)~~ Any other person or governmental officer or entity whose 109  
inclusion in the system is required for the system to be a 110  
complete electronic rule-filing system. 111

The electronic rule-filing system is to enable rules and 112  
rule-making and rule-related documents to be filed, and official 113

responses to these filings to be made, exclusively by electronic 114  
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 (C) 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 the original version of a proposed rule and rule summary 161  
and fiscal analysis is filed with the joint committee in December, 162  
the joint committee shall review the proposed rule and rule 163  
summary and fiscal analysis as if the proposed rule and rule 164  
summary and fiscal analysis had been filed with the joint 165  
committee on the first day of the legislative session in the 166  
following January. When a revised proposed rule and revised rule 167  
summary and fiscal analysis is filed with the joint committee in 168  
December, the joint committee shall review the revised proposed 169  
rule and revised rule summary and fiscal analysis not later than 170  
the thirtieth day after the first day of the legislative session 171  
in the following January. 172

A revised proposed rule supersedes each earlier version of 173  
the same proposed rule. 174

The joint committee shall not hold its public hearing on a 175  
proposed rule earlier than the forty-first day after the proposed 176  
rule was filed with the joint committee. 177

Sec. 106.021. If, upon reviewing a proposed rule or revised 178  
proposed rule, the joint committee on agency rule review makes any 179  
of the following findings with regard to the proposed rule or 180  
revised proposed rule, the joint committee may recommend to the 181  
senate and house of representatives the enactment of a bill to 182  
invalidate the proposed rule or revised proposed rule or a part 183  
thereof: 184

(A) The proposed rule or revised proposed rule exceeds the 185  
scope of its statutory authority. 186

(B) The proposed rule or revised proposed rule conflicts with 187  
the legislative intent of the statute under which it was proposed. 188

(C) The proposed rule or revised proposed rule conflicts with 189  
another proposed or existing rule. 190

(D) The proposed rule or revised proposed rule incorporates a 191  
text or other material by reference and either the agency has 192  
failed to file the text or other material incorporated by 193  
reference as required by section 121.73 of the Revised Code or the 194  
incorporation by reference fails to meet the standards stated in 195  
section 121.72, 121.75, or 121.76 of the Revised Code. 196

(E) The agency has failed to demonstrate through the business 197  
impact analysis, recommendations from the common sense initiative 198  
office, and the memorandum of response that the regulatory intent 199  
of the proposed rule or revised proposed rule justifies its 200  
adverse impact on businesses in this state. 201

(F) The agency has failed to prepare a complete and accurate 202  
rule summary and fiscal analysis of the proposed rule or revised 203  
proposed rule as required by section 127.18 of the Revised Code. 204

Sec. 106.022. As an alternative to recommending the enactment of a bill to invalidate a proposed rule because an agency has not prepared a complete and accurate rule summary and fiscal analysis addressing the fiscal effect of the proposed rule on counties, townships, municipal corporations, or school districts, the joint committee on agency rule review may issue a finding that the rule summary and fiscal analysis is incomplete or inaccurate as to that fiscal effect, and order the agency to refile the proposed rule with a revised rule summary and fiscal analysis that addresses that fiscal effect completely and accurately. The joint committee shall transmit the finding and order electronically to the agency, the secretary of state, the director of the legislative service commission, and, if the proposed rule is to replace an emergency rule, the governor.

Upon receiving the finding and order, the agency may revise the rule summary and fiscal analysis completely and accurately to address the fiscal effect of the proposed rule on counties, townships, municipal corporations, or school districts, and then refile the proposed rule and revised rule summary and fiscal analysis electronically with the joint committee.

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

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



days after the day on which the emergency rule otherwise would 236  
become invalid. The governor shall transmit the order 237  
electronically to the agency, the joint committee, and the 238  
director of the legislative service commission. 239

**Sec. 106.023.** An agency may not adopt a proposed rule or 240  
revised proposed rule or file it in final form unless the proposed 241  
rule has been filed with the joint committee on agency rule review 242  
under division (D) of section 111.15 or division (C) of section 243  
119.03 of the Revised Code and the time for the joint committee to 244  
review the proposed rule has expired without recommendation of a 245  
bill to invalidate the proposed rule. 246

If, before the time for its review of a proposed rule or 247  
revised proposed rule expires, the joint committee recommends 248  
enactment of a bill invalidating the proposed rule or revised 249  
proposed rule, the rule-making proceedings pertaining to the 250  
proposed rule or revised proposed rule are suspended, and the 251  
proposed rule or revised proposed rule may not be adopted or filed 252  
in final form during the suspension. The suspension begins when 253  
the joint committee votes to recommend invalidation of the 254  
proposed rule. The suspension expires on the earlier of the day 255  
that is six months after the day the vote was taken or the day 256  
both houses have adjourned sine die. 257

Upon expiration of the suspension, the rule-making 258  
proceedings may resume. If, however, during the suspension, or at 259  
any time thereafter, an act invalidating the proposed rule or 260  
revised proposed rule takes effect, the rule, whether then 261  
existing or still proposed, is invalid as provided in the act. 262

**Sec. 106.03.** Prior to the review date of an existing rule, 263  
the agency that adopted the rule shall do both of the following: 264

(A) Review the rule to determine all of the following: 265

(1) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted; 266  
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(2) Whether the rule needs amendment or rescission to give more flexibility at the local level; 270  
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(3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork; 272  
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(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; 274  
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(5) Whether the rule duplicates, overlaps with, or conflicts with other rules; 280  
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(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. 282  
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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. 286  
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(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. 290  
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(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 293  
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rule in accordance with its review of the rule. 296

(2) If the existing rule does not need to be amended or 297  
rescinded, proceedings shall be had under section 106.031 of the 298  
Revised Code. 299

Upon the request of the agency that adopted an existing rule, 300  
the joint committee on agency rule review may extend the review 301  
date of the rule to a date that is not later than one hundred 302  
eighty days after the review date assigned to the rule by the 303  
agency. The joint committee may further extend a review date that 304  
has been extended only if doing so is appropriate under the 305  
circumstances. 306

The agency that adopted an existing rule that is exempt from 307  
review under this section because of the fourth paragraph in 308  
division (C) of section 106.01 of the Revised Code nevertheless 309  
shall file a copy of the existing rule with the joint committee. 310  
The joint committee, after a hearing on the matter, and by a vote 311  
of two-thirds of its members present, may determine that the rule 312  
is not entitled to the exemption. Thereafter, the rule is subject 313  
to review under this section. 314

**Sec. 106.031.** If an agency, on the basis of its review of a 315  
rule under section 106.03 of the Revised Code, determines that the 316  
rule does not need to be amended or rescinded, proceedings shall 317  
be had as follows: 318

(A)(1) If, considering only the standard of review specified 319  
in division (A)(6) of section 106.03 of the Revised Code, the rule 320  
has an adverse impact on businesses that has not been eliminated 321  
or reduced, the agency shall prepare a business impact analysis 322  
that describes its review of the rule under that division and that 323  
explains why the rule is not being amended or rescinded to reduce 324  
or eliminate its adverse impact on businesses. If the rule does 325  
not have an adverse impact on businesses, the agency may proceed 326

under division (B) of this section. 327

(2) The agency shall transmit a copy of the full text of the 328  
rule and the business impact analysis electronically to the common 329  
sense initiative office. The office shall make the rule and 330  
analysis available to the public on its web site under section 331  
107.62 of the Revised Code. 332

(3) The agency shall consider any recommendations made by the 333  
office. 334

(4) Not earlier than the sixteenth business day after 335  
transmitting the rule and analysis to the office, the agency shall 336  
either (a) proceed under division (B) of this section or (b) 337  
commence, under division (B)(1) of section 106.03 of the Revised 338  
Code, the process of rescinding the rule or of amending the rule 339  
to incorporate into the rule features the recommendations suggest 340  
will eliminate or reduce the adverse impact the rule has on 341  
businesses. If the agency determines to amend or rescind the rule, 342  
the agency is not subject to the time limit specified in division 343  
(B)(1) of section 106.03 of the Revised Code. 344

(5) If the agency receives recommendations from the office, 345  
and determines not to amend or rescind the rule, the agency shall 346  
prepare a memorandum of response that explains why the rule is not 347  
being rescinded or why the recommendations are not being 348  
incorporated into the rule. 349

(B) The agency shall assign a new review date to the rule. 350  
The review date assigned shall be not later than five years after 351  
the immediately preceding review date pertaining to the rule. If 352  
the agency assigns a review date that exceeds the five-year 353  
maximum, the review date is five years after the immediately 354  
preceding review date. 355

(C)(1) The agency shall file all the following, in electronic 356  
form, with the joint committee on agency rule review, the 357

secretary of state, and the director of the legislative service 358  
commission: a copy of the rule specifying its new review date, a 359  
complete and accurate rule summary and fiscal analysis, and, if 360  
relevant, a business impact analysis of the rule, any comments 361  
received from the common sense initiative office, and any 362  
memorandum of response. An agency may comply with the requirement 363  
to file a complete and accurate rule summary and fiscal analysis 364  
by filing a previously prepared rule summary and fiscal analysis, 365  
so long as the previous rule summary and fiscal analysis was 366  
complete and accurate at the time it was prepared, continues to be 367  
such a complete and accurate explanation of the rule, and the 368  
conditions described in division (B)(4), (5), (6), (8), (9), or 369  
(10) of section 127.18 of the Revised Code, as they relate to the 370  
rule, have not appreciably changed since the previous rule summary 371  
and fiscal analysis was prepared. 372

(2) The joint committee does not have jurisdiction to review, 373  
and shall reject, the filing of a rule under division (C)(1) of 374  
this section if, at any time while the rule is in its possession, 375  
it discovers that the rule has an adverse impact on businesses and 376  
the agency has not complied with division (A) of this section. The 377  
joint committee shall electronically return a rule that is 378  
rejected to the agency, together with any documents that were part 379  
of the filing. Such a rejection does not preclude the agency from 380  
refiling the rule under division (C)(1) of this section after 381  
complying with division (A) of this section. When the filing of a 382  
rule is rejected under this division, it is as if the filing had 383  
not been made. 384

(D) The joint committee shall publish notice of the agency's 385  
determination not to amend or rescind the rule in the register of 386  
Ohio for four consecutive weeks after the rule is filed under 387  
division (C) of this section. 388

(E) During the ninety-day period after a rule is filed under 389

division (C) of this section, but after the four-week notice 390  
period required by division (D) of this section has ended, the 391  
joint committee, by a two-thirds vote of members present, may 392  
recommend to the senate and house of representatives the enactment 393  
of a bill invalidating the rule if the joint committee finds any 394  
of the following: 395

(1) The agency improperly applied the standards in division 396  
(A) of section 106.03 of the Revised Code in reviewing the rule 397  
and in determining that the rule did not need amendment or 398  
rescission. 399

(2) The rule has an adverse impact on businesses, and the 400  
agency has failed to demonstrate through a business impact 401  
analysis, recommendations from the common sense initiative office, 402  
and a memorandum of response that the regulatory intent of the 403  
rule justifies its adverse impact on businesses. 404

(3) If the rule incorporates a text or other material by 405  
reference, the agency failed to file, or to deposit or display, 406  
the text or other material incorporated by reference as required 407  
by section 121.73 or 121.74 of the Revised Code or the 408  
incorporation by reference fails to meet the standards stated in 409  
section 121.72, 121.75, or 121.76 of the Revised Code. 410

(4) The agency otherwise failed to comply with section 106.03 411  
or 106.031 of the Revised Code. 412

If the joint committee does not recommend enactment of a bill 413  
to invalidate the rule, the rule continues in effect without 414  
amendment, and shall be next reviewed by the joint committee with 415  
reference to the new review date assigned to the rule. 416

**Sec. 106.032.** If the joint committee on agency rule review 417  
recommends invalidation of an existing rule, operation of the 418  
existing rule is suspended. The suspension begins when the joint 419

committee votes to recommend invalidation of the existing rule. 420  
The suspension expires on the earlier of the day that is six 421  
months after the day the vote was taken or the day both houses 422  
have adjourned sine die. Upon expiration of the suspension, 423  
operation of the existing rule resumes. If, however, during the 424  
suspension, or at any time thereafter, an act invalidating the 425  
existing rule takes effect, the existing rule is invalid as 426  
provided in the act. 427

**Sec. 106.04.** When the joint committee on agency rule review 428  
recommends invalidation of a proposed or existing rule under 429  
section 106.021 or 106.031 of the Revised Code, the chairperson of 430  
the joint committee, or another member of the joint committee 431  
designated by the chairperson, shall prepare the recommendation of 432  
invalidation in writing. The recommendation shall identify the 433  
proposed or existing rule, the agency that proposed or submitted 434  
the proposed or existing rule, and the finding that caused the 435  
joint committee to make the recommendation. The recommendation 436  
briefly shall explain the finding. 437

The chairperson of the joint committee shall request the 438  
legislative service commission to prepare a bill to invalidate the 439  
proposed or existing rule according to the recommendation. The 440  
bill shall state the finding that caused the joint committee to 441  
recommend invalidation of the rule. 442

**Sec. 106.041.** The chairperson of the joint committee on 443  
agency rule review, or another member of the joint committee 444  
designated by the chairperson, shall submit a bill to invalidate a 445  
proposed or existing rule to the clerk of either house of the 446  
general assembly. The recommendation of invalidation and a copy of 447  
the proposed or existing rule also shall be submitted to the clerk 448  
along with the bill. 449

A bill recommended by the joint committee on agency rule review to invalidate a proposed or existing rule shall not be referred to any committee other than the committee having authority to set the calendar of bills for third consideration. 450  
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Sections 106.021 and 106.031 of the Revised Code do not preclude a member of the general assembly, on the member's own initiative, from drafting a bill that proposes to invalidate a proposed or existing rule and filing the bill for introduction, and do not preclude the house of representatives or senate from proceeding to consider such a bill. When such a bill is filed for introduction, section 106.023 or 106.032 of the Revised Code does not operate to suspend the existing rule. 454  
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**Sec. 106.042.** The failure of the general assembly to enact a bill invalidating a proposed or existing rule is not a ratification of the lawfulness or reasonableness of the proposed or existing rule or of the validity of the procedure by which the rule was proposed or adopted. 462  
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**Sec. 107.54. (A)(1)** When the common sense initiative office receives a draft rule and business impact analysis from an agency, the office shall evaluate the draft rule and analysis against the business impact analysis instrument and any other relevant criteria, and may prepare and transmit recommendations to the agency on how the draft rule might be revised to eliminate or reduce any adverse impact the draft rule might have on businesses. 467  
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(2) When the office receives a rule and business impact analysis from an agency under division (A)(2) of section 106.031 of the Revised Code, the office shall evaluate the rule and analysis against the business impact analysis instrument and any other relevant criteria, and may prepare and transmit recommendations to the agency on how the rule might be amended or 474  
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rescinded to eliminate or reduce any adverse impact the rule has 480  
on businesses. 481

(B) The office shall transmit any such recommendations 482  
electronically to the agency. If the office fails to make such a 483  
transmission after receiving the draft rule and business impact 484  
analysis, it is as if the office had elected not to make any 485  
recommendations. 486

**Sec. 111.15.** (A) As used in this section: 487

(1) "Rule" includes any rule, regulation, bylaw, or standard 488  
having a general and uniform operation adopted by an agency under 489  
the authority of the laws governing the agency; any appendix to a 490  
rule; and any internal management rule. "Rule" does not include 491  
any guideline adopted pursuant to section 3301.0714 of the Revised 492  
Code, any order respecting the duties of employees, any finding, 493  
any determination of a question of law or fact in a matter 494  
presented to an agency, or any rule promulgated pursuant to 495  
Chapter 119., ~~section 4141.14,~~ or division (C)(1) or (2) of 496  
section 5117.02, ~~or section 5703.14~~ of the Revised Code. "Rule" 497  
includes any amendment or rescission of a rule. 498

(2) "Agency" means any governmental entity of the state and 499  
includes, but is not limited to, any board, department, division, 500  
commission, bureau, society, council, institution, state college 501  
or university, community college district, technical college 502  
district, or state community college. "Agency" does not include 503  
the general assembly, the controlling board, the adjutant 504  
general's department, or any court. 505

(3) "Internal management rule" means any rule, regulation, 506  
bylaw, or standard governing the day-to-day staff procedures and 507  
operations within an agency. 508

~~(4) "Substantive revision" has the same meaning as in~~ 509

~~division (J) of section 119.01 of the Revised Code.~~ 510

(B)(1) Any rule, other than a rule of an emergency nature, 511  
adopted by any agency pursuant to this section shall be effective 512  
on the tenth day after the day on which the rule in final form and 513  
in compliance with division (B)(3) of this section is filed as 514  
follows: 515

(a) The rule shall be filed in electronic form with both the 516  
secretary of state and the director of the legislative service 517  
commission; 518

(b) The rule shall be filed in electronic form with the joint 519  
committee on agency rule review. Division (B)(1)(b) of this 520  
section does not apply to any rule to which division (D) of this 521  
section does not apply. 522

An agency that adopts or amends a rule that is subject to 523  
division (D) of this section shall assign a review date to the 524  
rule that is not later than five years after its effective date. 525  
~~If no review date is assigned to a rule, or if~~ a review date 526  
assigned to a rule exceeds the five-year maximum, the review date 527  
for the rule is five years after its effective date. A rule with a 528  
review date is subject to review under section ~~119.032~~ 106.03 of 529  
the Revised Code. This paragraph does not apply to a rule of a 530  
state college or university, community college district, technical 531  
college district, or state community college. 532

~~If all filings are not completed on the same day, the rule~~ 533  
~~shall be effective on the tenth day after the day on which the~~ 534  
~~latest filing is completed.~~ If an agency in adopting a rule 535  
designates an effective date that is later than the effective date 536  
provided for by division (B)(1) of this section, the rule if filed 537  
as required by such division shall become effective on the later 538  
date designated by the agency. 539

Any rule that is required to be filed under division (B)(1) 540

of this section is also subject to division (D) of this section if 541  
not exempted by that division ~~(D)(1), (2), (3), (4), (5), (6),~~ 542  
~~(7), or (8) of this section.~~ 543

If a rule incorporates a text or other material by reference, 544  
the agency shall comply with sections 121.71 to 121.76 of the 545  
Revised Code. 546

(2) A rule of an emergency nature necessary for the immediate 547  
preservation of the public peace, health, or safety shall state 548  
the reasons for the necessity. The emergency rule, in final form 549  
and in compliance with division (B)(3) of this section, shall be 550  
filed in electronic form with the secretary of state, the director 551  
of the legislative service commission, and the joint committee on 552  
agency rule review. The emergency rule is effective immediately 553  
upon completion of the latest filing, except that if the agency in 554  
adopting the emergency rule designates an effective date, or date 555  
and time of day, that is later than the effective date and time 556  
provided for by division (B)(2) of this section, the emergency 557  
rule, if filed as required by such division, shall become 558  
effective at the later date, or later date and time of day, 559  
designated by the agency. 560

An emergency rule becomes invalid at the end of the ~~ninetieth~~ 561  
one hundred twentieth day it is in effect. Prior to that date, the 562  
agency may file the emergency rule as a nonemergency rule in 563  
compliance with division (B)(1) of this section. The agency may 564  
not refile the emergency rule in compliance with division (B)(2) 565  
of this section so that, upon the emergency rule becoming invalid 566  
under such division, the emergency rule will continue in effect 567  
without interruption for another ~~ninety-day~~ one hundred twenty-day 568  
period. 569

(3) An agency shall file a rule under division (B)(1) or (2) 570  
of this section in compliance with the following standards and 571  
procedures: 572

(a) The rule shall be numbered in accordance with the 573  
numbering system devised by the director for the Ohio 574  
administrative code. 575

(b) The rule shall be prepared and submitted in compliance 576  
with the rules of the legislative service commission. 577

(c) The rule shall clearly state the date on which it is to 578  
be effective and the date on which it will expire, if known. 579

(d) Each rule that amends or rescinds another rule shall 580  
clearly refer to the rule that is amended or rescinded. Each 581  
amendment shall fully restate the rule as amended. 582

If the director of the legislative service commission or the 583  
director's designee gives an agency notice pursuant to section 584  
103.05 of the Revised Code that a rule filed by the agency is not 585  
in compliance with the rules of the legislative service 586  
commission, the agency shall within thirty days after receipt of 587  
the notice conform the rule to the rules of the commission as 588  
directed in the notice. 589

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 590  
of this section shall be recorded by the secretary of state and 591  
the director under the title of the agency adopting the rule and 592  
shall be numbered according to the numbering system devised by the 593  
director. The secretary of state and the director shall preserve 594  
the rules in an accessible manner. Each such rule shall be a 595  
public record open to public inspection and may be transmitted to 596  
any law publishing company that wishes to reproduce it. 597

(D) At least sixty-five days before a board, commission, 598  
department, division, or bureau of the government of the state 599  
files a rule under division (B)(1) of this section, it shall file 600  
the full text of the proposed rule in electronic form with the 601  
joint committee on agency rule review, and the proposed rule is 602  
subject to legislative review and invalidation under ~~division (I)~~ 603

~~of section 119.03 106.021~~ of the Revised Code. If a state board, 604  
commission, department, division, or bureau makes a ~~substantive~~ 605  
revision in a proposed rule after it is filed with the joint 606  
committee, the state board, commission, department, division, or 607  
bureau shall promptly file the full text of the proposed rule in 608  
its revised form in electronic form with the joint committee. ~~The~~ 609  
~~latest version of a proposed rule as filed with the joint~~ 610  
~~committee supersedes each earlier version of the text of the same~~ 611  
~~proposed rule. Except as provided in division (F) of this section,~~ 612  
a A state board, commission, department, division, or bureau shall 613  
also file the rule summary and fiscal analysis prepared under 614  
section 127.18 of the Revised Code in electronic form along with a 615  
proposed rule, and along with a proposed rule in revised form, 616  
that is filed under this division. If a proposed rule has an 617  
adverse impact on businesses, the state board, commission, 618  
department, division, or bureau also shall file the business 619  
impact analysis, any recommendations received from the common 620  
sense initiative office, and the associated memorandum of 621  
response, if any, in electronic form along with the proposed rule, 622  
or the proposed rule in revised form, that is filed under this 623  
division. 624

A proposed rule that is subject to legislative review under 625  
this division may not be adopted and filed in final form under 626  
division (B)(1) of this section unless the proposed rule has been 627  
filed with the joint committee on agency rule review under this 628  
division and the time for the joint committee to review the 629  
proposed rule has expired without recommendation of a bill to 630  
invalidate the proposed rule. 631

As used in this division, "commission" includes the public 632  
utilities commission when adopting rules under a federal or state 633  
statute. 634

This division does not apply to any of the following: 635

(1) A proposed rule of an emergency nature;	636
(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	637 638 639 640
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	641 642 643
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	644 645 646
(5) Any proposed rule 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:	647 648 649 650 651
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	652 653
(b) A citation to the federal law or rule that requires verbatim compliance.	654 655
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	656 657 658 659 660 661 662
(7) A rule of the state lottery commission pertaining to instant game rules.	663 664
If a rule is exempt from legislative review under division	665

(D)(5) of this section, and if the federal law or rule pursuant to 666  
which the rule was adopted expires, is repealed or rescinded, or 667  
otherwise terminates, the rule is thereafter subject to 668  
legislative review under division (D) of this section. 669

~~(E)~~ Whenever a state board, commission, department, division, 670  
or bureau files a proposed rule or a proposed rule in revised form 671  
under division (D) of this section, it shall also file the full 672  
text of the same proposed rule or proposed rule in revised form in 673  
electronic form with the secretary of state and the director of 674  
the legislative service commission. ~~Except as provided in division~~ 675  
~~(F) of this section,~~ a A state board, commission, department, 676  
division, or bureau shall file the rule summary and fiscal 677  
analysis prepared under section 127.18 of the Revised Code in 678  
electronic form along with a proposed rule or proposed rule in 679  
revised form that is filed with the secretary of state or the 680  
director of the legislative service commission. 681

~~(F) Except as otherwise provided in this division, the~~ 682  
~~auditor of state or the auditor of state's designee is not~~ 683  
~~required to file a rule summary and fiscal analysis along with a~~ 684  
~~proposed rule, or proposed rule in revised form, that the auditor~~ 685  
~~of state proposes under section 117.12, 117.19, 117.38, or 117.43~~ 686  
~~of the Revised Code and files under division (D) or (E) of this~~ 687  
~~section.~~ 688

**Sec. 117.20.** (A) In adopting rules pursuant to Chapter 117. 689  
of the Revised Code, the auditor of state or the auditor of 690  
state's designee shall do both of the following: 691

(1) Before adopting any such rule, except a rule of an 692  
emergency nature, do each of the following: 693

(a) At least thirty-five days before any public hearing on 694  
the proposed rule-making action, mail or send by electronic mail 695  
notice of the hearing to each public office and to each statewide 696

organization that the auditor of state or designee determines will 697  
be affected or represents persons who will be affected by the 698  
proposed rule-making action; 699

(b) Mail or send by electronic mail a copy of the proposed 700  
rule to any person or organization that requests a copy within 701  
five days after receipt of the request; 702

(c) Consult with appropriate state and local government 703  
agencies, or with persons representative of their interests, 704  
including statewide organizations of local government officials, 705  
and consult with accounting professionals and other interested 706  
persons; 707

(d) Conduct, on the date and at the time and place designated 708  
in the notice, a public hearing at which any person affected by 709  
the proposed rule, including statewide organizations of local 710  
government officials, may appear and be heard in person, by 711  
attorney, or both, and may present the person's or organization's 712  
position or contentions orally or in writing. 713

~~(2) Except as otherwise provided in division (A)(2) of this 714  
section, comply Comply with divisions (B) to (E) of section 111.15 715  
of the Revised Code. The auditor of state is not required to file 716  
a rule summary and fiscal analysis along with any copy of a 717  
proposed rule, or proposed rule in revised form, that is filed 718  
with the joint committee on agency rule review, the secretary of 719  
state, or the director of the legislative service commission under 720  
division (D) or (E) of section 111.15 of the Revised Code. 721~~

(B) The auditor of state shall diligently discharge the 722  
duties imposed by divisions (A)(1)(a), (b), and (c) of this 723  
section, but failure to mail or send by electronic mail any notice 724  
or copy of a proposed rule, or to consult with any person or 725  
organization, shall not invalidate any rule. 726

(C) Notwithstanding any contrary provision of the Revised 727



Code, the auditor of state may prepare and disseminate, to public 728  
offices and other interested persons and organizations, advisory 729  
bulletins, directives, and instructions relating to accounting and 730  
financial reporting systems, budgeting procedures, fiscal 731  
controls, and the constructions by the auditor of state of 732  
constitutional and statutory provisions, court decisions, and 733  
opinions of the attorney general. The bulletins, directives, and 734  
instructions shall be of an advisory nature only. 735

(D) As used in this section, "rule" includes the adoption, 736  
amendment, or rescission of a rule. 737

**Sec. 119.01.** As used in sections 119.01 to 119.13 of the 738  
Revised Code: 739

(A)(1) "Agency" means, except as limited by this division, 740  
any official, board, or commission having authority to promulgate 741  
rules or make adjudications in the civil service commission, the 742  
division of liquor control, the department of taxation, the 743  
industrial commission, the bureau of workers' compensation, the 744  
functions of any administrative or executive officer, department, 745  
division, bureau, board, or commission of the government of the 746  
state specifically made subject to sections 119.01 to 119.13 of 747  
the Revised Code, and the licensing functions of any 748  
administrative or executive officer, department, division, bureau, 749  
board, or commission of the government of the state having the 750  
authority or responsibility of issuing, suspending, revoking, or 751  
canceling licenses. 752

~~Except as otherwise provided in division (I) of this section,~~ 753  
~~sections~~ Sections 119.01 to 119.13 of the Revised Code do not 754  
apply to the public utilities commission. Sections 119.01 to 755  
119.13 of the Revised Code do not apply to the utility 756  
radiological safety board; to the controlling board; to actions of 757  
the superintendent of financial institutions and the 758

superintendent of insurance in the taking possession of, and 759  
rehabilitation or liquidation of, the business and property of 760  
banks, savings and loan associations, savings banks, credit 761  
unions, insurance companies, associations, reciprocal fraternal 762  
benefit societies, and bond investment companies; to any action 763  
taken by the division of securities under section 1707.201 of the 764  
Revised Code; or to any action that may be taken by the 765  
superintendent of financial institutions under section 1113.03, 766  
1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 1157.09, 1157.12, 767  
1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 1733.35, 1733.361, 768  
1733.37, or 1761.03 of the Revised Code. 769

Sections 119.01 to 119.13 of the Revised Code do not apply to 770  
actions of the industrial commission or the bureau of workers' 771  
compensation under sections 4123.01 to 4123.94 of the Revised Code 772  
with respect to all matters of adjudication, or to the actions of 773  
the industrial commission, bureau of workers' compensation board 774  
of directors, and bureau of workers' compensation under division 775  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 776  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 777  
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 778  
(E) of section 4131.14 of the Revised Code with respect to all 779  
matters concerning the establishment of premium, contribution, and 780  
assessment rates. 781

(2) "Agency" also means any official or work unit having 782  
authority to promulgate rules or make adjudications in the 783  
department of job and family services, but only with respect to 784  
both of the following: 785

(a) The adoption, amendment, or rescission of rules that 786  
section 5101.09 of the Revised Code requires be adopted in 787  
accordance with this chapter; 788

(b) The issuance, suspension, revocation, or cancellation of 789  
licenses. 790

(B) "License" means any license, permit, certificate, 791  
commission, or charter issued by any agency. "License" does not 792  
include any arrangement whereby a person, institution, or entity 793  
furnishes medicaid services under a provider agreement with the 794  
department of job and family services pursuant to Title XIX of the 795  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 796  
amended. 797

(C) "Rule" means any rule, regulation, or standard, having a 798  
general and uniform operation, adopted, promulgated, and enforced 799  
by any agency under the authority of the laws governing such 800  
agency, and includes any appendix to a rule. "Rule" does not 801  
include any internal management rule of an agency unless the 802  
internal management rule affects private rights and does not 803  
include any guideline adopted pursuant to section 3301.0714 of the 804  
Revised Code. 805

(D) "Adjudication" means the determination by the highest or 806  
ultimate authority of an agency of the rights, duties, privileges, 807  
benefits, or legal relationships of a specified person, but does 808  
not include the issuance of a license in response to an 809  
application with respect to which no question is raised, nor other 810  
acts of a ministerial nature. 811

(E) "Hearing" means a public hearing by any agency in 812  
compliance with procedural safeguards afforded by sections 119.01 813  
to 119.13 of the Revised Code. 814

(F) "Person" means a person, firm, corporation, association, 815  
or partnership. 816

(G) "Party" means the person whose interests are the subject 817  
of an adjudication by an agency. 818

(H) "Appeal" means the procedure by which a person, aggrieved 819  
by a finding, decision, order, or adjudication of any agency, 820  
invokes the jurisdiction of a court. 821

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

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

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

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

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

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

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

The public notice shall include:

(1) A statement of the agency's intention to consider 852  
adopting, amending, or rescinding a rule; 853

(2) A synopsis of the proposed rule, amendment, or rule to be 854  
rescinded or a general statement of the subject matter to which 855  
the proposed rule, amendment, or rescission relates; 856

(3) A statement of the reason or purpose for adopting, 857  
amending, or rescinding the rule; 858

(4) The date, time, and place of a hearing on the proposed 859  
action, which shall be not earlier than the thirty-first nor later 860  
than the fortieth day after the proposed rule, amendment, or 861  
rescission is filed under division (B) of this section. 862

In addition to public notice given in the register of Ohio, 863  
the agency may give whatever other notice it reasonably considers 864  
necessary to ensure notice constructively is given to all persons 865  
who are subject to or affected by the proposed rule, amendment, or 866  
rescission. 867

The agency shall provide a copy of the public notice required 868  
under division (A) of this section to any person who requests it 869  
and pays a reasonable fee, not to exceed the cost of copying and 870  
mailing. 871

(B) The full text of the proposed rule, amendment, or rule to 872  
be rescinded, accompanied by the public notice required under 873  
division (A) of this section, shall be filed in electronic form 874  
with the secretary of state and with the director of the 875  
legislative service commission. (If in compliance with this 876  
division an agency files more than one proposed rule, amendment, 877  
or rescission at the same time, and has prepared a public notice 878  
under division (A) of this section that applies to more than one 879  
of the proposed rules, amendments, or rescissions, the agency 880  
shall file only one notice with the secretary of state and with 881  
the director for all of the proposed rules, amendments, or 882

rescissions to which the notice applies.) The proposed rule, 883  
amendment, or rescission and public notice shall be filed as 884  
required by this division at least sixty-five days prior to the 885  
date on which the agency, in accordance with division ~~(D)~~(E) of 886  
this section, issues an order adopting the proposed rule, 887  
amendment, or rescission. 888

If the proposed rule, amendment, or rescission incorporates a 889  
text or other material by reference, the agency shall comply with 890  
sections 121.71 to 121.76 of the Revised Code. 891

The proposed rule, amendment, or rescission shall be 892  
available for at least thirty days prior to the date of the 893  
hearing at the office of the agency in printed or other legible 894  
form without charge to any person affected by the proposal. 895  
Failure to furnish such text to any person requesting it shall not 896  
invalidate any action of the agency in connection therewith. 897

If the agency files a ~~substantive~~ revision in the text of the 898  
proposed rule, amendment, or rescission ~~under division (H) of this~~ 899  
~~section~~, it shall also promptly file the full text of the proposed 900  
rule, amendment, or rescission in its revised form in electronic 901  
form with the secretary of state and with the director of the 902  
legislative service commission. 903

The agency shall file the rule summary and fiscal analysis 904  
prepared under section 127.18 of the Revised Code in electronic 905  
form along with a proposed rule, amendment, or rescission or 906  
proposed rule, amendment, or rescission in revised form that is 907  
filed with the secretary of state or the director of the 908  
legislative service commission. 909

The director of the legislative service commission shall 910  
publish in the register of Ohio the full text of the original and 911  
each revised version of a proposed rule, amendment, or rescission; 912  
the full text of a public notice; and the full text of a rule 913

summary and fiscal analysis that is filed with the director under 914  
this division. 915

(C) When an agency files a proposed rule, amendment, or 916  
rescission under division (B) of this section, it also shall file 917  
in electronic form with the joint committee on agency rule review 918  
the full text of the proposed rule, amendment, or rule to be 919  
rescinded in the same form and the public notice required under 920  
division (A) of this section. (If in compliance with this division 921  
an agency files more than one proposed rule, amendment, or 922  
rescission at the same time, and has given a public notice under 923  
division (A) of this section that applies to more than one of the 924  
proposed rules, amendments, or rescissions, the agency shall file 925  
only one notice with the joint committee for all of the proposed 926  
rules, amendments, or rescissions to which the notice applies.) 927  
The proposed rule, amendment, or rescission is subject to 928  
legislative review and invalidation under section 106.021 of the 929  
Revised Code. If the agency makes a revision in a proposed rule, 930  
amendment, or rescission after it is filed with the joint 931  
committee, the agency promptly shall file the full text of the 932  
proposed rule, amendment, or rescission in its revised form in 933  
electronic form with the joint committee. An agency shall file the 934  
rule summary and fiscal analysis prepared under section 127.18 of 935  
the Revised Code in electronic form along with a proposed rule, 936  
amendment, or rescission, and along with a proposed rule, 937  
amendment, or rescission in revised form, that is filed under this 938  
division. If a proposed rule, amendment, or rescission has an 939  
adverse impact on businesses, the agency also shall file the 940  
business impact analysis, any recommendations received from the 941  
common sense initiative office, and the agency's memorandum of 942  
response, if any, in electronic form along with the proposed rule, 943  
amendment, or rescission, or along with the proposed rule, 944  
amendment, or rescission in revised form, that is filed under this 945  
division. 946

<u>This division does not apply to:</u>	947
<u>(1) An emergency rule, amendment, or rescission;</u>	948
<u>(2) A proposed rule, amendment, or rescission that must be</u>	949
<u>adopted verbatim by an agency pursuant to federal law or rule, to</u>	950
<u>become effective within sixty days of adoption, in order to</u>	951
<u>continue the operation of a federally reimbursed program in this</u>	952
<u>state, so long as the proposed rule contains both of the</u>	953
<u>following:</u>	954
<u>(a) A statement that it is proposed for the purpose of</u>	955
<u>complying with a federal law or rule;</u>	956
<u>(b) A citation to the federal law or rule that requires</u>	957
<u>verbatim compliance.</u>	958
<u>If a rule or amendment is exempt from legislative review</u>	959
<u>under division (C)(2) of this section, and if the federal law or</u>	960
<u>rule pursuant to which the rule or amendment was adopted expires,</u>	961
<u>is repealed or rescinded, or otherwise terminates, the rule or</u>	962
<u>amendment, or its rescission, is thereafter subject to legislative</u>	963
<u>review under division (C) of this section.</u>	964
<u>(D) On the date and at the time and place designated in the</u>	965
<u>notice, the agency shall conduct a public hearing at which any</u>	966
<u>person affected by the proposed action of the agency may appear</u>	967
<u>and be heard in person, by the person's attorney, or both, may</u>	968
<u>present the person's position, arguments, or contentions, orally</u>	969
<u>or in writing, offer and examine witnesses, and present evidence</u>	970
<u>tending to show that the proposed rule, amendment, or rescission,</u>	971
<u>if adopted or effectuated, will be unreasonable or unlawful. An</u>	972
<u>agency may permit persons affected by the proposed rule,</u>	973
<u>amendment, or rescission to present their positions, arguments, or</u>	974
<u>contentions in writing, not only at the hearing, but also for a</u>	975
<u>reasonable period before, after, or both before and after the</u>	976
<u>hearing. A person who presents a position or arguments or</u>	977



contentions in writing before or after the hearing is not required 978  
to appear at the hearing. 979

At the hearing, the testimony shall be recorded. Such record 980  
shall be made at the expense of the agency. The agency is required 981  
to transcribe a record that is not sight readable only if a person 982  
requests transcription of all or part of the record and agrees to 983  
reimburse the agency for the costs of the transcription. An agency 984  
may require the person to pay in advance all or part of the cost 985  
of the transcription. 986

In any hearing under this section the agency may administer 987  
oaths or affirmations. 988

~~(D)~~(E) After ~~complying with~~ divisions (A), (B), (C), and 989  
~~(H)~~(D) of this section have been complied with, and when the time 990  
for legislative review and invalidation under ~~division (I) of this~~ 991  
~~section~~ sections 106.02, 106.022, and 106.023 of the Revised Code 992  
has expired without recommendation of a bill to invalidate the 993  
proposed rule, amendment, or rescission, the agency may issue an 994  
order adopting the proposed rule or the proposed amendment or 995  
rescission of the rule, consistent with the synopsis or general 996  
statement included in the public notice. At that time the agency 997  
shall designate the effective date of the rule, amendment, or 998  
rescission, which shall not be earlier than the tenth day after 999  
the rule, amendment, or rescission has been filed in its final 1000  
form as provided in section 119.04 of the Revised Code. 1001

~~(E)~~(F) Prior to the effective date of a rule, amendment, or 1002  
rescission, the agency shall make a reasonable effort to inform 1003  
those affected by the rule, amendment, or rescission and to have 1004  
available for distribution to those requesting it the full text of 1005  
the rule as adopted or as amended. 1006

~~(F)~~(G) If the governor, upon the request of an agency, 1007  
determines that an emergency requires the immediate adoption, 1008

amendment, or rescission of a rule, the governor shall issue an 1009  
order, the text of which shall be filed in electronic form with 1010  
the agency, the secretary of state, the director of the 1011  
legislative service commission, and the joint committee on agency 1012  
rule review, that the procedure prescribed by this section with 1013  
respect to the adoption, amendment, or rescission of a specified 1014  
rule is suspended. The agency may then adopt immediately the 1015  
emergency rule, amendment, or rescission and it becomes effective 1016  
on the date the rule, amendment, or rescission, in final form and 1017  
in compliance with division (A)(2) of section 119.04 of the 1018  
Revised Code, is filed in electronic form with the secretary of 1019  
state, the director of the legislative service commission, and the 1020  
joint committee on agency rule review. If all filings are not 1021  
completed on the same day, the emergency rule, amendment, or 1022  
rescission shall be effective on the day on which the latest 1023  
filing is completed. The director shall publish the full text of 1024  
the emergency rule, amendment, or rescission in the register of 1025  
Ohio. 1026

The emergency rule, amendment, or rescission shall become 1027  
invalid at the end of the ~~ninetieth~~ one hundred twentieth day it 1028  
is in effect. Prior to that date the agency may adopt the 1029  
emergency rule, amendment, or rescission as a nonemergency rule, 1030  
amendment, or rescission by complying with the procedure 1031  
prescribed by this section for the adoption, amendment, and 1032  
rescission of nonemergency rules. The agency shall not use the 1033  
procedure of this division to readopt the emergency rule, 1034  
amendment, or rescission so that, upon the emergency rule, 1035  
amendment, or rescission becoming invalid under this division, the 1036  
emergency rule, amendment, or rescission will continue in effect 1037  
without interruption for another ~~ninety-day~~ one hundred twenty-day 1038  
period, except when ~~division (I)(2)(a) of this section~~ 106.02 of 1039  
the Revised Code prevents the agency from adopting the emergency 1040  
rule, amendment, or rescission as a nonemergency rule, amendment, 1041

or rescission within the ~~ninety-day~~ one hundred twenty-day period. 1042

This division does not apply to the adoption of any emergency 1043  
rule, amendment, or rescission by the tax commissioner under 1044  
division (C)(2) of section 5117.02 of the Revised Code. 1045

~~(G)~~(H) Rules adopted by an authority within the department of 1046  
job and family services for the administration or enforcement of 1047  
Chapter 4141. of the Revised Code or of the department of taxation 1048  
shall be effective without a hearing as provided by this section 1049  
if the statutes pertaining to such agency specifically give a 1050  
right of appeal to the board of tax appeals or to a higher 1051  
authority within the agency or to a court, and also give the 1052  
appellant a right to a hearing on such appeal. This division does 1053  
not apply to the adoption of any rule, amendment, or rescission by 1054  
the tax commissioner under division (C)(1) or (2) of section 1055  
5117.02 of the Revised Code, or deny the right to file an action 1056  
for declaratory judgment as provided in Chapter 2721. of the 1057  
Revised Code from the decision of the board of tax appeals or of 1058  
the higher authority within such agency. 1059

~~(H) When any agency files a proposed rule, amendment, or 1060  
rescission under division (B) of this section, it shall also file 1061  
in electronic form with the joint committee on agency rule review 1062  
the full text of the proposed rule, amendment, or rule to be 1063  
rescinded in the same form and the public notice required under 1064  
division (A) of this section. (If in compliance with this division 1065  
an agency files more than one proposed rule, amendment, or 1066  
rescission at the same time, and has given a public notice under 1067  
division (A) of this section that applies to more than one of the 1068  
proposed rules, amendments, or rescissions, the agency shall file 1069  
only one notice with the joint committee for all of the proposed 1070  
rules, amendments, or rescissions to which the notice applies.) If 1071  
the agency makes a substantive revision in a proposed rule, 1072  
amendment, or rescission after it is filed with the joint 1073~~

~~committee, the agency shall promptly file the full text of the 1074  
proposed rule, amendment, or rescission in its revised form in 1075  
electronic form with the joint committee. The latest version of a 1076  
proposed rule, amendment, or rescission as filed with the joint 1077  
committee supersedes each earlier version of the text of the same 1078  
proposed rule, amendment, or rescission. An agency shall file the 1079  
rule summary and fiscal analysis prepared under section 127.18 of 1080  
the Revised Code in electronic form along with a proposed rule, 1081  
amendment, or rescission, and along with a proposed rule, 1082  
amendment, or rescission in revised form, that is filed under this 1083  
division. If a proposed rule, amendment, or rescission has an 1084  
adverse impact on businesses, the agency also shall file the 1085  
business impact analysis, any recommendations received from the 1086  
common sense initiative office, and the agency's memorandum of 1087  
response, if any, in electronic form along with the proposed rule, 1088  
amendment, or rescission, or along with the proposed rule, 1089  
amendment, or rescission in revised form, that is filed under this 1090  
division. 1091~~

~~This division does not apply to: 1092~~

~~(1) An emergency rule, amendment, or rescission; 1093~~

~~(2) Any proposed rule, amendment, or rescission that must be 1094  
adopted verbatim by an agency pursuant to federal law or rule, to 1095  
become effective within sixty days of adoption, in order to 1096  
continue the operation of a federally reimbursed program in this 1097  
state, so long as the proposed rule contains both of the 1098  
following: 1099~~

~~(a) A statement that it is proposed for the purpose of 1100  
complying with a federal law or rule; 1101~~

~~(b) A citation to the federal law or rule that requires 1102  
verbatim compliance. 1103~~

~~If a rule or amendment is exempt from legislative review 1104~~

~~under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.~~

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

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

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

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

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

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

~~(f) That the rule making agency has failed to demonstrate~~

~~through the business impact analysis, recommendations from the common sense initiative office, and the memorandum of response the agency has filed under division (H) of this section that the regulatory intent of the proposed rule, amendment, or rescission justifies its adverse impact on businesses in this state.~~ 1136  
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~~The joint committee shall not hold its public hearing on a proposed rule, amendment, or rescission earlier than the forty first day after the original version of the proposed rule, amendment, or rescission was filed with the joint committee.~~ 1141  
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~~The house of representatives and senate may adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof. The concurrent resolution shall state which of the specific rules, amendments, rescissions, or parts thereof are invalidated. A concurrent resolution invalidating a proposed rule, amendment, or rescission shall be adopted not later than the sixty fifth day after the original version of the text of the proposed rule, amendment, or rescission is filed with the joint committee, except that if more than thirty five days after the original version is filed the rule making agency either files a revised version of the text of the proposed rule, amendment, or rescission, or revises the rule summary and fiscal analysis in accordance with division (I)(4) of this section, a concurrent resolution invalidating the proposed rule, amendment, or rescission shall be adopted not later than the thirtieth day after the revised version of the proposed rule or rule summary and fiscal analysis is filed. If, after the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the house of representatives or senate does not, within the time remaining for adoption of the concurrent resolution, hold five floor sessions at which its journal records a roll call vote disclosing a sufficient number of members in attendance to pass a~~ 1145  
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~~bill, the time within which that house may adopt the concurrent  
resolution is extended until it has held five such floor sessions.~~ 1168  
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~~Within five days after the adoption of a concurrent  
resolution invalidating a proposed rule, amendment, rescission, or  
part thereof, the clerk of the senate shall send the rule making  
agency, the secretary of state, and the director of the  
legislative service commission in electronic form a certified text  
of the resolution together with a certification stating the date  
on which the resolution takes effect. The secretary of state and  
the director of the legislative service commission shall each note  
the invalidity of the proposed rule, amendment, rescission, or  
part thereof, and shall each remove the invalid proposed rule,  
amendment, rescission, or part thereof from the file of proposed  
rules. The rule making agency shall not proceed to adopt in  
accordance with division (D) of this section, or to file in  
accordance with division (B)(1) of section 111.15 of the Revised  
Code, any version of a proposed rule, amendment, rescission, or  
part thereof that has been invalidated by concurrent resolution.~~ 1170  
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~~Unless the house of representatives and senate adopt a  
concurrent resolution invalidating a proposed rule, amendment,  
rescission, or part thereof within the time specified by this  
division, the rule making agency may proceed to adopt in  
accordance with division (D) of this section, or to file in  
accordance with division (B)(1) of section 111.15 of the Revised  
Code, the latest version of the proposed rule, amendment, or  
rescission as filed with the joint committee. If by concurrent  
resolution certain of the rules, amendments, rescissions, or parts  
thereof are specifically invalidated, the rule making agency may  
proceed to adopt, in accordance with division (D) of this section,  
or to file in accordance with division (B)(1) of section 111.15 of  
the Revised Code, the latest version of the proposed rules,  
amendments, rescissions, or parts thereof as filed with the joint~~ 1186  
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~~committee that are not specifically invalidated. The rule making 1200  
agency may not revise or amend any proposed rule, amendment, 1201  
rescission, or part thereof that has not been invalidated except 1202  
as provided in this chapter or in section 111.15 of the Revised 1203  
Code. 1204~~

~~(2)(a) A proposed rule, amendment, or rescission that is 1205  
filed with the joint committee under division (H) of this section 1206  
or division (D) of section 111.15 of the Revised Code shall be 1207  
carried over for legislative review to the next succeeding regular 1208  
session of the general assembly if the original or any revised 1209  
version of the proposed rule, amendment, or rescission is filed 1210  
with the joint committee on or after the first day of December of 1211  
any year. 1212~~

~~(b) The latest version of any proposed rule, amendment, or 1213  
rescission that is subject to division (I)(2)(a) of this section, 1214  
as filed with the joint committee, is subject to legislative 1215  
review and invalidation in the next succeeding regular session of 1216  
the general assembly in the same manner as if it were the original 1217  
version of a proposed rule, amendment, or rescission that had been 1218  
filed with the joint committee for the first time on the first day 1219  
of the session. A rule making agency shall not adopt in accordance 1220  
with division (D) of this section, or file in accordance with 1221  
division (B)(1) of section 111.15 of the Revised Code, any version 1222  
of a proposed rule, amendment, or rescission that is subject to 1223  
division (I)(2)(a) of this section until the time for legislative 1224  
review and invalidation, as contemplated by division (I)(2)(b) of 1225  
this section, has expired. 1226~~

~~(3) Invalidation of any version of a proposed rule, 1227  
amendment, rescission, or part thereof by concurrent resolution 1228  
shall prevent the rule making agency from instituting or 1229  
continuing proceedings to adopt any version of the same proposed 1230  
rule, amendment, rescission, or part thereof for the duration of 1231~~



~~the general assembly that invalidated the proposed rule, 1232  
amendment, rescission, or part thereof unless the same general 1233  
assembly adopts a concurrent resolution permitting the rule making 1234  
agency to institute or continue such proceedings. 1235~~

~~The failure of the general assembly to invalidate a proposed 1236  
rule, amendment, rescission, or part thereof under this section 1237  
shall not be construed as a ratification of the lawfulness or 1238  
reasonableness of the proposed rule, amendment, rescission, or any 1239  
part thereof or of the validity of the procedure by which the 1240  
proposed rule, amendment, rescission, or any part thereof was 1241  
proposed or adopted. 1242~~

~~(4) In lieu of recommending a concurrent resolution to 1243  
invalidate a proposed rule, amendment, rescission, or part thereof 1244  
because the rule making agency has failed to prepare a complete 1245  
and accurate fiscal analysis, the joint committee on agency rule 1246  
review may issue, on a one time basis, for rules, amendments, 1247  
rescissions, or parts thereof that have a fiscal effect on school 1248  
districts, counties, townships, or municipal corporations, a 1249  
finding that the rule summary and fiscal analysis is incomplete or 1250  
inaccurate and order the rule making agency to revise the rule 1251  
summary and fiscal analysis and refile it with the proposed rule, 1252  
amendment, rescission, or part thereof. If an emergency rule is 1253  
filed as a nonemergency rule before the end of the ninetieth day 1254  
of the emergency rule's effectiveness, and the joint committee 1255  
issues a finding and orders the rule making agency to refile under 1256  
division (I)(4) of this section, the governor may also issue an 1257  
order stating that the emergency rule shall remain in effect for 1258  
an additional sixty days after the ninetieth day of the emergency 1259  
rule's effectiveness. The governor's orders shall be filed in 1260  
accordance with division (F) of this section. The joint committee 1261  
shall send in electronic form to the rule making agency, the 1262  
secretary of state, and the director of the legislative service 1263~~

~~commission a certified text of the finding and order to revise the  
rule summary and fiscal analysis, which shall take immediate  
effect.~~ 1264  
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~~An order issued under division (I)(4) of this section shall  
prevent the rule making agency from instituting or continuing  
proceedings to adopt any version of the proposed rule, amendment,  
rescission, or part thereof until the rule making agency revises  
the rule summary and fiscal analysis and refiles it in electronic  
form with the joint committee along with the proposed rule,  
amendment, rescission, or part thereof. If the joint committee  
finds the rule summary and fiscal analysis to be complete and  
accurate, the joint committee shall issue a new order noting that  
the rule making agency has revised and refiled a complete and  
accurate rule summary and fiscal analysis. The joint committee  
shall send in electronic form to the rule making agency, the  
secretary of state, and the director of the legislative service  
commission a certified text of this new order. The secretary of  
state and the director of the legislative service commission shall  
each link this order to the proposed rule, amendment, rescission,  
or part thereof. The rule making agency may then proceed to adopt  
in accordance with division (D) of this section, or to file in  
accordance with division (B)(1) of section 111.15 of the Revised  
Code, the proposed rule, amendment, rescission, or part thereof  
that was subject to the finding and order under division (I)(4) of  
this section. If the joint committee determines that the revised  
rule summary and fiscal analysis is still inaccurate or  
incomplete, the joint committee shall recommend the adoption of a  
concurrent resolution in accordance with division (I)(1) of this  
section.~~ 1267  
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**Sec. 119.04.** (A)(1) Any rule adopted by any agency shall be 1293  
effective on the tenth day after the day on which the rule in 1294  
final form and in compliance with division (A)(2) of this section 1295

is filed as follows: 1296

(a) The rule shall be filed in electronic form with both the 1297  
secretary of state and the director of the legislative service 1298  
commission; 1299

(b) The rule shall be filed in electronic form with the joint 1300  
committee on agency rule review. Division (A)(1)(b) of this 1301  
section does not apply to any rule to which division ~~(H)~~(C) of 1302  
section 119.03 of the Revised Code does not apply. 1303

~~If all filings are not completed on the same day, the rule 1304  
shall be effective on the tenth day after the day on which the 1305  
latest filing is completed.~~ If an agency in adopting a rule 1306  
designates an effective date that is later than the effective date 1307  
provided for by this division, the rule if filed as required by 1308  
this division shall become effective on the later date designated 1309  
by the agency. 1310

An agency that adopts or amends a rule that is subject to 1311  
~~division (H) of section 119.03~~ 106.03 of the Revised Code shall 1312  
assign a review date to the rule that is not later than five years 1313  
after its effective date. ~~If no review date is assigned to a rule,~~ 1314  
~~or~~ if a review date assigned to a rule exceeds the five-year 1315  
maximum, the review date for the rule is five years after its 1316  
effective date. A rule with a review date is subject to review 1317  
under section ~~119.032~~ 106.03 of the Revised Code. This paragraph 1318  
does not apply to the department of taxation. 1319

(2) The agency shall file the rule in compliance with the 1320  
following standards and procedures: 1321

(a) The rule shall be numbered in accordance with the 1322  
numbering system devised by the director for the Ohio 1323  
administrative code. 1324

(b) The rule shall be prepared and submitted in compliance 1325  
with the rules of the legislative service commission. 1326

(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.

(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.

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

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

(B) The secretary of state and the director shall preserve the rules filed under division (A)(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.

~~Any rule that has been adopted in compliance with section 119.03 of the Revised Code and that is in effect before January 1, 1977, may be divided into sections, numbered, provided with a subject heading, and filed with the secretary of state and the director to comply with the provisions of this section without carrying out the adoption procedure required by section 119.03 of the Revised Code. The codification of existing rules to comply with this section shall not constitute adoption, amendment, or rescission.~~

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

(1) Protection of human health or safety, biological

resources, or natural resources by preventing, reducing, or 1357  
remediating the pollution or degradation of air, land, or water 1358  
resources or by preventing or limiting the exposure of humans, 1359  
animals, or plants to pollution; 1360

(2) Appropriation or regulation of privately owned property 1361  
to preserve air, land, or water resources in a natural state or to 1362  
wholly or partially restore them to a natural state; 1363

(3) Regulation of the collection, management, treatment, 1364  
reduction, storage, or disposal of solid, hazardous, radioactive, 1365  
or other wastes; 1366

(4) Plans or programs to promote or regulate the 1367  
conservation, recycling, or reuse of energy, materials, or wastes. 1368

(B) Except as otherwise provided in division (E) of this 1369  
section, when proposed legislation dealing with environmental 1370  
protection or containing a component dealing with environmental 1371  
protection is referred to a committee of the general assembly, 1372  
other than a committee on rules or reference, the sponsor of the 1373  
legislation, at the time of the first hearing of the legislation 1374  
before the committee, shall submit to the members of the committee 1375  
a written statement identifying either the documentation that is 1376  
the basis of the legislation or the federal requirement or 1377  
requirements with which the legislation is intended to comply. If 1378  
the legislation is not based on documentation or has not been 1379  
introduced to comply with a federal requirement or requirements, 1380  
the written statement from the sponsor shall so indicate. 1381

Also at the time of the first hearing of the legislation 1382  
before the committee, a statewide organization that represents 1383  
businesses in this state and that elects its board of directors 1384  
may submit to the members of the committee a written estimate of 1385  
the costs to the regulated community in this state of complying 1386  
with the legislation if it is enacted. 1387

At any hearing of the legislation before the committee, a 1388  
representative of any state agency, environmental advocacy 1389  
organization, or consumer advocacy organization or any private 1390  
citizen may present documentation containing an estimate of the 1391  
monetary and other costs to public health and safety and the 1392  
environment and to consumers and residential utility customers, 1393  
and the effects on property values, if the legislation is not 1394  
enacted. 1395

(C) Until such time as the statement required under division 1396  
(B) of this section is submitted to the committee to which 1397  
proposed legislation dealing with environmental protection or 1398  
containing a component dealing with environmental protection was 1399  
referred, the legislation shall not be reported by that committee. 1400  
This requirement does not apply if the component dealing with 1401  
environmental protection is removed from the legislation or if 1402  
two-thirds of the members of the committee vote in favor of a 1403  
motion to report the proposed legislation. 1404

(D) Except as otherwise provided in division (E) of this 1405  
section, prior to adopting a rule or an amendment proposed to a 1406  
rule dealing with environmental protection or containing a 1407  
component dealing with environmental protection, a state agency 1408  
shall do all of the following: 1409

(1) Consult with organizations that represent political 1410  
subdivisions, environmental interests, business interests, and 1411  
other persons affected by the proposed rule or amendment; 1412

(2) Consider documentation relevant to the need for, the 1413  
environmental benefits or consequences of, other benefits of, and 1414  
the technological feasibility of the proposed rule or amendment; 1415

(3) Specifically identify whether the proposed rule or 1416  
amendment is being adopted or amended to enable the state to 1417  
obtain or maintain approval to administer and enforce a federal 1418

environmental law or to participate in a federal environmental 1419  
program, whether the proposed rule or amendment is more stringent 1420  
than its federal counterpart, and, if the proposed rule or 1421  
amendment is more stringent, the rationale for not incorporating 1422  
its federal counterpart; 1423

(4) Include with the proposed rule or amendment and the rule 1424  
summary and fiscal analysis required under section 127.18 of the 1425  
Revised Code, when they are filed with the joint committee on 1426  
agency rule review in accordance with division (D) of section 1427  
111.15 or division ~~(H)~~(C) of section 119.03 of the Revised Code, 1428  
one of the following in electronic form, as applicable: 1429

(a) The information identified under division (D)(3) of this 1430  
section and, if the proposed rule or amendment is more stringent 1431  
than its federal counterpart, as identified in that division, the 1432  
documentation considered under division (D)(2) of this section; 1433

(b) If an amendment proposed to a rule is being adopted or 1434  
amended under a state statute that establishes standards with 1435  
which the amendment shall comply, and the proposed amendment is 1436  
more stringent than the rule that it is proposing to amend, the 1437  
documentation considered under division (D)(2) of this section; 1438

(c) If division (D)(4)(a) or (b) of this section is not 1439  
applicable, the documentation considered under division (D)(2) of 1440  
this section. 1441

If the agency subsequently files a revision of such a 1442  
proposed rule or amendment in accordance with division (D) of 1443  
section 111.15 or division ~~(H)~~(C) of section 119.03 of the Revised 1444  
Code, the revision shall be accompanied in electronic form by the 1445  
applicable information or documentation. 1446

Division (D) of this section does not apply to any emergency 1447  
rule adopted under division (B)(2) of section 111.15 or division 1448  
~~(F)~~(G) of section 119.03 of the Revised Code, but does apply to 1449

any such rule that subsequently is adopted as a nonemergency rule 1450  
under either of those divisions. 1451

The information or documentation submitted under division 1452  
(D)(4) of this section may be in the form of a summary or index of 1453  
available knowledge or information and shall consist of or be 1454  
based upon the best available generally accepted knowledge or 1455  
information in the appropriate fields, as determined by the agency 1456  
that prepared the documentation. 1457

(E) The statement required under division (B) and the 1458  
information or documentation required under division (D) of this 1459  
section need not be prepared or submitted with regard to a 1460  
proposed statute or rule, or an amendment to a rule, if the 1461  
statute, rule, or amendment is procedural or budgetary in nature, 1462  
or governs the organization or operation of a state agency, and 1463  
will not affect the substantive rights or obligations of any 1464  
person other than a state agency or an employee or contractor of a 1465  
state agency. 1466

(F) The insufficiency, incompleteness, or inadequacy of a 1467  
statement, information, documentation, or a summary of information 1468  
or documentation provided in accordance with division (B) or (D) 1469  
of this section shall not be grounds for invalidation of any 1470  
statute, rule, or amendment to a rule. 1471

(G) This section applies only to the following: 1472

(1) Legislation and components of legislation dealing with 1473  
environmental protection that are introduced in the general 1474  
assembly after March 5, 1996; 1475

(2) Rules and rule amendments dealing with environmental 1476  
protection that are filed with the joint committee on agency rule 1477  
review in accordance with division (D) of section 111.15 or 1478  
division ~~(H)~~(C) of section 119.03 of the Revised Code after March 1479  
5, 1996. 1480



Sec. 121.73. As used in this section, "rule" has the same 1481  
meaning as in section 121.71 of the Revised Code and also includes 1482  
the rescission of an existing rule. 1483

(A) When an agency files the original or a revised version of 1484  
a rule in proposed form under division (D) of section 111.15 or 1485  
division ~~(H)~~(C) of section 119.03, or a rule for review under 1486  
section ~~119.032~~ 106.03 of the Revised Code, that incorporates a 1487  
text or other material by reference, the agency also shall file in 1488  
electronic form, one complete and accurate copy of the text or 1489  
other material incorporated by reference with the joint committee 1490  
on agency rule review. An agency is not, however, required to file 1491  
a text or other material incorporated by reference with the joint 1492  
committee if the agency revises a rule in proposed form that 1493  
incorporates a text or other material by reference and the 1494  
incorporation by reference in the revised version of the rule is 1495  
identical to the incorporation by reference in the preceding 1496  
version of the rule. 1497

If it is infeasible for the agency to file a text or other 1498  
material incorporated by reference electronically, the agency, as 1499  
soon as possible, but not later than three days after completing 1500  
the electronic filing, shall deliver one complete and accurate 1501  
copy of the text or other material incorporated by reference to 1502  
the joint committee, and shall attach a memorandum to the text or 1503  
other material identifying the filing to which it relates. 1504

An agency is not required to file a text or other material 1505  
incorporated by reference into a rule that is proposed for 1506  
rescission if it is infeasible for the agency to do so. 1507

An agency shall not file a copy of a text or other material 1508  
incorporated by reference with the secretary of state or with the 1509  
director of the legislative service commission. 1510

(B) Upon completing its review of a rule in proposed form, or 1511

its review of a rule, that incorporates a text or other material 1512  
by reference, the joint committee shall forward its copy of the 1513  
text or other material incorporated by reference to the director 1514  
of the legislative service commission. The director shall maintain 1515  
a file of texts and other materials that are or were incorporated 1516  
by reference into rules. 1517

**Sec. 121.74.** As used in this section, "rule" has the same 1518  
meaning as in section 121.71 of the Revised Code and also includes 1519  
the rescission of an existing rule. 1520

When an agency files a rule in final form under division 1521  
(B)(1) of section 111.15~~7~~ or division (A)(1) of section 119.04~~7~~ 1522  
~~division (B)(1) of section 4141.14, or division (A) of section~~ 1523  
~~5703.14~~ of the Revised Code that incorporates or incorporated a 1524  
text or other material by reference, the agency, prior to the 1525  
effective date of the rule, shall either: 1526

(A) Deposit one complete and accurate copy of the text or 1527  
other material incorporated by reference in each of the five 1528  
depository libraries designated by the state library board; or 1529

(B) Display a complete and accurate copy of the text or other 1530  
material incorporated by reference on a web site maintained or 1531  
made available by the agency. 1532

An agency is not required to comply with this section if the 1533  
text or other material incorporated by reference is identical to a 1534  
text or other material the agency, at the time compliance with 1535  
this section otherwise would be required, already is depositing or 1536  
displaying under this section. 1537

**Sec. 121.81.** As used in sections 121.81 to 121.83 of the 1538  
Revised Code: 1539

(A) "Agency" means a state agency that is required to file 1540  
proposed rules for legislative review under division (D) of 1541

section 111.15 or division ~~(H)~~(C) of section 119.03 of the Revised Code. "Agency" does not include the offices of governor, lieutenant governor, auditor of state, secretary of state, treasurer of state, or attorney general.

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

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

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

(A) Evaluate the draft rule against the business impact analysis instrument. If, based on that evaluation, the draft rule will not have an adverse impact on businesses, the agency may proceed with the rule-filing process. If the evaluation determines that the draft rule will have an adverse impact on businesses, the agency shall incorporate features into the draft rule that will eliminate or adequately reduce any adverse impact the draft rule might have on businesses;

(B) Prepare a business impact analysis that describes its evaluation of the draft rule against the business impact analysis

instrument, that identifies any features that were incorporated 1573  
into the draft rule as a result of the evaluation, and that 1574  
explains how those features, if there were any, eliminate or 1575  
adequately reduce any adverse impact the draft rule might have on 1576  
businesses; 1577

(C) Transmit a copy of the full text of the draft rule and 1578  
the business impact analysis electronically to the common sense 1579  
initiative office, which information shall be made available to 1580  
the public on the office's web site in accordance with section 1581  
107.62 of the Revised Code; 1582

(D) Consider any recommendations made by the common sense 1583  
initiative office with regard to the draft rule, and either 1584  
incorporate into the draft rule features the recommendations 1585  
suggest will eliminate or reduce any adverse impact the draft rule 1586  
might have on businesses or document, in writing, the reasons 1587  
those recommendations are not being incorporated into the draft 1588  
rule; and 1589

(E) Prepare a memorandum of response identifying features 1590  
suggested by any recommendations that were incorporated into the 1591  
draft rule and features suggested by any recommendations that were 1592  
not incorporated into the draft rule, explaining how the features 1593  
that were incorporated into the draft rule eliminate or reduce any 1594  
adverse impact the draft rule might have on businesses, and 1595  
explaining why the features that were not incorporated into the 1596  
draft rule were not incorporated. 1597

An agency may not file a proposed rule for legislative review 1598  
under division (D) of section 111.15 or division ~~(H)~~(C) of section 1599  
119.03 of the Revised Code earlier than the sixteenth business day 1600  
after electronically transmitting the draft rule to the common 1601  
sense initiative office. 1602

**Sec. 121.83.** (A) When an agency files a proposed rule for 1603

legislative review under division (D) of section 111.15 of the Revised Code or division (H) of section 119.03 of the Revised Code, the agency electronically shall file one copy of the business impact analysis, any recommendations received from the common sense initiative office, and the agency's memorandum of response, if any, along with the proposed rule.

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

(2) If the last previously filed version of a proposed rule, the filing of a later version of which has been rejected by the joint committee, remains in the possession of the joint committee, and if the time for legislative review of that previously filed version has expired, or if fewer than thirty days remain before the time for legislative review of that previously filed version expires, then the time for legislative review of that previously filed version is revived or extended, and recommendation of a bill to invalidate that previously filed version may be adopted not later than the sixty-fifth day after the day on which the filing of the later version of the proposed rule was rejected. This deadline is subject to extension under section 106.02 of the Revised Code.

Sec. 127.18. (A) As used in this section:	1635
(1) " <del>Rule-making agency</del> <u>Agency</u> " has the same meaning as	1636
<u>defined</u> in <del>division (I) of section 119.01</del> <u>106.01</u> of the Revised	1637
Code.	1638
(2) "Rule" includes the adoption, amendment, or rescission of	1639
a rule.	1640
(3) "Proposed rule" means the original version of a proposed	1641
rule, and each revised version of the same proposed rule, that is	1642
filed with the joint committee on agency rule review under	1643
division (D) of section 111.15 or division <del>(H)</del> <u>(C)</u> of section	1644
119.03 of the Revised Code.	1645
(B) <del>A rule-making</del> <u>An</u> agency shall prepare, in the form	1646
prescribed by the joint committee on agency rule review <del>under</del>	1647
<del>division (E) of this section</del> , a complete and accurate rule summary	1648
and fiscal analysis of each proposed rule that it files under	1649
division (D) of section 111.15 or division <del>(H)</del> <u>(C)</u> of section	1650
119.03 of the Revised Code. The rule summary and fiscal analysis	1651
shall include all of the following information:	1652
(1) The name, address, and telephone number of the	1653
<del>rule-making</del> agency, and the name <del>and</del> , telephone number, <u>and</u>	1654
<u>electronic mail address</u> of an individual or office within the	1655
agency designated by that agency to be responsible for	1656
coordinating and making available information in the possession of	1657
the agency regarding the proposed rule;	1658
(2) The Ohio Administrative Code rule number of the proposed	1659
rule;	1660
(3) A brief summary of, and the legal basis for, the proposed	1661
rule, including citations identifying the statute that prescribes	1662
the procedure in accordance with which the <del>rule-making</del> agency is	1663
required to adopt the proposed rule, the statute that authorizes	1664

the agency to adopt the proposed rule, and the statute that the agency intends to amplify or implement by adopting the proposed rule;

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

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

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

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

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

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

(10) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations, a comprehensive cost estimate that includes the procedure and method of calculating the costs of compliance and identifies major cost categories including personnel costs, new equipment or other capital costs, operating costs, and indirect central service costs related to the rule. The fiscal analysis shall also include a

written explanation of the agency's and the affected local 1696  
government's ability to pay for the new requirements and a 1697  
statement of any impact the rule will have on economic 1698  
development. 1699

(11) If the rule incorporates a text or other material by 1700  
reference, and the agency claims the incorporation by reference is 1701  
exempt from compliance with sections 121.71 to 121.74 of the 1702  
Revised Code because the text or other material is generally 1703  
available to persons who reasonably can be expected to be affected 1704  
by the rule, an explanation of how the text or other material is 1705  
generally available to those persons; 1706

(12) If the rule incorporates a text or other material by 1707  
reference, and it was infeasible for the agency to file the text 1708  
or other material electronically, an explanation of why filing the 1709  
text or other material electronically was infeasible; 1710

(13) If the rule is being rescinded and incorporates a text 1711  
or other material by reference, and it was infeasible for the 1712  
agency to file the text or other material, an explanation of why 1713  
filing the text or other material was infeasible; 1714

(14) Any other information the joint committee on agency rule 1715  
review considers necessary to make the proposed rule or the fiscal 1716  
effect of the proposed rule fully understandable. 1717

(C) The ~~rule-making~~ agency shall file the rule summary and 1718  
fiscal analysis in electronic form along with the proposed rule 1719  
that it files under ~~divisions~~ division (D) ~~and (E)~~ of section 1720  
111.15 or divisions (B) and ~~(H)~~ (C) of section 119.03 of the 1721  
Revised Code. The joint committee on agency rule review shall not 1722  
accept any proposed rule for filing unless a copy of the rule 1723  
summary and fiscal analysis of the proposed rule, completely and 1724  
accurately prepared, is filed along with the proposed rule. 1725

(D) The joint committee on agency rule review shall review 1726



the fiscal effect of each proposed rule that is filed under 1727  
division (D) of section 111.15 or division ~~(H)~~(C) of section 1728  
119.03 of the Revised Code. 1729

(E) The joint committee on agency rule review shall prescribe 1730  
the form in which each rule-making agency shall prepare its rule 1731  
summary and fiscal analysis of a proposed rule. 1732

~~(F) This section does not require the auditor of state or the 1733  
auditor of state's designee to prepare or attach a rule summary 1734  
and fiscal analysis to any copy of a rule proposed under section 1735  
117.12, 117.19, 117.38, or 117.43 of the Revised Code. 1736~~

**Sec. 1531.08.** In conformity with Section 36 of Article II, 1737  
Ohio Constitution, providing for the passage of laws for the 1738  
conservation of the natural resources of the state, including 1739  
streams, lakes, submerged lands, and swamplands, and in conformity 1740  
with this chapter and Chapter 1533. of the Revised Code, the chief 1741  
of the division of wildlife has authority and control in all 1742  
matters pertaining to the protection, preservation, propagation, 1743  
possession, and management of wild animals and may adopt rules 1744  
under section 1531.10 of the Revised Code for the management of 1745  
wild animals. Notwithstanding division (B) of section 119.03 of 1746  
the Revised Code, such rules in proposed form shall be filed under 1747  
this section. Each year there shall be a public fish hearing and 1748  
public game hearing. The results of the investigation and public 1749  
hearing shall be filed in the office of the chief and shall be 1750  
kept open for public inspection during all regular office hours. 1751  
Modifying or rescinding such rules does not require a public 1752  
hearing. 1753

The chief may adopt, amend, rescind, and enforce rules 1754  
throughout the state or in any part or waters thereof as provided 1755  
by sections 1531.08 to 1531.12 and other sections of the Revised 1756  
Code. The rules shall be filed in proposed form and available at 1757

the central wildlife office and at each of the wildlife district 1758  
offices, including the Lake Erie unit located at Sandusky, at 1759  
least thirty days prior to the date of the hearing required by 1760  
division ~~(C)~~(D) of section 119.03 of the Revised Code. The rules 1761  
shall be based upon a public hearing and investigation of the best 1762  
available biological information derived from professionally 1763  
accepted practices in wildlife and fisheries management. 1764

Each rule adopted under this section shall clearly and 1765  
distinctly describe and set forth the waters or area or part 1766  
thereof affected by the rule and whether the rule is applicable to 1767  
all wild animals or only to certain kinds of species designated 1768  
therein. 1769

The chief may regulate any of the following: 1770

(A) Taking and possessing wild animals, at any time and place 1771  
or in any number, quantity, or length, and in any manner, and with 1772  
such devices as ~~he~~ the chief prescribes; 1773

(B) Transportation of such animals or any part thereof; 1774

(C) Buying, selling, offering for sale, or exposing for sale 1775  
any such animal or part thereof; 1776

(D) Taking, possessing, transporting, buying, selling, 1777  
offering for sale, and exposing for sale commercial fish or any 1778  
part thereof, including species taken, length, weight, method of 1779  
taking, mesh sizes, specifications of nets and other fishing 1780  
devices, seasons, and time and place of taking. 1781

When the chief increases the size of a fish named in section 1782  
1533.63 of the Revised Code, any fish that were legally taken, 1783  
caught, or possessed prior to the increase may be possessed after 1784  
the increase if the possession of the fish has been reported to 1785  
the chief prior to the increase, but on or after the date of the 1786  
increase the fish may not be sold to a buyer in this state. 1787

Sec. 3319.22. (A)(1) The state board of education shall issue	1788
the following educator licenses:	1789
(a) A resident educator license, which shall be valid for	1790
four years, except that the state board, on a case-by-case basis,	1791
may extend the license's duration as necessary to enable the	1792
license holder to complete the Ohio teacher residency program	1793
established under section 3319.223 of the Revised Code;	1794
(b) A professional educator license, which shall be valid for	1795
five years and shall be renewable;	1796
(c) A senior professional educator license, which shall be	1797
valid for five years and shall be renewable;	1798
(d) A lead professional educator license, which shall be	1799
valid for five years and shall be renewable.	1800
(2) The state board may issue any additional educator	1801
licenses of categories, types, and levels the board elects to	1802
provide.	1803
(3) The state board shall adopt rules establishing the	1804
standards and requirements for obtaining each educator license	1805
issued under this section.	1806
(B) The rules adopted under this section shall require at	1807
least the following standards and qualifications for the educator	1808
licenses described in division (A)(1) of this section:	1809
(1) An applicant for a resident educator license shall hold	1810
at least a bachelor's degree from an accredited teacher	1811
preparation program or be a participant in the teach for America	1812
program and meet the qualifications required under section	1813
3319.227 of the Revised Code.	1814
(2) An applicant for a professional educator license shall:	1815
(a) Hold at least a bachelor's degree from an institution of	1816

higher education accredited by a regional accrediting organization;	1817 1818
(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.	1819 1820 1821 1822 1823 1824
(3) An applicant for a senior professional educator license shall:	1825 1826
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	1827 1828 1829
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	1830 1831 1832
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	1833 1834 1835 1836
(4) An applicant for a lead professional educator license shall:	1837 1838
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	1839 1840 1841
(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;	1842 1843 1844 1845
(c) Meet the criteria for the distinguished level of	1846

performance, as described in the standards for teachers adopted by 1847  
the state board under section 3319.61 of the Revised Code; 1848

(d) Either hold a valid certificate issued by the national 1849  
board for professional teaching standards or meet the criteria for 1850  
a master teacher or other criteria for a lead teacher adopted by 1851  
the educator standards board under division (F)(4) or (5) of 1852  
section 3319.61 of the Revised Code. 1853

(C) The state board shall align the standards and 1854  
qualifications for obtaining a principal license with the 1855  
standards for principals adopted by the state board under section 1856  
3319.61 of the Revised Code. 1857

(D) If the state board requires any examinations for educator 1858  
licensure, the department of education shall provide the results 1859  
of such examinations received by the department to the chancellor 1860  
of the Ohio board of regents, in the manner and to the extent 1861  
permitted by state and federal law. 1862

(E) Any rules the state board of education adopts, amends, or 1863  
rescinds for educator licenses under this section, division (D) of 1864  
section 3301.07 of the Revised Code, or any other law shall be 1865  
adopted, amended, or rescinded under Chapter 119. of the Revised 1866  
Code except as follows: 1867

(1) Notwithstanding division ~~(D)~~(E) of section 119.03 and 1868  
division (A)(1) of section 119.04 of the Revised Code, in the case 1869  
of the adoption of any rule or the amendment or rescission of any 1870  
rule that necessitates institutions' offering preparation programs 1871  
for educators and other school personnel that are approved by the 1872  
chancellor of the Ohio board of regents under section 3333.048 of 1873  
the Revised Code to revise the curriculum of those programs, the 1874  
effective date shall not be as prescribed in division ~~(D)~~(E) of 1875  
section 119.03 and division (A)(1) of section 119.04 of the 1876  
Revised Code. Instead, the effective date of such rules, or the 1877

amendment or rescission of such rules, shall be the date 1878  
prescribed by section 3333.048 of the Revised Code. 1879

(2) Notwithstanding the authority to adopt, amend, or rescind 1880  
emergency rules in division ~~(F)~~(G) of section 119.03 of the 1881  
Revised Code, this authority shall not apply to the state board of 1882  
education with regard to rules for educator licenses. 1883

(F)(1) The rules adopted under this section establishing 1884  
standards requiring additional coursework for the renewal of any 1885  
educator license shall require a school district and a chartered 1886  
nonpublic school to establish local professional development 1887  
committees. In a nonpublic school, the chief administrative 1888  
officer shall establish the committees in any manner acceptable to 1889  
such officer. The committees established under this division shall 1890  
determine whether coursework that a district or chartered 1891  
nonpublic school teacher proposes to complete meets the 1892  
requirement of the rules. The department of education shall 1893  
provide technical assistance and support to committees as the 1894  
committees incorporate the professional development standards 1895  
adopted by the state board of education pursuant to section 1896  
3319.61 of the Revised Code into their review of coursework that 1897  
is appropriate for license renewal. The rules shall establish a 1898  
procedure by which a teacher may appeal the decision of a local 1899  
professional development committee. 1900

(2) In any school district in which there is no exclusive 1901  
representative established under Chapter 4117. of the Revised 1902  
Code, the professional development committees shall be established 1903  
as described in division (F)(2) of this section. 1904

Not later than the effective date of the rules adopted under 1905  
this section, the board of education of each school district shall 1906  
establish the structure for one or more local professional 1907  
development committees to be operated by such school district. The 1908  
committee structure so established by a district board shall 1909

remain in effect unless within thirty days prior to an anniversary 1910  
of the date upon which the current committee structure was 1911  
established, the board provides notice to all affected district 1912  
employees that the committee structure is to be modified. 1913  
Professional development committees may have a district-level or 1914  
building-level scope of operations, and may be established with 1915  
regard to particular grade or age levels for which an educator 1916  
license is designated. 1917

Each professional development committee shall consist of at 1918  
least three classroom teachers employed by the district, one 1919  
principal employed by the district, and one other employee of the 1920  
district appointed by the district superintendent. For committees 1921  
with a building-level scope, the teacher and principal members 1922  
shall be assigned to that building, and the teacher members shall 1923  
be elected by majority vote of the classroom teachers assigned to 1924  
that building. For committees with a district-level scope, the 1925  
teacher members shall be elected by majority vote of the classroom 1926  
teachers of the district, and the principal member shall be 1927  
elected by a majority vote of the principals of the district, 1928  
unless there are two or fewer principals employed by the district, 1929  
in which case the one or two principals employed shall serve on 1930  
the committee. If a committee has a particular grade or age level 1931  
scope, the teacher members shall be licensed to teach such grade 1932  
or age levels, and shall be elected by majority vote of the 1933  
classroom teachers holding such a license and the principal shall 1934  
be elected by all principals serving in buildings where any such 1935  
teachers serve. The district superintendent shall appoint a 1936  
replacement to fill any vacancy that occurs on a professional 1937  
development committee, except in the case of vacancies among the 1938  
elected classroom teacher members, which shall be filled by vote 1939  
of the remaining members of the committee so selected. 1940

Terms of office on professional development committees shall 1941

be prescribed by the district board establishing the committees. 1942  
The conduct of elections for members of professional development 1943  
committees shall be prescribed by the district board establishing 1944  
the committees. A professional development committee may include 1945  
additional members, except that the majority of members on each 1946  
such committee shall be classroom teachers employed by the 1947  
district. Any member appointed to fill a vacancy occurring prior 1948  
to the expiration date of the term for which a predecessor was 1949  
appointed shall hold office as a member for the remainder of that 1950  
term. 1951

The initial meeting of any professional development 1952  
committee, upon election and appointment of all committee members, 1953  
shall be called by a member designated by the district 1954  
superintendent. At this initial meeting, the committee shall 1955  
select a chairperson and such other officers the committee deems 1956  
necessary, and shall adopt rules for the conduct of its meetings. 1957  
Thereafter, the committee shall meet at the call of the 1958  
chairperson or upon the filing of a petition with the district 1959  
superintendent signed by a majority of the committee members 1960  
calling for the committee to meet. 1961

(3) In the case of a school district in which an exclusive 1962  
representative has been established pursuant to Chapter 4117. of 1963  
the Revised Code, professional development committees shall be 1964  
established in accordance with any collective bargaining agreement 1965  
in effect in the district that includes provisions for such 1966  
committees. 1967

If the collective bargaining agreement does not specify a 1968  
different method for the selection of teacher members of the 1969  
committees, the exclusive representative of the district's 1970  
teachers shall select the teacher members. 1971

If the collective bargaining agreement does not specify a 1972  
different structure for the committees, the board of education of 1973



the school district shall establish the structure, including the 1974  
number of committees and the number of teacher and administrative 1975  
members on each committee; the specific administrative members to 1976  
be part of each committee; whether the scope of the committees 1977  
will be district levels, building levels, or by type of grade or 1978  
age levels for which educator licenses are designated; the lengths 1979  
of terms for members; the manner of filling vacancies on the 1980  
committees; and the frequency and time and place of meetings. 1981  
However, in all cases, except as provided in division (F)(4) of 1982  
this section, there shall be a majority of teacher members of any 1983  
professional development committee, there shall be at least five 1984  
total members of any professional development committee, and the 1985  
exclusive representative shall designate replacement members in 1986  
the case of vacancies among teacher members, unless the collective 1987  
bargaining agreement specifies a different method of selecting 1988  
such replacements. 1989

(4) Whenever an administrator's coursework plan is being 1990  
discussed or voted upon, the local professional development 1991  
committee shall, at the request of one of its administrative 1992  
members, cause a majority of the committee to consist of 1993  
administrative members by reducing the number of teacher members 1994  
voting on the plan. 1995

(G)(1) The department of education, educational service 1996  
centers, county boards of developmental disabilities, regional 1997  
professional development centers, special education regional 1998  
resource centers, college and university departments of education, 1999  
head start programs, the eTech Ohio commission, and the Ohio 2000  
education computer network may establish local professional 2001  
development committees to determine whether the coursework 2002  
proposed by their employees who are licensed or certificated under 2003  
this section or section 3319.222 of the Revised Code, or under the 2004  
former version of either section as it existed prior to October 2005

16, 2009, meet the requirements of the rules adopted under this 2006  
section. They may establish local professional development 2007  
committees on their own or in collaboration with a school district 2008  
or other agency having authority to establish them. 2009

Local professional development committees established by 2010  
county boards of developmental disabilities shall be structured in 2011  
a manner comparable to the structures prescribed for school 2012  
districts in divisions (F)(2) and (3) of this section, as shall 2013  
the committees established by any other entity specified in 2014  
division (G)(1) of this section that provides educational services 2015  
by employing or contracting for services of classroom teachers 2016  
licensed or certificated under this section or section 3319.222 of 2017  
the Revised Code, or under the former version of either section as 2018  
it existed prior to October 16, 2009. All other entities specified 2019  
in division (G)(1) of this section shall structure their 2020  
committees in accordance with guidelines which shall be issued by 2021  
the state board. 2022

(2) Any public agency that is not specified in division 2023  
(G)(1) of this section but provides educational services and 2024  
employs or contracts for services of classroom teachers licensed 2025  
or certificated under this section or section 3319.222 of the 2026  
Revised Code, or under the former version of either section as it 2027  
existed prior to October 16, 2009, may establish a local 2028  
professional development committee, subject to the approval of the 2029  
department of education. The committee shall be structured in 2030  
accordance with guidelines issued by the state board. 2031

**Sec. 3319.221.** (A) The state board of education shall adopt 2032  
rules establishing the standards and requirements for obtaining a 2033  
school nurse license and a school nurse wellness coordinator 2034  
license. At a minimum, the rules shall require that an applicant 2035  
for a school nurse license be licensed as a registered nurse under 2036

Chapter 4723. of the Revised Code. 2037

(B) If the state board requires any examinations for 2038  
licensure under this section, the department of education shall 2039  
provide the examination results received by the department to the 2040  
chancellor of the Ohio board of regents, in the manner and to the 2041  
extent permitted by state and federal law. 2042

(C) Any rules for licenses described in this section that the 2043  
state board adopts, amends, or rescinds under this section, 2044  
division (D) of section 3301.07 of the Revised Code, or any other 2045  
law shall be adopted, amended, or rescinded under Chapter 119. of 2046  
the Revised Code, except that the authority to adopt, amend, or 2047  
rescind emergency rules under division ~~(F)~~(G) of section 119.03 of 2048  
the Revised Code shall not apply to the state board with respect 2049  
to rules for licenses described in this section. 2050

(D) Any registered nurse employed by a school district in the 2051  
capacity of school nurse on January 1, 1973, or any registered 2052  
nurse employed by a city or general health district on January 1, 2053  
1973, to serve full-time in the capacity of school nurse in one or 2054  
more school districts, shall be considered to have fulfilled the 2055  
requirements for the issuance of a school nurse license under this 2056  
section. 2057

**Sec. 3333.021.** As used in this section, "university" means 2058  
any college or university that receives a state appropriation. 2059

(A) This division does not apply to proposed rules, 2060  
amendments, or rescissions subject to legislative review under 2061  
~~division (I) of section 119.03~~ 106.02 of the Revised Code. No 2062  
action taken by the chancellor of the Ohio board of regents that 2063  
could reasonably be expected to have an effect on the revenue or 2064  
expenditures of any university shall take effect unless at least 2065  
two weeks prior to the date on which the action is taken, the 2066  
chancellor has filed with the speaker of the house of 2067

representatives, the president of the senate, the legislative 2068  
budget office of the legislative service commission, and the 2069  
director of budget and management a fiscal analysis of the 2070  
proposed action. The analysis shall include an estimate of the 2071  
amount by which, during the current and ensuing fiscal biennium, 2072  
the action would increase or decrease the university's revenues or 2073  
expenditures and increase or decrease any state expenditures and 2074  
any other information the chancellor considers necessary to 2075  
explain the action's fiscal effect. 2076

(B) Within three days of the date the chancellor files with 2077  
the clerk of the senate a proposed rule, amendment, or rescission 2078  
that is subject to legislative review and invalidation under 2079  
~~division (I) of section 119.03~~ 106.02 of the Revised Code, the 2080  
chancellor shall file with the speaker of the house of 2081  
representatives, the president of the senate, ~~the legislative~~ 2082  
~~budget office of~~ the legislative service commission, and the 2083  
director of budget and management a fiscal analysis of the 2084  
proposed rule. The analysis shall include an estimate of the 2085  
amount by which, during the current and ensuing fiscal biennium, 2086  
the action would increase or decrease any university's revenues or 2087  
expenditures and increase or decrease state revenues or 2088  
expenditures and any other information the chancellor considers 2089  
necessary to explain the fiscal effect of the rule, amendment, or 2090  
rescission. No rule, amendment, or rescission shall take effect 2091  
unless the chancellor has complied with this division. 2092

**Sec. 3333.048.** (A) Not later than one year after ~~the~~ 2093  
~~effective date of this section~~ October 16, 2009, the chancellor of 2094  
the Ohio board of regents and the superintendent of public 2095  
instruction jointly shall do the following: 2096

(1) In accordance with Chapter 119. of the Revised Code, 2097  
establish metrics and educator preparation programs for the 2098

preparation of educators and other school personnel and the 2099  
institutions of higher education that are engaged in their 2100  
preparation. The metrics and educator preparation programs shall 2101  
be aligned with the standards and qualifications for educator 2102  
licenses adopted by the state board of education under section 2103  
3319.22 of the Revised Code and the requirements of the Ohio 2104  
teacher residency program established under section 3319.223 of 2105  
the Revised Code. The metrics and educator preparation programs 2106  
also shall ensure that educators and other school personnel are 2107  
adequately prepared to use the value-added progress dimension 2108  
prescribed by section 3302.021 of the Revised Code. 2109

(2) Provide for the inspection of institutions of higher 2110  
education desiring to prepare educators and other school 2111  
personnel. 2112

(B) Not later than one year after ~~the effective date of this~~ 2113  
~~section~~ October 16, 2009, the chancellor shall approve 2114  
institutions of higher education engaged in the preparation of 2115  
educators and other school personnel that maintain satisfactory 2116  
training procedures and records of performance, as determined by 2117  
the chancellor. 2118

(C) If the metrics established under division (A)(1) of this 2119  
section require an institution of higher education that prepares 2120  
teachers to satisfy the standards of an independent accreditation 2121  
organization, the chancellor shall permit each institution to 2122  
satisfy the standards of either the national council for 2123  
accreditation of teacher education or the teacher education 2124  
accreditation council. 2125

(D) The metrics and educator preparation programs established 2126  
under division (A)(1) of this section may require an institution 2127  
of higher education, as a condition of approval by the chancellor, 2128  
to make changes in the curricula of its preparation programs for 2129  
educators and other school personnel. 2130

Notwithstanding division ~~(D)~~(E) of section 119.03 and 2131  
division (A)(1) of section 119.04 of the Revised Code, any 2132  
metrics, educator preparation programs, rules, and regulations, or 2133  
any amendment or rescission of such metrics, educator preparation 2134  
programs, rules, and regulations, adopted under this section that 2135  
necessitate institutions offering preparation programs for 2136  
educators and other school personnel approved by the chancellor to 2137  
revise the curricula of those programs shall not be effective for 2138  
at least one year after the first day of January next succeeding 2139  
the publication of the said change. 2140

Each institution shall allocate money from its existing 2141  
appropriations to pay the cost of making the curricular changes. 2142

(E) The chancellor shall notify the state board of the 2143  
metrics and educator preparation programs established under 2144  
division (A)(1) of this section and the institutions of higher 2145  
education approved under division (B) of this section. The state 2146  
board shall publish the metrics, educator preparation programs, 2147  
and approved institutions with the standards and qualifications 2148  
for each type of educator license. 2149

(F) The graduates of institutions of higher education 2150  
approved by the chancellor shall be licensed by the state board in 2151  
accordance with the standards and qualifications adopted under 2152  
section 3319.22 of the Revised Code. 2153

**Sec. 3737.88.** (A)(1) The fire marshal shall have 2154  
responsibility for implementation of the underground storage tank 2155  
program and corrective action program for releases of petroleum 2156  
from underground storage tanks established by the "Resource 2157  
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 2158  
6901, as amended. To implement the programs, the fire marshal may 2159  
adopt, amend, and rescind such rules, conduct such inspections, 2160  
require annual registration of underground storage tanks, issue 2161

such citations and orders to enforce those rules, enter into 2162  
environmental covenants in accordance with sections 5301.80 to 2163  
5301.92 of the Revised Code, and perform such other duties, as are 2164  
consistent with those programs. The fire marshal, by rule, may 2165  
delegate the authority to conduct inspections of underground 2166  
storage tanks to certified fire safety inspectors. 2167

(2) In the place of any rules regarding release containment 2168  
and release detection for underground storage tanks adopted under 2169  
division (A)(1) of this section, the fire marshal, by rule, shall 2170  
designate areas as being sensitive for the protection of human 2171  
health and the environment and adopt alternative rules regarding 2172  
release containment and release detection methods for new and 2173  
upgraded underground storage tank systems located in those areas. 2174  
In designating such areas, the fire marshal shall take into 2175  
consideration such factors as soil conditions, hydrogeology, water 2176  
use, and the location of public and private water supplies. Not 2177  
later than July 11, 1990, the fire marshal shall file the rules 2178  
required under this division with the secretary of state, director 2179  
of the legislative service commission, and joint committee on 2180  
agency rule review in accordance with divisions (B) and ~~(H)~~(C) of 2181  
section 119.03 of the Revised Code. 2182

(3) Notwithstanding sections 3737.87 to 3737.89 of the 2183  
Revised Code, a person who is not a responsible person may conduct 2184  
a voluntary action in accordance with Chapter 3746. of the Revised 2185  
Code and rules adopted under it for a class C release. The 2186  
director of environmental protection, pursuant to section 3746.12 2187  
of the Revised Code, may issue a covenant not to sue to any person 2188  
who properly completes a voluntary action with respect to a class 2189  
C release in accordance with Chapter 3746. of the Revised Code and 2190  
rules adopted under it. 2191

(B) Before adopting any rule under this section or section 2192  
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 2193

file written notice of the proposed rule with the chairperson of 2194  
the state fire council, and, within sixty days after notice is 2195  
filed, the council may file responses to or comments on and may 2196  
recommend alternative or supplementary rules to the fire marshal. 2197  
At the end of the sixty-day period or upon the filing of 2198  
responses, comments, or recommendations by the council, the fire 2199  
marshal may adopt the rule filed with the council or any 2200  
alternative or supplementary rule recommended by the council. 2201

(C) The state fire council may recommend courses of action to 2202  
be taken by the fire marshal in carrying out the fire marshal's 2203  
duties under this section. The council shall file its 2204  
recommendations in the office of the fire marshal, and, within 2205  
sixty days after the recommendations are filed, the fire marshal 2206  
shall file with the chairperson of the council comments on, and 2207  
proposed action in response to, the recommendations. 2208

(D) For the purpose of sections 3737.87 to 3737.89 of the 2209  
Revised Code, the fire marshal shall adopt, and may amend and 2210  
rescind, rules identifying or listing hazardous substances. The 2211  
rules shall be consistent with and equivalent in scope, coverage, 2212  
and content to regulations identifying or listing hazardous 2213  
substances adopted under the "Comprehensive Environmental 2214  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 2215  
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 2216  
not identify or list as a hazardous substance any hazardous waste 2217  
identified or listed in rules adopted under division (A) of 2218  
section 3734.12 of the Revised Code. 2219

(E) Except as provided in division (A)(3) of this section, 2220  
the fire marshal shall have exclusive jurisdiction to regulate the 2221  
storage, treatment, and disposal of petroleum contaminated soil 2222  
generated from corrective actions undertaken in response to 2223  
releases of petroleum from underground storage tank systems. The 2224  
fire marshal may adopt, amend, or rescind such rules as the fire 2225



marshal considers to be necessary or appropriate to regulate the 2226  
storage, treatment, or disposal of petroleum contaminated soil so 2227  
generated. 2228

(F) The fire marshal shall adopt, amend, and rescind rules 2229  
under sections 3737.88 to 3737.882 of the Revised Code in 2230  
accordance with Chapter 119. of the Revised Code. 2231

**Sec. 3746.04.** Within one year after September 28, 1994, the 2232  
director of environmental protection, in accordance with Chapter 2233  
119. of the Revised Code and with the advice of the 2234  
multidisciplinary council appointed under section 3746.03 of the 2235  
Revised Code, shall adopt, and subsequently may amend, suspend, or 2236  
rescind, rules that do both of the following: 2237

(A) Revise the rules adopted under Chapters 3704., 3714., 2238  
3734., 6109., and 6111. of the Revised Code to incorporate the 2239  
provisions necessary to conform those rules to the requirements of 2240  
this chapter. The amended rules adopted under this division also 2241  
shall establish response times for all submittals to the 2242  
environmental protection agency required under this chapter or 2243  
rules adopted under it. 2244

(B) Establish requirements and procedures that are reasonably 2245  
necessary for the implementation and administration of this 2246  
chapter, including, without limitation, all of the following: 2247

(1) Appropriate generic numerical clean-up standards for the 2248  
treatment or removal of soils, sediments, and water media for 2249  
hazardous substances and petroleum. The rules shall establish 2250  
separate generic numerical clean-up standards based upon the 2251  
intended use of properties after the completion of voluntary 2252  
actions, including industrial, commercial, and residential uses 2253  
and such other categories of land use as the director considers to 2254  
be appropriate. The generic numerical clean-up standards 2255  
established for each category of land use shall be the 2256

concentration of each contaminant that may be present on a 2257  
property that shall ensure protection of public health and safety 2258  
and the environment for the reasonable exposure for that category 2259  
of land use. When developing the standards, the director shall 2260  
consider such factors as all of the following: 2261

(a) Scientific information, including, without limitation, 2262  
toxicological information and realistic assumptions regarding 2263  
human and environmental exposure to hazardous substances or 2264  
petroleum; 2265

(b) Climatic factors; 2266

(c) Human activity patterns; 2267

(d) Current statistical techniques; 2268

(e) For petroleum at industrial property, alternatives to the 2269  
use of total petroleum hydrocarbons. 2270

The generic numerical clean-up standards established in the 2271  
rules adopted under division (B)(1) of this section shall be 2272  
consistent with and equivalent in scope, content, and coverage to 2273  
any applicable standard established by federal environmental laws 2274  
and regulations adopted under them, including, without limitation, 2275  
the "Federal Water Pollution Control Act Amendments of 1972," 86 2276  
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 2277  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 2278  
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2279  
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 2280  
Environmental Response, Compensation, and Liability Act of 1980," 2281  
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 2282  
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 2283  
amended. 2284

In order for the rules adopted under division (B)(1) of this 2285  
section to require that any such federal environmental standard 2286  
apply to a property, the property shall meet the requirements of 2287

the particular federal statute or regulation involved in the 2288  
manner specified by the statute or regulation. 2289

The generic numerical clean-up standards for petroleum at 2290  
commercial or residential property shall be the standards 2291  
established in rules adopted under division (B) of section 2292  
3737.882 of the Revised Code. 2293

(2)(a) Procedures for performing property-specific risk 2294  
assessments that would be performed at a property to demonstrate 2295  
that the remedy evaluated in a risk assessment results in 2296  
protection of public health and safety and the environment instead 2297  
of complying with the generic numerical clean-up standards 2298  
established in the rules adopted under division (B)(1) of this 2299  
section. The risk assessment procedures shall describe a 2300  
methodology to establish, on a property-specific basis, allowable 2301  
levels of contamination to remain at a property to ensure 2302  
protection of public health and safety and the environment on the 2303  
property and off the property when the contamination is emanating 2304  
off the property, taking into account all of the following: 2305

(i) The implementation of treatment, storage, or disposal, or 2306  
a combination thereof, of hazardous substances or petroleum; 2307

(ii) The existence of institutional controls or activity and 2308  
use limitations that eliminate or mitigate exposure to hazardous 2309  
substances or petroleum through the restriction of access to 2310  
hazardous substances or petroleum; 2311

(iii) The existence of engineering controls that eliminate or 2312  
mitigate exposure to hazardous substances or petroleum through 2313  
containment of, control of, or restrictions of access to hazardous 2314  
substances or petroleum, including, without limitation, fences, 2315  
cap systems, cover systems, and landscaping. 2316

(b) The risk assessment procedures and levels of acceptable 2317  
risk set forth in the rules adopted under division (B)(2) of this 2318

section shall be based upon all of the following: 2319

(i) Scientific information, including, without limitation, 2320  
toxicological information and actual or proposed human and 2321  
environmental exposure; 2322

(ii) Locational and climatic factors; 2323

(iii) Surrounding land use and human activities; 2324

(iv) Differing levels of remediation that may be required 2325  
when an existing land use is continued compared to when a 2326  
different land use follows the remediation. 2327

(c) Any standards established pursuant to rules adopted under 2328  
division (B)(2) of this section shall be no more stringent than 2329  
standards established under the environmental statutes of this 2330  
state and rules adopted under them for the same contaminant in the 2331  
same environmental medium that are in effect at the time the risk 2332  
assessment is conducted. 2333

(3) Minimum standards for phase I property assessments. The 2334  
standards shall specify the information needed to demonstrate that 2335  
there is no reason to believe that contamination exists on a 2336  
property. The rules adopted under division (B)(3) of this section, 2337  
at a minimum, shall require that a phase I property assessment 2338  
include all of the following: 2339

(a) A review and analysis of deeds, mortgages, easements of 2340  
record, and similar documents relating to the chain of title to 2341  
the property that are publicly available or that are known to and 2342  
reasonably available to the owner or operator; 2343

(b) A review and analysis of any previous environmental 2344  
assessments, property assessments, environmental studies, or 2345  
geologic studies of the property and any land within two thousand 2346  
feet of the boundaries of the property that are publicly available 2347  
or that are known to and reasonably available to the owner or 2348

operator;	2349
(c) A review of current and past environmental compliance histories of persons who owned or operated the property;	2350 2351
(d) A review of aerial photographs of the property that indicate prior uses of the property;	2352 2353
(e) Interviews with managers of activities conducted at the property who have knowledge of environmental conditions at the property;	2354 2355 2356
(f) Conducting an inspection of the property consisting of a walkover;	2357 2358
(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.	2359 2360 2361 2362 2363 2364
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 section 3746.12 of the Revised Code.	2365 2366 2367 2368 2369 2370 2371 2372
(4) Minimum standards for phase II property assessments. The standards shall specify the information needed to demonstrate that any contamination present at the property does not exceed applicable standards or that the remedial activities conducted at the property have achieved compliance with applicable standards. The rules adopted under division (B)(4) of this section, at a minimum, shall require that a phase II property assessment include	2373 2374 2375 2376 2377 2378 2379

all of the following:	2380
(a) A review and analysis of all documentation prepared in connection with a phase I property assessment conducted within the one hundred eighty days before the phase II property assessment begins. The rules adopted under division (B)(4)(a) of this section shall require that if a period of more than one hundred eighty days has passed between the time that the phase I assessment of the property was completed and the phase II assessment begins, the phase II assessment shall include a reasonable inquiry into the change in the environmental condition of the property during the intervening period.	2381 2382 2383 2384 2385 2386 2387 2388 2389 2390
(b) Quality assurance objectives for measurements taken in connection with a phase II assessment;	2391 2392
(c) Sampling procedures to ensure the representative sampling of potentially contaminated environmental media;	2393 2394
(d) Quality assurance and quality control requirements for samples collected in connection with phase II assessments;	2395 2396
(e) Analytical and data assessment procedures;	2397
(f) Data objectives to ensure that samples collected in connection with phase II assessments are biased toward areas where information indicates that contamination by hazardous substances or petroleum is likely to exist.	2398 2399 2400 2401
(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	2402 2403 2404 2405 2406 2407 2408 2409 2410

certification in a newspaper of general circulation as required in 2411  
section 3745.07 of the Revised Code, such an action shall be 2412  
published on the environmental protection agency's web site and in 2413  
the agency's weekly review not later than fifteen days after the 2414  
date of the issuance, denial, renewal, suspension, or revocation 2415  
of the certification and not later than thirty days before a 2416  
hearing or public meeting concerning the action. 2417

The rules adopted under division (B)(5) of this section shall 2418  
do all of the following: 2419

(a) Provide for the certification of environmental 2420  
professionals to issue no further action letters pertaining to 2421  
investigations and remedies in accordance with the criteria and 2422  
procedures set forth in the rules. The rules adopted under 2423  
division (B)(5)(a) of this section shall do at least all of the 2424  
following: 2425

(i) Authorize the director to consider such factors as an 2426  
environmental professional's previous performance record regarding 2427  
such investigations and remedies and the environmental 2428  
professional's environmental compliance history when determining 2429  
whether to certify the environmental professional; 2430

(ii) Ensure that an application for certification is reviewed 2431  
in a timely manner; 2432

(iii) Require the director to certify any environmental 2433  
professional who the director determines complies with those 2434  
criteria; 2435

(iv) Require the director to deny certification for any 2436  
environmental professional who does not comply with those 2437  
criteria. 2438

(b) Establish an annual fee to be paid by environmental 2439  
professionals certified pursuant to the rules adopted under 2440  
division (B)(5)(a) of this section. The fee shall be established 2441

at an amount calculated to defray the costs to the agency for the 2442  
required reviews of the qualifications of environmental 2443  
professionals for certification and for the issuance of the 2444  
certifications. 2445

(c) Develop a schedule for and establish requirements 2446  
governing the review by the director of the credentials of 2447  
environmental professionals who were deemed to be certified 2448  
professionals under division (D) of section 3746.07 of the Revised 2449  
Code in order to determine if they comply with the criteria 2450  
established in rules adopted under division (B)(5) of this 2451  
section. The rules adopted under division (B)(5)(c) of this 2452  
section shall do at least all of the following: 2453

(i) Ensure that the review is conducted in a timely fashion; 2454

(ii) Require the director to certify any such environmental 2455  
professional who the director determines complies with those 2456  
criteria; 2457

(iii) Require any such environmental professional initially 2458  
to pay the fee established in the rules adopted under division 2459  
(B)(5)(b) of this section at the time that the environmental 2460  
professional is so certified by the director; 2461

(iv) Establish a time period within which any such 2462  
environmental professional who does not comply with those criteria 2463  
may obtain the credentials that are necessary for certification; 2464

(v) Require the director to deny certification for any such 2465  
environmental professional who does not comply with those criteria 2466  
and who fails to obtain the necessary credentials within the 2467  
established time period. 2468

(d) Require that any information submitted to the director 2469  
for the purposes of the rules adopted under division (B)(5)(a) or 2470  
(c) of this section comply with division (A) of section 3746.20 of 2471  
the Revised Code; 2472



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

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

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

(h) Require the director permanently to revoke the certification of an environmental professional who has violated or is violating division (A) of section 3746.18 of the Revised Code;

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

(6) Criteria and procedures for the certification of laboratories to perform analyses under this chapter and rules adopted under it. The issuance, denial, suspension, and revocation of those certifications are subject to Chapter 3745. of the

Revised Code, and the director of environmental protection shall 2504  
take any such action regarding a certification as a final action. 2505

The rules adopted under division (B)(6) of this section shall 2506  
do all of the following: 2507

(a) Provide for the certification to perform analyses of 2508  
laboratories in accordance with the criteria and procedures 2509  
established in the rules adopted under division (B)(6)(a) of this 2510  
section and establish an annual fee to be paid by those 2511  
laboratories. The fee shall be established at an amount calculated 2512  
to defray the costs to the agency for the review of the 2513  
qualifications of those laboratories for certification and for the 2514  
issuance of the certifications. The rules adopted under division 2515  
(B)(6)(a) of this section may provide for the certification of 2516  
those laboratories to perform only particular types or categories 2517  
of analyses, specific test parameters or group of test parameters, 2518  
or a specific matrix or matrices under this chapter. 2519

(b) Develop a schedule for and establish requirements 2520  
governing the review by the director of the operations of 2521  
laboratories that were deemed to be certified laboratories under 2522  
division (E) of section 3746.07 of the Revised Code in order to 2523  
determine if they comply with the criteria established in rules 2524  
adopted under division (B)(6) of this section. The rules adopted 2525  
under division (B)(6)(b) of this section shall do at least all of 2526  
the following: 2527

(i) Ensure that the review is conducted in a timely fashion; 2528

(ii) Require the director to certify any such laboratory that 2529  
the director determines complies with those criteria; 2530

(iii) Require any such laboratory initially to pay the fee 2531  
established in the rules adopted under division (B)(6)(a) of this 2532  
section at the time that the laboratory is so certified by the 2533  
director; 2534

(iv) Establish a time period within which any such laboratory 2535  
that does not comply with those criteria may make changes in its 2536  
operations necessary for the performance of analyses under this 2537  
chapter and rules adopted under it in order to be certified by the 2538  
director; 2539

(v) Require the director to deny certification for any such 2540  
laboratory that does not comply with those criteria and that fails 2541  
to make the necessary changes in its operations within the 2542  
established time period. 2543

(c) Require that any information submitted to the director 2544  
for the purposes of the rules adopted under division (B)(6)(a) or 2545  
(b) of this section comply with division (A) of section 3746.20 of 2546  
the Revised Code; 2547

(d) Authorize the director to suspend or revoke the 2548  
certification of a laboratory if the director finds that the 2549  
laboratory's performance has resulted in the issuance of no 2550  
further action letters under section 3746.11 of the Revised Code 2551  
that are not consistent with applicable standards; 2552

(e) Authorize the director to suspend or revoke the 2553  
certification of a laboratory if the director finds that the 2554  
laboratory falsified any information on its application for 2555  
certification regarding its credentials or qualifications; 2556

(f) Require the director permanently to revoke the 2557  
certification of a laboratory that has violated or is violating 2558  
division (A) of section 3746.18 of the Revised Code. 2559

(7) Information to be included in a no further action letter 2560  
prepared under section 3746.11 of the Revised Code, including, 2561  
without limitation, all of the following: 2562

(a) A summary of the information required to be submitted to 2563  
the certified environmental professional preparing the no further 2564  
action letter under division (C) of section 3746.10 of the Revised 2565

Code;	2566
(b) Notification that a risk assessment was performed in accordance with rules adopted under division (B)(2) of this section if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of this section;	2567 2568 2569 2570 2571
(c) The contaminants addressed at the property, if any, their source, if known, and their levels prior to remediation;	2572 2573
(d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work performed by that person;	2574 2575 2576 2577
(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.	2578 2579 2580
(8) Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:	2581 2582 2583
(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;	2584 2585 2586
(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;	2587 2588 2589
(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;	2590 2591 2592
(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	2593 2594 2595

agreements entered into pursuant to those covenants, including, 2596  
without limitation, conducting audits of properties where 2597  
voluntary actions are being or were conducted under this chapter 2598  
and rules adopted under it. 2599

The fees established pursuant to the rules adopted under 2600  
division (B)(8) of this section shall be at a level sufficient to 2601  
defray the direct and indirect costs incurred by the agency for 2602  
the administration and enforcement of this chapter and rules 2603  
adopted under it other than the provisions regarding the 2604  
certification of professionals and laboratories. 2605

(9) Criteria for selecting the no further action letters 2606  
issued under section 3746.11 of the Revised Code that will be 2607  
audited under section 3746.17 of the Revised Code, and the scope 2608  
and procedures for conducting those audits. The rules adopted 2609  
under division (B)(9) of this section, at a minimum, shall require 2610  
the director to establish priorities for auditing no further 2611  
action letters to which any of the following applies: 2612

(a) The letter was prepared by an environmental professional 2613  
who was deemed to be a certified professional under division (D) 2614  
of section 3746.07 of the Revised Code, but who does not comply 2615  
with the criteria established in rules adopted under division 2616  
(B)(5) of this section as determined pursuant to rules adopted 2617  
under division (B)(5)(d) of this section; 2618

(b) The letter was submitted fraudulently; 2619

(c) The letter was prepared by a certified environmental 2620  
professional whose certification subsequently was revoked in 2621  
accordance with rules adopted under division (B)(5) of this 2622  
section, or analyses were performed for the purposes of the no 2623  
further action letter by a certified laboratory whose 2624  
certification subsequently was revoked in accordance with rules 2625  
adopted under division (B)(6) of this section; 2626

(d) A covenant not to sue that was issued pursuant to the letter was revoked under this chapter;	2627 2628
(e) The letter was for a voluntary action that was conducted pursuant to a risk assessment in accordance with rules adopted under division (B)(2) of this section;	2629 2630 2631
(f) The letter was for a voluntary action that included as remedial activities engineering controls or institutional controls or activity and use limitations authorized under section 3746.05 of the Revised Code.	2632 2633 2634 2635
The rules adopted under division (B)(9) of this section shall provide for random audits of no further action letters to which the rules adopted under divisions (B)(9)(a) to (f) of this section do not apply.	2636 2637 2638 2639
(10) A classification system to characterize ground water according to its capability to be used for human use and its impact on the environment and a methodology that shall be used to determine when ground water that has become contaminated from sources on a property for which a covenant not to sue is requested under section 3746.11 of the Revised Code shall be remediated to the standards established in the rules adopted under division (B)(1) or (2) of this section.	2640 2641 2642 2643 2644 2645 2646 2647
(a) In adopting rules under division (B)(10) of this section to characterize ground water according to its capability for human use, the director shall consider all of the following:	2648 2649 2650
(i) The presence of legally enforceable, reliable restrictions on the use of ground water, including, without limitation, local rules or ordinances;	2651 2652 2653
(ii) The presence of regional commingled contamination from multiple sources that diminishes the quality of ground water;	2654 2655
(iii) The natural quality of ground water;	2656

(iv) Regional availability of ground water and reasonable alternative sources of drinking water;	2657 2658
(v) The productivity of the aquifer;	2659
(vi) The presence of restrictions on the use of ground water implemented under this chapter and rules adopted under it;	2660 2661
(vii) The existing use of ground water.	2662
(b) In adopting rules under division (B)(10) of this section to characterize ground water according to its impacts on the environment, the director shall consider both of the following:	2663 2664 2665
(i) The risks posed to humans, fauna, surface water, sediments, soil, air, and other resources by the continuing presence of contaminated ground water;	2666 2667 2668
(ii) The availability and feasibility of technology to remedy ground water contamination.	2669 2670
(11) Governing the application for and issuance of variances under section 3746.09 of the Revised Code;	2671 2672
(12)(a) In the case of voluntary actions involving contaminated ground water, specifying the circumstances under which the generic numerical clean-up standards established in rules adopted under division (B)(1) of this section and standards established through a risk assessment conducted pursuant to rules adopted under division (B)(2) of this section shall be inapplicable to the remediation of contaminated ground water and under which the standards for remediating contaminated ground water shall be established on a case-by-case basis prior to the commencement of the voluntary action pursuant to rules adopted under division (B)(12)(b) of this section;	2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683
(b) Criteria and procedures for the case-by-case establishment of standards for the remediation of contaminated ground water under circumstances in which the use of the generic	2684 2685 2686

numerical clean-up standards and standards established through a 2687  
risk assessment are precluded by the rules adopted under division 2688  
(B)(12)(a) of this section. The rules governing the procedures for 2689  
the case-by-case development of standards for the remediation of 2690  
contaminated ground water shall establish application, public 2691  
participation, adjudication, and appeals requirements and 2692  
procedures that are equivalent to the requirements and procedures 2693  
established in section 3746.09 of the Revised Code and rules 2694  
adopted under division (B)(11) of this section, except that the 2695  
procedural rules shall not require an applicant to make the 2696  
demonstrations set forth in divisions (A)(1) to (3) of section 2697  
3746.09 of the Revised Code. 2698

(13) A definition of the evidence that constitutes sufficient 2699  
evidence for the purpose of division (A)(5) of section 3746.02 of 2700  
the Revised Code. 2701

At least thirty days before filing the proposed rules 2702  
required to be adopted under this section with the secretary of 2703  
state, director of the legislative service commission, and joint 2704  
committee on agency rule review in accordance with divisions (B) 2705  
and ~~(H)~~(C) of section 119.03 of the Revised Code, the director of 2706  
environmental protection shall hold at least one public meeting on 2707  
the proposed rules in each of the five districts into which the 2708  
agency has divided the state for administrative purposes. 2709

**Sec. 4117.02.** (A) There is hereby created the state 2710  
employment relations board, consisting of three members to be 2711  
appointed by the governor with the advice and consent of the 2712  
senate. Members shall be knowledgeable about labor relations or 2713  
personnel practices. No more than two of the three members shall 2714  
belong to the same political party. A member of the state 2715  
employment relations board during the member's period of service 2716  
shall hold no other public office or public or private employment 2717



and shall allow no other responsibilities to interfere or conflict 2718  
with the member's duties as a full-time state employment relations 2719  
board member. Of the initial appointments made to the state 2720  
employment relations board, one shall be for a term ending October 2721  
6, 1984, one shall be for a term ending October 6, 1985, and one 2722  
shall be for a term ending October 6, 1986. Thereafter, terms of 2723  
office shall be for six years, each term ending on the same day of 2724  
the same month of the year as did the term that it succeeds. Each 2725  
member shall hold office from the date of the member's appointment 2726  
until the end of the term for which the member is appointed. Any 2727  
member appointed to fill a vacancy occurring prior to the 2728  
expiration of the term for which the member's predecessor was 2729  
appointed shall hold office for the remainder of the term. Any 2730  
member shall continue in office subsequent to the expiration of 2731  
the member's term until the member's successor takes office or 2732  
until a period of sixty days has elapsed, whichever occurs first. 2733  
The governor may remove any member of the state employment 2734  
relations board, upon notice and public hearing, for neglect of 2735  
duty or malfeasance in office, but for no other cause. 2736

(B)(1) The governor shall designate one member of the state 2737  
employment relations board to serve as chairperson of the state 2738  
employment relations board. The chairperson is the head of the 2739  
state employment relations board and its chief executive officer. 2740

(2) The chairperson shall exercise all administrative powers 2741  
and duties conferred upon the state employment relations board 2742  
under this chapter and shall do all of the following: 2743

(a) Employ, promote, supervise, and remove all employees of 2744  
the state employment relations board, and establish, change, or 2745  
abolish positions and assign or reassign the duties of those 2746  
employees as the chairperson determines necessary to achieve the 2747  
most efficient performance of the duties of the state employment 2748  
relations board under this chapter; 2749

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

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

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

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

(D) The state employment relations board shall make an annual report in writing to the governor and to the general assembly,

stating in detail the work it has done. 2782

(E) Compensation of the chairperson and members shall be in 2783  
accordance with division (J) of section 124.15 of the Revised 2784  
Code. The chairperson and the members are eligible for 2785  
reappointment. In addition to such compensation, all members shall 2786  
be reimbursed for their necessary expenses incurred in the 2787  
performance of their work as members. 2788

(F)(1) The chairperson, after consulting with the other state 2789  
employment relations board members and receiving the consent of at 2790  
least one other board member, shall appoint an executive director. 2791  
The chairperson also shall appoint attorneys and shall appoint an 2792  
assistant executive director who shall be an attorney admitted to 2793  
practice law in this state and who shall serve as a liaison to the 2794  
attorney general on legal matters before the state employment 2795  
relations board. 2796

(2) The state employment relations board shall appoint 2797  
members of fact-finding panels and shall prescribe their job 2798  
duties. 2799

(G)(1) The executive director shall serve at the pleasure of 2800  
the chairperson. The executive director, under the direction of 2801  
the chairperson, shall do all of the following: 2802

(a) Act as chief administrative officer for the state 2803  
employment relations board; 2804

(b) Ensure that all employees of the state employment 2805  
relations board comply with the rules of the state employment 2806  
relations board; 2807

(c) Do all things necessary for the efficient and effective 2808  
implementation of the duties of the state employment relations 2809  
board. 2810

(2) The duties of the executive director described in 2811

division (G)(1) of this section do not relieve the chairperson 2812  
from final responsibility for the proper performance of the duties 2813  
described in that division. 2814

(H) The attorney general shall be the legal adviser of the 2815  
state employment relations board and shall appear for and 2816  
represent the state employment relations board and its agents in 2817  
all legal proceedings. The state employment relations board may 2818  
utilize regional, local, or other agencies, and utilize voluntary 2819  
and uncompensated services as needed. The state employment 2820  
relations board may contract with the federal mediation and 2821  
conciliation service for the assistance of mediators, arbitrators, 2822  
and other personnel the service makes available. The chairperson 2823  
shall appoint all employees on the basis of training, practical 2824  
experience, education, and character, notwithstanding the 2825  
requirements established by section 119.09 of the Revised Code. 2826  
The chairperson shall give special regard to the practical 2827  
training and experience that employees have for the particular 2828  
position involved. The executive director, assistant executive 2829  
director, administrative law judges, employees holding a fiduciary 2830  
or administrative relation to the state employment relations board 2831  
as described in division (A)(9) of section 124.11 of the Revised 2832  
Code, and the personal secretaries and assistants of the state 2833  
employment relations board members are in the unclassified 2834  
service. All other full-time employees of the state employment 2835  
relations board are in the classified service. All employees of 2836  
the state employment relations board shall be paid in accordance 2837  
with Chapter 124. of the Revised Code. 2838

(I) The chairperson shall select and assign administrative 2839  
law judges and other agents whose functions are to conduct 2840  
hearings with due regard to their impartiality, judicial 2841  
temperament, and knowledge. If in any proceeding under this 2842  
chapter, any party prior to five days before the hearing thereto 2843

files with the state employment relations board a sworn statement 2844  
charging that the administrative law judge or other agent 2845  
designated to conduct the hearing is biased or partial in the 2846  
proceeding, the state employment relations board may disqualify 2847  
the person and designate another administrative law judge or agent 2848  
to conduct the proceeding. At least ten days before any hearing, 2849  
the state employment relations board shall notify all parties to a 2850  
proceeding of the name of the administrative law judge or agent 2851  
designated to conduct the hearing. 2852

(J) The principal office of the state employment relations 2853  
board is in Columbus, but it may meet and exercise any or all of 2854  
its powers at any other place within the state. The state 2855  
employment relations board may, by one or more of its employees, 2856  
or any agents or agencies it designates, conduct in any part of 2857  
this state any proceeding, hearing, investigation, inquiry, or 2858  
election necessary to the performance of its functions; provided, 2859  
that no person so designated may later sit in determination of an 2860  
appeal of the decision of that cause or matter. 2861

(K) In addition to the powers and functions provided in other 2862  
sections of this chapter, the state employment relations board 2863  
shall do all of the following: 2864

(1) Create a bureau of mediation within the state employment 2865  
relations board, to perform the functions provided in section 2866  
4117.14 of the Revised Code. This bureau shall also establish, 2867  
after consulting representatives of employee organizations and 2868  
public employers, panels of qualified persons to be available to 2869  
serve as members of fact-finding panels and arbitrators. 2870

(2) Conduct studies of problems involved in representation 2871  
and negotiation and make recommendations for legislation; 2872

(3) Hold hearings pursuant to this chapter and, for the 2873  
purpose of the hearings and inquiries, administer oaths and 2874

affirmations, examine witnesses and documents, take testimony and 2875  
receive evidence, compel the attendance of witnesses and the 2876  
production of documents by the issuance of subpoenas, and delegate 2877  
these powers to any members of the state employment relations 2878  
board or any administrative law judge employed by the state 2879  
employment relations board for the performance of its functions; 2880

(4) Train representatives of employee organizations and 2881  
public employers in the rules and techniques of collective 2882  
bargaining procedures; 2883

(5) Make studies and analyses of, and act as a clearinghouse 2884  
of information relating to, conditions of employment of public 2885  
employees throughout the state and request assistance, services, 2886  
and data from any public employee organization, public employer, 2887  
or governmental unit. Public employee organizations, public 2888  
employers, and governmental units shall provide such assistance, 2889  
services, and data as will enable the state employment relations 2890  
board to carry out its functions and powers. 2891

(6) Make available to employee organizations, public 2892  
employers, mediators, fact-finding panels, arbitrators, and joint 2893  
study committees statistical data relating to wages, benefits, and 2894  
employment practices in public and private employment applicable 2895  
to various localities and occupations to assist them to resolve 2896  
issues in negotiations; 2897

(7) Notwithstanding section 119.13 of the Revised Code, 2898  
establish standards of persons who practice before it; 2899

(8) Adopt, amend, and rescind rules and procedures and 2900  
exercise other powers appropriate to carry out this chapter. 2901  
Before the adoption, amendment, or rescission of rules and 2902  
procedures under this section, the state employment relations 2903  
board shall do all of the following: 2904

(a) Maintain a list of interested public employers and 2905

employee organizations and mail notice to such groups of any 2906  
proposed rule or procedure, amendment thereto, or rescission 2907  
thereof at least thirty days before any public hearing thereon; 2908

(b) Mail a copy of each proposed rule or procedure, amendment 2909  
thereto, or rescission thereof to any person who requests a copy 2910  
within five days after receipt of the request therefor; 2911

(c) Consult with appropriate statewide organizations 2912  
representing public employers or employees who would be affected 2913  
by the proposed rule or procedure. 2914

Although the state employment relations board is expected to 2915  
discharge these duties diligently, failure to mail any notice or 2916  
copy, or to so consult with any person, is not jurisdictional and 2917  
shall not be construed to invalidate any proceeding or action of 2918  
the state employment relations board. 2919

(L) In case of neglect or refusal to obey a subpoena issued 2920  
to any person, the court of common pleas of the county in which 2921  
the investigation or the public hearing occurs, upon application 2922  
by the state employment relations board, may issue an order 2923  
requiring the person to appear before the state employment 2924  
relations board and give testimony about the matter under 2925  
investigation. The court may punish a failure to obey the order as 2926  
contempt. 2927

(M) Any subpoena, notice of hearing, or other process or 2928  
notice of the state employment relations board issued under this 2929  
section may be served personally, by certified mail, or by leaving 2930  
a copy at the principal office or personal residence of the 2931  
respondent required to be served. A return, made and verified by 2932  
the individual making the service and setting forth the manner of 2933  
service, is proof of service, and a return post office receipt, 2934  
when certified mail is used, is proof of service. All process in 2935  
any court to which application is made under this chapter may be 2936

served in the county wherein the persons required to be served 2937  
reside or are found. 2938

(N) All expenses of the state employment relations board, 2939  
including all necessary traveling and subsistence expenses 2940  
incurred by the members or employees of the state employment 2941  
relations board under its orders, shall be paid pursuant to 2942  
itemized vouchers approved by the chairperson of the state 2943  
employment relations board, the executive director, or both, or 2944  
such other person as the chairperson designates for that purpose. 2945

(O) Whenever the state employment relations board determines 2946  
that a substantial controversy exists with respect to the 2947  
application or interpretation of this chapter and the matter is of 2948  
public or great general interest, the state employment relations 2949  
board shall certify its final order directly to the court of 2950  
appeals having jurisdiction over the area in which the principal 2951  
office of the public employer directly affected by the application 2952  
or interpretation is located. The chairperson shall file with the 2953  
clerk of the court a certified copy of the transcript of the 2954  
proceedings before the state employment relations board pertaining 2955  
to the final order. If upon hearing and consideration the court 2956  
decides that the final order of the state employment relations 2957  
board is unlawful or is not supported by substantial evidence on 2958  
the record as a whole, the court shall reverse and vacate the 2959  
final order or modify it and enter final judgment in accordance 2960  
with the modification; otherwise, the court shall affirm the final 2961  
order. The notice of the final order of the state employment 2962  
relations board to the interested parties shall contain a 2963  
certification by the chairperson of the state employment relations 2964  
board that the final order is of public or great general interest 2965  
and that a certified transcript of the record of the proceedings 2966  
before the state employment relations board had been filed with 2967  
the clerk of the court as an appeal to the court. For the purposes 2968



of this division, the state employment relations board has 2969  
standing to bring its final order properly before the court of 2970  
appeals. 2971

(P) Except as otherwise specifically provided in this 2972  
section, the state employment relations board is subject to 2973  
Chapter 119. of the Revised Code, including the procedure for 2974  
submission of proposed rules to the general assembly for 2975  
legislative review under division ~~(H)~~(C) of section 119.03 of the 2976  
Revised Code. 2977

**Sec. 4141.14.** ~~(A)~~ All rules of the director of the department 2978  
of job and family services adopted pursuant to this chapter shall 2979  
be approved by the unemployment compensation review commission 2980  
before the rules become effective. All such rules shall specify on 2981  
their face their effective date and the date on which they will 2982  
expire, if known. Approval by the unemployment compensation review 2983  
commission shall also be required before amendments to, or 2984  
rescission of, any rules of the director adopted pursuant to this 2985  
chapter become effective. If the commission disapproves a rule of 2986  
the director, it shall determine and promulgate a rule that it 2987  
considers appropriate after affording a hearing to the director. 2988  
2989

~~(B)(1) Any rule promulgated pursuant to this section shall be 2990  
effective on the tenth day after the day on which the rule in 2991  
final form and in compliance with division (B)(2) of this section 2992  
is filed as follows: 2993~~

~~(a) The rule shall be filed in electronic form with both the 2994  
secretary of state and the director of the legislative service 2995  
commission; 2996~~

~~(b) The rule shall be filed in electronic form with the joint 2997  
committee on agency rule review. Division (B)(1)(b) of this 2998  
section does not apply to any rule to which division (H) of 2999~~

~~section 119.03 of the Revised Code does not apply.~~ 3000

~~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.~~ 3001  
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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.~~ 3010  
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~~(2) The department and commission shall file the rule in compliance with the following standards and procedures:~~ 3019  
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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.~~ 3021  
3022  
3023

~~(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.~~ 3024  
3025

~~(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.~~ 3026  
3027

~~(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.~~ 3028  
3029  
3030

~~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.~~

~~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.~~

~~(C) As used in this section:~~

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

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

**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  
agency or private child placing agency with a child in the  
agency's custody and placed in foster care in this state. The  
department shall adopt rules in accordance with Chapter 119. of  
the Revised Code to ensure compliance with the department's rules  
governing agency visits and contacts with a child in its custody.

**Sec. 5117.02.** (A) The director of development shall adopt  
rules, or amendments and rescissions of rules, pursuant to section

4928.52 of the Revised Code, for the administration of the Ohio energy credit program under sections 5117.01 to 5117.12 of the Revised Code.

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

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

(2) If an emergency necessitates the immediate adoption of a rule, or the immediate adoption of an amendment or rescission of a rule that is required by or otherwise necessary to implement sections 5117.01 to 5117.12 of the Revised Code, the director immediately may adopt the emergency rule, amendment, or rescission without complying with division (A), (B), (C), (D), (E), or ~~(H)~~(F) of section 119.03 of the Revised Code so long as the ~~commissioner~~ director states the reasons for the necessity in the emergency rule, amendment, or rescission. The emergency rule, amendment, or rescission is effective on the day the emergency rule, amendment, or rescission, in final form and in compliance with division (A)(2) of section 119.04 of the Revised Code, is filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. If all filings are not completed on the same day, the

emergency rule, amendment, or rescission is effective on the day 3093  
on which the latest filing is completed. An emergency rule, 3094  
amendment, or rescission adopted under this division is not 3095  
subject to section 111.15 or division ~~(F)~~(G) of section 119.03 of 3096  
the Revised Code. An emergency rule, amendment, or rescission 3097  
adopted under this division continues in effect until amended or 3098  
rescinded by the director in accordance with division (C)(1) or 3099  
(2) of this section, except that the rescission of an emergency 3100  
rescission does not revive the rule rescinded. 3101

(D) Except where otherwise provided, each form, application, 3102  
notice, and the like used in fulfilling the requirements of 3103  
sections 5117.01 to 5117.12 of the Revised Code shall be approved 3104  
by the director. 3105

**Sec. 5703.14.** ~~(A) Any rule adopted by the board of tax 3106  
appeals and any rule of the department of taxation adopted by the 3107  
tax commissioner shall be effective on the tenth day after the day 3108  
on which the rule in final form and in compliance with division 3109  
~~(B)~~ of this section is filed by the board or the commissioner as 3110  
follows: 3111~~

~~(1) The rule shall be filed in electronic form with both the 3112  
secretary of state and the director of the legislative service 3113  
commission; 3114~~

~~(2) The rule shall be filed in electronic form with the joint 3115  
committee on agency rule review. Division (A)(2) of this section 3116  
does not apply to any rule to which division (H) of section 119.03 3117  
of the Revised Code does not apply. 3118~~

~~If all filings are not completed on the same day, the rule 3119  
shall be effective on the tenth day after the day on which the 3120  
latest filing is completed. If the board or the commissioner in 3121  
adopting a rule designates an effective date that is later than 3122  
the effective date provided for by this division, the rule if 3123~~

~~filed as required by this division shall become effective on the~~ 3124  
~~later date designated by the board or commissioner.~~ 3125

~~(B) The board and commissioner shall file the rule in~~ 3126  
~~compliance with the following standards and procedures:~~ 3127

~~(1) The rule shall be numbered in accordance with the~~ 3128  
~~numbering system devised by the director for the Ohio~~ 3129  
~~administrative code.~~ 3130

~~(2) The rule shall be prepared and submitted in compliance~~ 3131  
~~with the rules of the legislative service commission.~~ 3132

~~(3) The rule shall clearly state the date on which it is to~~ 3133  
~~be effective and the date on which it will expire, if known.~~ 3134

~~(4) Each rule that amends or rescinds another rule shall~~ 3135  
~~clearly refer to the rule that is amended or rescinded. Each~~ 3136  
~~amendment shall fully restate the rule as amended.~~ 3137

~~If the director of the legislative service commission or the~~ 3138  
~~director's designee gives the board or commissioner notice~~ 3139  
~~pursuant to section 103.05 of the Revised Code that a rule filed~~ 3140  
~~by the board or commissioner is not in compliance with the rules~~ 3141  
~~of the legislative service commission, the board or commissioner~~ 3142  
~~shall within thirty days after receipt of the notice conform the~~ 3143  
~~rule to the rules of the legislative service commission as~~ 3144  
~~directed in the notice.~~ 3145

~~All rules of the department and board filed pursuant to~~ 3146  
~~division (A)(1) of this section shall be recorded by the secretary~~ 3147  
~~of state and the director under the name of the department or~~ 3148  
~~board and shall be numbered in accordance with the numbering~~ 3149  
~~system devised by the director. The secretary of state and the~~ 3150  
~~director shall preserve the rules in an accessible manner. Each~~ 3151  
~~such rule shall be a public record open to public inspection and~~ 3152  
~~may be transmitted to any law publishing company that wishes to~~ 3153  
~~reproduce it. Each such rule shall also be made available to~~ 3154

~~interested parties upon request directed to the department.~~ 3155

(C) Applications for review of any rule adopted and 3156  
promulgated by the tax commissioner may be filed with the board of 3157  
tax appeals by any person who has been or may be injured by the 3158  
operation of the rule. The appeal may be taken at any time after 3159  
the rule is filed with the secretary of the state, the director of 3160  
the legislative service commission, and, if applicable, the joint 3161  
committee on agency rule review. Failure to file an appeal does 3162  
not preclude any person from seeking any other remedy against the 3163  
application of the rule to the person. The applications shall set 3164  
forth, or have attached thereto and incorporated by reference, a 3165  
true copy of the rule, and shall allege that the rule complained 3166  
of is unreasonable and shall state the grounds upon which the 3167  
allegation is based. Upon the filing of the application, the board 3168  
shall notify the commissioner of the filing of the application, 3169  
fix a time for hearing the application, notify the commissioner 3170  
and the applicant of the time for the hearing, and afford both an 3171  
opportunity to be heard. The appellant, the tax commissioner, and 3172  
any other interested persons that the board permits, may introduce 3173  
evidence. The burden of proof to show that the rule is 3174  
unreasonable shall be upon the appellant. After the hearing, the 3175  
board shall determine whether the rule complained of is reasonable 3176  
or unreasonable. A determination that the rule complained of is 3177  
unreasonable shall require a majority vote of the three members of 3178  
the board, and the reasons for the determination shall be entered 3179  
on the journal of the board. 3180

Upon determining that the rule complained of is unreasonable, 3181  
the board shall file copies of its determination as follows: 3182

~~(1)~~(A) The determination shall be filed in electronic form 3183  
with both the secretary of state and the director of the 3184  
legislative service commission, who shall note the date of their 3185  
receipt of the certified copies conspicuously in their files of 3186

the rules of the department; 3187

~~(2)~~(B) The determination shall be filed in electronic form 3188  
with the joint committee on agency rule review. Division (C)(2) of 3189  
this section does not apply to any rule to which division ~~(H)~~(C) 3190  
of section 119.03 of the Revised Code does not apply. 3191

On the tenth day after the determination has been received by 3192  
the secretary of state, the director, and, if applicable, the 3193  
joint committee, the rule referred to in the determination shall 3194  
cease to be in effect. If all filings of the determination are not 3195  
completed on the same day, the rule shall remain in effect until 3196  
the tenth day after the day on which the latest filing is 3197  
completed. This section does not apply to licenses issued under 3198  
sections 5735.02, 5739.17, and 5743.15 of the Revised Code, which 3199  
shall be governed by sections 119.01 to 119.13 of the Revised 3200  
Code. 3201

The board is not required to hear an application for the 3202  
review of any rule where the grounds of the allegation that the 3203  
rule is unreasonable have been previously contained in an 3204  
application for review and have been previously heard and passed 3205  
upon by the board. 3206

~~(D) As used in this section, "substantive revision" has the 3207  
same meaning as in division (J) of section 119.01 of the Revised 3208  
Code.~~ 3209

**Sec. 6111.31.** All substantive wetland, stream, or lake 3210  
mitigation standards, criteria, scientific methods, processes, or 3211  
other procedures or policies that are used in a uniform manner by 3212  
the director of environmental protection in evaluating the 3213  
adequacy of a mitigation proposal contained in an application for 3214  
a section 401 water quality certification shall be adopted and 3215  
reviewed in accordance with sections 119.03 and ~~119.032~~ 106.03 of 3216  
the Revised Code before those standards, criteria, or scientific 3217



methods have the force of law. Until that time, any such 3218  
mitigation standards, criteria, scientific methods, processes, or 3219  
other procedures or policies that are used by or approved for use 3220  
by the director to evaluate, measure, or determine the success, 3221  
approval, or denial of a mitigation proposal, but that have not 3222  
been subject to review under sections 119.03 and ~~119.032~~ 106.03 of 3223  
the Revised Code shall not be used as the basis for any 3224  
certification or permit denial or as a standard applied to 3225  
mitigation unless the applicant has been notified in advance that 3226  
additional mitigation standards, criteria, scientific methods, 3227  
processes, or procedures will be considered as part of the review 3228  
process. 3229

**Sec. 6111.51.** (A)(1) The director of environmental protection 3230  
shall adopt rules that establish criteria for three levels of 3231  
credible data related to surface water monitoring and assessment. 3232  
The rules pertaining to each level shall establish requirements 3233  
for data assessment, sample collection and analytical methods, and 3234  
quality assurance and quality control procedures that must be 3235  
followed in order to classify data as credible at that level. The 3236  
rules shall provide that level three credible data are collected 3237  
by employing the most stringent methods and procedures, level two 3238  
credible data are collected using methods and procedures that are 3239  
less stringent than methods and procedures used to collect level 3240  
three credible data, but more stringent than methods and 3241  
procedures used to collect level one, and level one credible data 3242  
are collected by employing the least stringent methods and 3243  
procedures. 3244

The requirements established in the rules for each level of 3245  
credible data shall be commensurate with, and no more stringent 3246  
than necessary to support, the purposes for which the data will be 3247  
used. In adopting rules under this section, the director shall 3248

consider the cost of data collection methods and procedures to 3249  
persons or entities collecting data, and the burden of compliance 3250  
with those methods and procedures for those persons or entities, 3251  
while ensuring the degree of accuracy commensurate with the 3252  
purpose for which the data will be used. No data shall be 3253  
classified as credible data unless they have been collected in 3254  
compliance with the applicable methods and procedures for 3255  
collecting the data established in rules adopted under this 3256  
section. 3257

(2) The director shall file the rules required to be adopted 3258  
under division (A)(1) of this section with the secretary of state, 3259  
the director of the legislative service commission, and the joint 3260  
committee on agency rule review in accordance with divisions (B) 3261  
and ~~(H)~~(C) of section 119.03 of the Revised Code not later than 3262  
one year after ~~the effective date of this section~~ October 21, 3263  
2003. As soon as practicable thereafter, the director shall 3264  
proceed to adopt the rules in accordance with all other applicable 3265  
provisions of Chapter 119. of the Revised Code. 3266

(B)(1) Level three credible data shall be used for the 3267  
purposes specified in section 6111.52 of the Revised Code. 3268

(2) Levels two and three credible data shall be used for the 3269  
purpose of evaluating the effectiveness of pollution controls for 3270  
point sources and nonpoint sources and initial screening of water 3271  
quality problems to determine if additional study is needed. 3272

(3) Levels one, two, and three credible data shall be used 3273  
for public awareness and education activities. 3274

(C) No data shall be considered credible unless the data 3275  
originate from studies and samples collected by the environmental 3276  
protection agency, its contractors, federal or state environmental 3277  
agencies, or qualified data collectors. However, data submitted 3278  
pursuant to the requirements of a permit issued by an agency of 3279

the state or submitted as a result of findings and orders issued 3280  
by the director or pursuant to a court order shall be considered 3281  
credible unless the director identifies reasons why the data are 3282  
not credible. 3283

(D) If the director has obtained credible data for a surface 3284  
water, the director also may use historical data for the purpose 3285  
of determining whether any water quality trends exist for that 3286  
surface water. 3287

(E) Sections 6111.50 to 6111.56 of the Revised Code do not 3288  
apply to civil or criminal enforcement actions brought under 3289  
section 6111.07 of the Revised Code. 3290

(F) The director's use of credible data shall be consistent 3291  
with the Federal Water Pollution Control Act. 3292

(G) Nothing in sections 6111.50 to 6111.56 of the Revised 3293  
Code is an exception to statutory, common, or municipal law of 3294  
trespass. 3295

**Section 2.** That existing sections 101.35, 103.0511, 107.54, 3296  
111.15, 117.20, 119.01, 119.03, 119.04, 121.39, 121.73, 121.74, 3297  
121.81, 121.82, 121.83, 127.18, 1531.08, 3319.22, 3319.221, 3298  
3333.021, 3333.048, 3737.88, 3746.04, 4117.02, 4141.14, 5103.0325, 3299  
5117.02, 5703.14, 6111.31, and 6111.51 of the Revised Code are 3300  
repealed. 3301

**Section 3.** That sections 119.031 and 119.032 of the Revised 3302  
Code are repealed. 3303

**Section 4.** Sections 106.02, 106.021, 106.022, 106.04, and 3304  
106.041 of the Revised Code are a continuation, although with 3305  
revisions, of former division (I) of section 119.03 of the Revised 3306  
Code. Division (C) of section 119.03 of the Revised Code is a 3307  
continuation, although with revisions, of former division (H) of 3308

that section. And sections 106.03, 106.031, and 106.032 of the Revised Code are a continuation, although with revisions, of former section 119.032 of the Revised Code.

**Section 5.** The date by which the periodic review of an existing rule is to be completed has been referred to as its "119.032 review date." The Revised Code section referred to is the number of the Revised Code section under which periodic review of existing rules formerly was carried out. Because of the recodification of that former section by this act, periodic review of existing rules is to be carried out under sections 106.03 to 106.032 of the Revised Code. A reference to the "119.032 review date" of a rule therefore shall be read as if it referred to periodic review of the rule under sections 106.03 to 106.032 of the Revised Code.

It is recommended that the date by which the periodic review of an existing rule is to be completed be referred to as its "periodic review date."

**Section 6.** Legislative Information Systems, in consultation with the Director of the Legislative Service Commission, the Executive Director of the Joint Committee on Agency Rule Review, the Common Sense Initiative Office, and any other person or agency involved in the electronic rule filing system, shall program or reprogram the electronic rule filing system as necessary to enable electronic filing and other electronic processing of rules and rule-making documents as required by this act. Legislative Information Systems shall complete the programming or reprogramming as soon as reasonably possible after the effective date of this section but not later than the day that is six months after that effective date.

If at the time a provision of this act that contemplates

electronic filing or other electronic processing of rules or 3339  
rule-making documents takes effect, electronic filing or other 3340  
electronic processing is not available, the provision shall be 3341  
complied with manually until electronic filing or other electronic 3342  
processing is available. 3343

**Section 7.** The General Assembly, applying the principle 3344  
stated in division (B) of section 1.52 of the Revised Code that 3345  
amendments are to be harmonized if reasonably capable of 3346  
simultaneous operation, finds that the following sections, 3347  
presented in this act as composites of the sections as amended by 3348  
the acts indicated, are the resulting versions of the sections in 3349  
effect prior to the effective date of the sections as presented in 3350  
this act: 3351

Section 3737.88 of the Revised Code as amended by both Am. 3352  
Sub. H.B. 153 and Sub. S.B. 171 of the 129th General Assembly. 3353

Section 5117.02 of the Revised Code as amended by both Am. 3354  
Sub. S.B. 3 and the version of Am. Sub. S.B. 11 of the 123rd 3355  
General Assembly effective on April 1, 2002. 3356

Section 5703.14 of the Revised Code as amended by both Am. 3357  
Sub. S.B. 3 and the version of Am. Sub. S.B. 11 of the 123rd 3358  
General Assembly effective on April 1, 2002. 3359

**Section 8.** (A)(1) Sections 106.02, 106.021, and 106.022 of 3360  
the Revised Code do not apply to a proposed rule or revised 3361  
proposed rule that was filed under division (D) of section 111.15 3362  
or former division (H) of section 119.03 of the Revised Code and, 3363  
on the effective date of this section, is pending before the Joint 3364  
Committee on Agency Rule Review for review under former division 3365  
(I) of section 119.03 of the Revised Code. The Joint Committee, 3366  
subject to division (B) of this section, shall review the proposed 3367  
rule or revised proposed rule under former division (I) of section 3368

119.03 of the Revised Code as if the division had not been 3369  
repealed. 3370

(2) Sections 106.03, 106.031, and 106.032 of the Revised Code 3371  
do not apply to an existing rule that was filed under former 3372  
section 119.032 of the Revised Code and, on the effective date of 3373  
this section, is pending before the Joint Committee on Agency Rule 3374  
Review for review under that former section. The Joint Committee, 3375  
subject to division (B) of this section, shall review the existing 3376  
rule under former section 119.032 of the Revised Code as if the 3377  
section had not been repealed. 3378

(B) If, on or after the effective date of this section, the 3379  
Joint Committee on Agency Rule Review recommends invalidation of a 3380  
proposed rule or revised proposed rule under section 106.021 or 3381  
former division (I) of section 119.03 of the Revised Code, or 3382  
invalidation of an existing rule under section 106.031 or former 3383  
section 119.032 of the Revised Code, the invalidation shall be 3384  
carried out under sections 106.04 and 106.041 of the Revised Code. 3385

**Section 9.** The phases of this act that complete the intent of 3386  
S.B. 2 of the 129th General Assembly are the following: 3387

(1) The amendment of section 103.0511 of the Revised Code 3388  
that refers to the Common Sense Initiative Office; 3389

(2) The introductory paragraph and division (E) of section 3390  
106.021 of the Revised Code; 3391

(3) Division (A)(6) of section 106.03 of the Revised Code, 3392  
and division (B) of section 106.03 of the Revised Code insofar as 3393  
it applies to periodic review of an existing rule that has an 3394  
impact on businesses; 3395

(4) Divisions (A), (C)(1) and (2), and (E)(2) of section 3396  
106.031 of the Revised Code, and division (E)(1) of section 3397  
106.031 of the Revised Code insofar as it applies to review of an 3398

existing rule under division (A)(6) of section 106.03 of the Revised Code; (3399  
3400

(5) Sections 106.04 and 106.041 of the Revised Code insofar as they apply to business review of an existing rule; (3401  
3402

(6) The amendment of section 107.54 of the Revised Code; and (3403

(7) Sections 6 and 8 of this act insofar as they apply to business review of an existing rule. (3404  
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**Section 10.** Section 9 of this act, and the sections and parts of sections contained in this act that are identified in Section 9 of this act, constitute an emergency measure that is necessary for the immediate preservation of the public peace, health, and safety. An omission exists in the legislatively intended scope of recently enacted laws providing for executive and legislative review of rules to evaluate their impact on businesses. Unless the omission is promptly cured, it may allow existing rules having an adverse impact on businesses to remain in effect, to the detriment of the people, businesses, and economy of Ohio. Therefore, Section 9 of this act, and the sections and parts of sections contained in this act that are identified in Section 9 of this act, go into immediate effect. (3406  
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