

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 3

Senator LaRose

**Cosponsors: Senators Faber, Eklund, Gardner, Obhof, Widener, Uecker,
Hite, Balderson, Beagle, Coley, Patton, Jones, Manning, Lehner, Seitz**

—

A B I L L

To amend sections 101.35, 103.0511, 107.52, 107.53, 1
107.54, 107.55, 107.62, 107.63, 111.15, 117.20, 2
119.01, 119.03, 119.032, 119.04, 121.74, 121.81, 3
121.83, 121.91, 127.18, 4141.14, and 5703.14, to 4
enact sections 103.055, 106.11, 107.631, 113.091, 5
119.033, and 119.034, and to repeal section 6
119.031 of the Revised Code to reform rule-making 7
and rule-review procedures and regulatory 8
processes. 9

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

Section 1. That sections 101.35, 103.0511, 107.52, 107.53, 10
107.54, 107.55, 107.62, 107.63, 111.15, 117.20, 119.01, 119.03, 11
119.032, 119.04, 121.74, 121.81, 121.83, 121.91, 127.18, 4141.14, 12
and 5703.14 be amended and sections 103.055, 106.11, 107.631, 13
113.091, 119.033, and 119.034 of the Revised Code be enacted to 14
read as follows: 15

Sec. 101.35. There is hereby created in the general assembly 16
the joint committee on agency rule review. The committee shall 17
consist of five members of the house of representatives and five 18

members of the senate. Within fifteen days after the commencement 19
of the first regular session of each general assembly, the speaker 20
of the house of representatives shall appoint the members of the 21
committee from the house of representatives, and the president of 22
the senate shall appoint the members of the committee from the 23
senate. Not more than three of the members from each house shall 24
be of the same political party. In the first regular session of a 25
general assembly, the chairperson of the committee shall be 26
appointed by the speaker of the house from among the house members 27
of the committee, and the vice-chairperson shall be appointed by 28
the president of the senate from among the senate members of the 29
committee. In the second regular session of a general assembly, 30
the chairperson shall be appointed by the president of the senate 31
from among the senate members of the committee, and the 32
vice-chairperson shall be appointed by the speaker of the house 33
from among the house members of the committee. The chairperson, 34
vice-chairperson, and members of the committee shall serve until 35
their respective successors are appointed or until they are no 36
longer members of the general assembly. When a vacancy occurs 37
among the officers or members of the committee, it shall be filled 38
in the same manner as the original appointment. 39

Notwithstanding section 101.26 of the Revised Code, the 40
members, when engaged in their duties as members of the committee 41
on days when there is not a voting session of the member's house 42
of the general assembly, shall be paid at the per diem rate of one 43
hundred fifty dollars, and their necessary traveling expenses, 44
which shall be paid from the funds appropriated for the payment of 45
expenses of legislative committees. 46

The committee has the same powers as other standing or select 47
committees of the general assembly. Six members constitute a 48
quorum, and the concurrence of six members is required for the 49
recommendation of a concurrent resolution invalidating a proposed 50

or ~~effective~~ existing rule, amendment, rescission, or part 51
thereof, ~~or for the suspension of a rule, amendment, rescission,~~ 52
~~or part thereof,~~ under division (I) of section 119.03 ~~or section~~ 53
~~119.031~~ of the Revised Code. 54

When a member of the committee is absent, the president or 55
speaker, as the case may be, may designate a substitute from the 56
same house and political party as the absent member. The 57
substitute shall serve on the committee in the member's absence, 58
and is entitled to perform the duties of a member of the 59
committee. For serving on the committee, the substitute shall be 60
paid the same per diem and necessary traveling expenses as the 61
substitute would be entitled to receive if the substitute were a 62
member of the committee. 63

The president or speaker shall inform the executive director 64
of the committee of a substitution. If the executive director 65
learns of a substitution sufficiently in advance of the meeting of 66
the committee the substitute is to attend, the executive director 67
shall publish notice of the substitution on the internet, make 68
reasonable effort to inform of the substitution persons who are 69
known to the executive director to be interested in rules that are 70
scheduled for review at the meeting, and inform of the 71
substitution persons who inquire of the executive director 72
concerning the meeting. 73

The committee may meet during periods in which the general 74
assembly has adjourned. ~~At~~ 75

At meetings of the committee, the committee may request a 76
rule-making agency, as defined in section 119.01 of the Revised 77
Code, to provide information relative to the agency's 78
implementation of its statutory authority. 79

A member of the committee, and the executive director and 80
staff of the committee, are entitled in their official capacities 81

to attend, but not in their official capacities to participate in, 82
a public hearing conducted by a rule-making agency on a proposed 83
rule, ~~amendment, or rescission.~~ 84

Sec. 103.055. The joint committee on agency rule review shall 85
establish, maintain, and improve a rule watch system. The rule 86
watch system shall be designed so that a person may register 87
electronically to receive an electronic mail alert when an agency 88
files a rule for review by the joint committee. 89

Failure of the rule watch system to transmit an electronic 90
mail alert to a person is not grounds for questioning the validity 91
of a rule or the validity of the process by which the rule was 92
adopted. 93

Sec. 103.0511. The director of the legislative service 94
commission shall establish and maintain, and enhance and improve, 95
an electronic rule-filing system connecting: 96

(A) The legislative service commission, the joint committee 97
on agency rule review, and the secretary of state; 98

(B) The governor, the senate and house of representatives, 99
and the clerks of the senate and house of representatives; 100

(C) Each agency that files rules and other rule-making and 101
rule-related documents with the legislative service commission, 102
the joint committee on agency rule review, the department of 103
aging, the governor, the common sense initiative office, the 104
secretary of state, the general assembly, or a committee of the 105
senate or house of representatives under section 107.54, 111.15, 106
117.20, 119.03, ~~119.031~~, 119.032, 119.033, 119.034, 119.0311, 107
119.04, ~~121.24~~, 121.39, 121.82, 127.18, ~~4141.14~~, 173.01, or 108
5117.02, ~~or 5703.14~~ of the Revised Code or any other statute; 109

(D) The several publishers of the Administrative Code; and 110

(E) ~~The common sense initiative office; and~~ 111

~~(F)~~ Any other person or governmental officer or entity whose 112
inclusion in the system is required for the system to be a 113
complete electronic rule-filing system. 114

The electronic rule-filing system is to enable rules and 115
rule-making and rule-related documents to be filed, and official 116
responses to these filings to be made, exclusively by electronic 117
means. 118

Sec. 106.11. The offices of the governor, lieutenant 119
governor, auditor of state, secretary of state, treasurer of 120
state, and attorney general shall comply with the business review 121
provisions of sections 119.032 and 119.033 and 121.81 to 121.83 of 122
the Revised Code, but are not required to submit any document to 123
the common sense initiative office or to prepare any document that 124
would have been prepared in response to recommendations of the 125
common sense initiative office, but rather shall prepare all other 126
documents required under the business review provisions and submit 127
them directly to the joint committee on agency rule review along 128
with the proposed or existing rule. The offices of the governor, 129
lieutenant governor, auditor of state, secretary of state, 130
treasurer of state, and attorney general are subject, however, to 131
section 106.05 of the Revised Code. 132

Sec. 107.52. A draft or existing rule that affects businesses 133
has an adverse impact on businesses if a provision of the draft or 134
existing rule that applies to businesses has any of the following 135
effects: 136

(A) It requires a license, permit, or any other prior 137
authorization to engage in or operate a line of business; 138

(B) It imposes a criminal penalty, a civil penalty, or 139
another sanction, or creates a cause of action, for failure to 140

comply with its terms; or 141

(C) It requires specific expenditures or the report of 142
information as a condition of compliance. 143

Sec. 107.53. The common sense initiative office shall 144
develop, and as it becomes necessary or advisable shall improve, a 145
business impact analysis instrument that shall be used as required 146
by law to evaluate draft and existing rules that might have an 147
adverse impact on businesses. The instrument shall be in writing, 148
and shall include the following: 149

(A) Standards that encourage agencies to propose draft rules, 150
and to evaluate existing rules, and proposed revisions thereto, in 151
such a manner that the rules will be as easy to understand as 152
their subject matter permits; 153

(B) Performance measures that can be applied to evaluate the 154
likely efficiency and effectiveness of a draft or existing rule in 155
achieving its regulatory objectives; 156

(C) Standards for evaluating alternative means of regulation 157
that might reduce or eliminate the adverse impact a draft or 158
existing rule might have on businesses; 159

(D) Standards that will promote transparency, predictability, 160
consistency, and flexibility in the implementation and operation 161
of a draft or existing rule, as well as an overall balance in a 162
draft or existing rule between its regulatory objectives and the 163
costs of compliance it imposes on regulated persons; 164

(E) Standards that require an agency to encourage businesses 165
that might be adversely impacted by a draft rule to participate in 166
the rule-making process, beginning at the earliest practicable 167
stage, and that will encourage businesses that are or may be 168
adversely impacted by a ~~draft~~ an existing rule to offer advice and 169
assistance to the agency when the ~~draft rule is adopted and~~ 170

existing rule is being implemented and administered; and 171

(F) Any other standards or measures, or any other criteria, 172
the office concludes will reduce or eliminate adverse impacts on 173
businesses and foster improved regulation and economic development 174
in the state. 175

Alternative means of regulation include, and are not limited 176
to, less stringent compliance or reporting requirements, less 177
stringent schedules or deadlines, consolidation or simplification 178
of requirements, establishment of performance standards to replace 179
operational standards, and exemption of businesses. 180

The instrument does not need to be adopted as a rule. The 181
office shall publish the current instrument in the register of 182
Ohio. 183

Sec. 107.54. (A)(1) When the common sense initiative office 184
receives a draft rule and business impact analysis from an agency, 185
the office shall evaluate the draft rule and analysis against the 186
business impact analysis instrument and any other relevant 187
criteria, and may prepare and transmit recommendations to the 188
agency on how the draft rule might be revised to eliminate or 189
reduce any adverse impact the draft rule might have on businesses. 190

(2) When the office receives an existing rule and business 191
impact analysis from an agency under division (A)(2) of section 192
119.033 of the Revised Code, the office shall evaluate the 193
existing rule and analysis against the business impact analysis 194
instrument and any other relevant criteria, and may prepare and 195
transmit recommendations to the agency on how the existing rule 196
might be amended or rescinded to eliminate or reduce any adverse 197
impact the existing rule has on businesses. 198

(B) The office shall transmit any such recommendations 199
electronically to the agency. If the office fails to make such a 200

transmission after receiving the draft or existing rule and 201
business impact analysis, it is as if the office had elected not 202
to make any recommendations. 203

Sec. 107.55. The common sense initiative office, annually not 204
later than the first day of February, shall prepare a report of 205
the activities of the office during the preceding calendar year. 206
The report shall include: 207

(A) A statement of the number of draft and existing rules 208
reviewed during the calendar year; 209

(B) A description of the recommendations made to agencies 210
with regard to draft and existing rules; 211

(C) An assessment of the status of the recommendations made; 212

(D) An explanation of the performance measures developed to 213
evaluate the efficiency and effectiveness of the office; 214

(E) An evaluation of the work of the office judged against 215
the performance measures; and 216

(F) Any other information the office believes will explain 217
the work of the office. 218

The office shall transmit a copy of the report to the 219
governor, the lieutenant governor, the president and minority 220
leader of the senate, and the speaker and minority leader of the 221
house of representatives. 222

Sec. 107.62. The common sense initiative office shall 223
establish a system through which any person may comment 224
concerning: 225

(A) The adverse impact on businesses a draft rule might have; 226

(B) The adverse impact on businesses that a rule currently in 227
effect is having; or 228

(C) The adverse impact on businesses the implementation or 229
administration of a rule currently in effect is having. 230

The office shall prepare a plan for the comment system, and 231
shall revise or replace the plan to improve the comment system in 232
light of learning, experience, or technological development. The 233
office shall publish the current plan for the comment system in 234
the register of Ohio. 235

At a minimum, the plan for the comment system shall provide 236
for communication of comments as follows: The office shall accept 237
comments in writing that are delivered to the office personally, 238
by mail, or by express. The office shall establish a toll-free 239
telephone number that a person may call to offer comments. (The 240
telephone number shall be connected to a recording device at its 241
answering point.) The office shall create a web site that enables 242
a person to offer comments electronically. The web site also shall 243
provide notification to the public of any draft or existing rule 244
that may have an adverse impact on businesses, which notification 245
shall include copies of the draft or existing rule and the 246
business impact analysis of the draft rule. 247

The office shall forward written, telephoned, and 248
electronically transmitted comments to the state agency having 249
jurisdiction over the rule. The office has no other duty with 250
regard to the comments. 251

Sec. 107.63. As used in this section and in section 107.631 252
of the Revised Code, "small business" means an independently owned 253
and operated for-profit or nonprofit business entity, including 254
affiliates, that has fewer than five hundred full time employees 255
or gross annual sales of less than six million dollars, and has 256
operations located in the state. 257

The small business advisory council is established in the 258
office of the governor. The council shall advise the governor, the 259

lieutenant governor, and the common sense initiative office on the 260
adverse impact draft and existing rules might have on small 261
businesses. The council shall meet at least quarterly. 262

The council consists of nine members. The governor, or the 263
person to whom the governor has delegated responsibilities for the 264
common sense initiative office under section 107.61 of the Revised 265
Code, shall appoint five members, the president of the senate 266
shall appoint two members, and the speaker of the house of 267
representatives shall appoint two members. A member serves at the 268
pleasure of the member's appointing authority. The appointing 269
authorities shall consult with each other and appoint only 270
individuals who are representative of small businesses, and shall 271
do so in such a manner that the membership of the council is 272
composed of representatives of small businesses that are of 273
different sizes, engaged in different lines of business, and 274
located in different parts of the state. 275

Sec. 107.631. (A) The small business advisory council shall 276
establish and operate an entrepreneur in residence pilot program. 277
The mission of the entrepreneur in residence pilot program is to 278
provide for better outreach by state government to small 279
businesses, to strengthen coordination and interaction between 280
state government and small businesses, and to make state 281
government programs and functions simpler, easier to access, more 282
efficient, and more responsive to the needs of small businesses. 283

(B) Not later than the first day of the seventh month after 284
the effective date of this section, the council shall do both of 285
the following: 286

(1) Select not fewer than three nor more than five state 287
agencies that have programs or perform functions affecting small 288
businesses to participate in the entrepreneur in residence pilot 289
program; and 290

(2) Assign only one entrepreneur in residence to each state agency that is participating in the entrepreneurs in residence pilot program. 291
292
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The council shall assign entrepreneurs in residence from among individuals who are representative of small businesses, and who are successful in their fields. 294
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The assignment of an entrepreneur in residence is for one year after the date on which the entrepreneur in residence is assigned to a state agency. 297
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The council shall monitor the work of entrepreneurs in residence during the pilot program. A state agency shall cooperate with the council to facilitate this monitoring. 300
301
302

(C) An entrepreneur in residence shall do all of the following: 303
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(1) Facilitate meetings or forums to educate small business owners and operators about the programs or functions of the state agency that affect small businesses; 305
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(2) Facilitate in-service sessions with employees of the state agency on issues of concern to small business owners and operators; 308
309
310

(3) Advise the state agency on how its programs and functions that affect small businesses might be improved to further the mission of the entrepreneur in residence pilot program; 311
312
313

(4) Provide technical assistance or mentorships to small businesses in accessing the programs or functions of the state agency that affect small businesses; and 314
315
316

(5) Do any other things that further the mission of the entrepreneur in residence pilot program. 317
318

(D) An entrepreneur in residence shall report directly to the director or other head of the state agency. 319
320

An entrepreneur in residence is not entitled to compensation, 321
but is entitled to reimbursement from the state agency of the 322
actual and necessary expenses the entrepreneur in residence incurs 323
in discharge of the entrepreneur in residence's duties. 324

(E)(1) Not later than the date that is one year after an 325
entrepreneur in residence was assigned to a state agency, the 326
entrepreneur in residence shall prepare a report about the state 327
agency. In the report, the entrepreneur in residence shall make 328
recommendations to the state agency that furthers the mission of 329
the entrepreneur in residence program. In particular, the 330
entrepreneur in residence shall make recommendations to the state 331
agency regarding all of the following: 332

(a) Elimination of inefficient or duplicative programs or 333
functions of the state agency that affect small businesses; 334

(b) Methods of improving the efficiency of the programs or 335
functions of the state agency that affect small businesses; 336

(c) Any new program or function affecting small businesses 337
that should be established and implemented by the state agency; 338
and 339

(d) Any other matter that will further the mission of the 340
entrepreneur in residence pilot program. 341

The entrepreneur in residence shall provide a copy of the 342
report to the council and to the state agency. 343

(2) During or upon conclusion of the entrepreneur in 344
residence pilot program, the council may convene an informal 345
working group of entrepreneurs in residence to discuss best 346
practices, experiences, and opportunities for and obstacles to 347
operating small businesses as well as the recommendations in the 348
reports prepared by the entrepreneurs in residence. 349

(F) Upon conclusion of the entrepreneur in residence pilot 350

program, and after considering the reports of the entrepreneurs in 351
residence and information learned from any informal working group, 352
the council shall prepare a report on the entrepreneur in 353
residence pilot program. In the report, the council shall 354
recommend whether the entrepreneur in residence pilot program 355
should be repeated with or without modifications, made permanent 356
with or without modifications, or abandoned. The council shall 357
append the reports of the entrepreneurs in residence to its 358
report. If the pilot program is repeated or made permanent, an 359
individual who previously was assigned as an entrepreneur in 360
residence shall not be reassigned as an entrepreneur in residence. 361

The council shall provide a copy of its report to the common 362
sense initiative office. The office promptly shall transmit a copy 363
of the report to the officials designated in the last paragraph of 364
section 107.55 of the Revised Code. 365

Sec. 111.15. (A) As used in this section: 366

(1) "Rule" includes any rule, regulation, bylaw, or standard 367
having a general and uniform operation adopted by an agency under 368
the authority of the laws governing the agency; any appendix to a 369
rule; and any internal management rule. "Rule" does not include 370
any guideline adopted pursuant to section 3301.0714 of the Revised 371
Code, any order respecting the duties of employees, any finding, 372
any determination of a question of law or fact in a matter 373
presented to an agency, or any rule promulgated pursuant to 374
Chapter 119., ~~section 4141.14,~~ or division (C)(1) or (2) of 375
section 5117.02, ~~or section 5703.14~~ of the Revised Code. "Rule" 376
includes any amendment or rescission of a rule. 377

(2) "Agency" means any governmental entity of the state and 378
includes, but is not limited to, any board, department, division, 379
commission, bureau, society, council, institution, state college 380
or university, community college district, technical college 381

district, or state community college. "Agency" does not include 382
the general assembly, the controlling board, the adjutant 383
general's department, or any court. 384

(3) "Internal management rule" means any rule, regulation, 385
bylaw, or standard governing the day-to-day staff procedures and 386
operations within an agency. 387

~~(4) "Substantive revision" has the same meaning as in 388
division (J) of section 119.01 of the Revised Code. 389~~

(B)(1) Any rule, other than a rule of an emergency nature, 390
adopted by any agency pursuant to this section shall be effective 391
on the tenth day after the day on which the rule in final form and 392
in compliance with division (B)(3) of this section is filed as 393
follows: 394

(a) The rule shall be filed in electronic form with both the 395
secretary of state and the director of the legislative service 396
commission; 397

(b) The rule shall be filed in electronic form with the joint 398
committee on agency rule review. Division (B)(1)(b) of this 399
section does not apply to any rule to which division (D) of this 400
section does not apply. 401

An agency that adopts or amends a rule that is subject to 402
division (D) of this section shall assign a review date to the 403
rule that is not later than five years after its effective date. 404
~~If no review date is assigned to a rule, or if a review date 405~~
assigned to a rule exceeds the five-year maximum, the review date 406
for the rule is five years after its effective date. A rule with a 407
review date is subject to review under section 119.032 of the 408
Revised Code. This paragraph does not apply to a rule of a state 409
college or university, community college district, technical 410
college district, or state community college. 411

~~If all filings are not completed on the same day, the rule 412~~

shall be effective on the tenth day after the day on which the latest filing is completed. If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

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

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

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

An emergency rule becomes invalid at the end of the ~~ninetieth~~ one hundred twentieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2)

of this section so that, upon the emergency rule becoming invalid 445
under such division, the emergency rule will continue in effect 446
without interruption for another ~~ninety-day~~ one-hundred-twenty-day 447
period. 448

(3) An agency shall file a rule under division (B)(1) or (2) 449
of this section in compliance with the following standards and 450
procedures: 451

(a) The rule shall be numbered in accordance with the 452
numbering system devised by the director for the Ohio 453
administrative code. 454

(b) The rule shall be prepared and submitted in compliance 455
with the rules of the legislative service commission. 456

(c) The rule shall clearly state the date on which it is to 457
be effective and the date on which it will expire, if known. 458

(d) Each rule that amends or rescinds another rule shall 459
clearly refer to the rule that is amended or rescinded. Each 460
amendment shall fully restate the rule as amended. 461

If the director of the legislative service commission or the 462
director's designee gives an agency notice pursuant to section 463
103.05 of the Revised Code that a rule filed by the agency is not 464
in compliance with the rules of the legislative service 465
commission, the agency shall within thirty days after receipt of 466
the notice conform the rule to the rules of the commission as 467
directed in the notice. 468

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 469
of this section shall be recorded by the secretary of state and 470
the director under the title of the agency adopting the rule and 471
shall be numbered according to the numbering system devised by the 472
director. The secretary of state and the director shall preserve 473
the rules in an accessible manner. Each such rule shall be a 474
public record open to public inspection and may be transmitted to 475

any law publishing company that wishes to reproduce it. 476

(D) At least sixty-five days before a board, commission, 477
department, division, or bureau of the government of the state 478
files a rule under division (B)(1) of this section, it shall file 479
the full text of the proposed rule in electronic form with the 480
joint committee on agency rule review, and the proposed rule is 481
subject to legislative review and invalidation under ~~division (I)~~ 482
~~of section 119.03~~ 106.021 of the Revised Code. If a state board, 483
commission, department, division, or bureau makes a ~~substantive~~ 484
revision in a proposed rule after it is filed with the joint 485
committee, the state board, commission, department, division, or 486
bureau shall promptly file the full text of the proposed rule in 487
its revised form in electronic form with the joint committee. The 488
latest version of a proposed rule as filed with the joint 489
committee supersedes each earlier version of the text of the same 490
proposed rule. ~~Except as provided in division (F) of this section,~~ 491
a state board, commission, department, division, or bureau shall 492
also file the rule summary and fiscal analysis prepared under 493
section 127.18 of the Revised Code in electronic form along with a 494
proposed rule, and along with a proposed rule in revised form, 495
that is filed under this division. If a proposed rule has an 496
adverse impact on businesses, the state board, commission, 497
department, division, or bureau also shall file the business 498
impact analysis, any recommendations received from the common 499
sense initiative office, and the associated memorandum of 500
response, if any, in electronic form along with the proposed rule, 501
or the proposed rule in revised form, that is filed under this 502
division. 503

A proposed rule that is subject to legislative review under 504
this division may not be adopted and filed in final form under 505
division (B)(1) of this section unless the proposed rule has been 506
filed with the joint committee on agency rule review under this 507

division and the time for the joint committee to review the 508
proposed rule has expired without recommendation of a concurrent 509
resolution to invalidate the proposed rule. 510

As used in this division, "commission" includes the public 511
utilities commission when adopting rules under a federal or state 512
statute. 513

This division does not apply to any of the following: 514

(1) A proposed rule of an emergency nature; 515

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 516
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 517
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 518
Code; 519

(3) A rule proposed by an agency other than a board, 520
commission, department, division, or bureau of the government of 521
the state; 522

(4) A proposed internal management rule of a board, 523
commission, department, division, or bureau of the government of 524
the state; 525

(5) Any proposed rule that must be adopted verbatim by an 526
agency pursuant to federal law or rule, to become effective within 527
sixty days of adoption, in order to continue the operation of a 528
federally reimbursed program in this state, so long as the 529
proposed rule contains both of the following: 530

(a) A statement that it is proposed for the purpose of 531
complying with a federal law or rule; 532

(b) A citation to the federal law or rule that requires 533
verbatim compliance. 534

(6) An initial rule proposed by the director of health to 535
impose safety standards and quality-of-care standards with respect 536
to a health service specified in section 3702.11 of the Revised 537

Code, or an initial rule proposed by the director to impose 538
quality standards on a facility listed in division (A)(4) of 539
section 3702.30 of the Revised Code, if section 3702.12 of the 540
Revised Code requires that the rule be adopted under this section; 541

(7) A rule of the state lottery commission pertaining to 542
instant game rules. 543

If a rule is exempt from legislative review under division 544
(D)(5) of this section, and if the federal law or rule pursuant to 545
which the rule was adopted expires, is repealed or rescinded, or 546
otherwise terminates, the rule is thereafter subject to 547
legislative review under division (D) of this section. 548

~~(E)~~ Whenever a state board, commission, department, division, 549
or bureau files a proposed rule or a proposed rule in revised form 550
under division (D) of this section, it shall also file the full 551
text of the same proposed rule or proposed rule in revised form in 552
electronic form with the secretary of state and the director of 553
the legislative service commission. ~~Except as provided in division~~ 554
~~(F) of this section, a~~ A state board, commission, department, 555
division, or bureau shall file the rule summary and fiscal 556
analysis prepared under section 127.18 of the Revised Code in 557
electronic form along with a proposed rule or proposed rule in 558
revised form that is filed with the secretary of state or the 559
director of the legislative service commission. 560

~~(F) Except as otherwise provided in this division, the~~ 561
~~auditor of state or the auditor of state's designee is not~~ 562
~~required to file a rule summary and fiscal analysis along with a~~ 563
~~proposed rule, or proposed rule in revised form, that the auditor~~ 564
~~of state proposes under section 117.12, 117.19, 117.38, or 117.43~~ 565
~~of the Revised Code and files under division (D) or (E) of this~~ 566
~~section.~~ 567

Sec. 113.091. Beginning in fiscal year 2016, if a state 568

agency imposes a fine or other sum of money as punishment for an 569
act or omission, and does so in its sole discretion, or solely by 570
implication from a constitutional or statutory grant of authority, 571
any money recovered from imposition of the fine or other sum of 572
money shall be deposited into the state treasury to the credit of 573
the general revenue fund. A state agency is not subject to this 574
requirement if it imposes a fine or other sum of money as 575
punishment for an act or omission pursuant to a constitutional or 576
statutory mandate or authorization that expressly contemplates 577
such an imposition. 578

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. 579
of the Revised Code, the auditor of state or the auditor of 580
state's designee shall do both of the following: 581

(1) Before adopting any such rule, except a rule of an 582
emergency nature, do each of the following: 583

(a) At least thirty-five days before any public hearing on 584
the proposed rule-making action, mail or send by electronic mail 585
notice of the hearing to each public office and to each statewide 586
organization that the auditor of state or designee determines will 587
be affected or represents persons who will be affected by the 588
proposed rule-making action; 589

(b) Mail or send by electronic mail a copy of the proposed 590
rule to any person or organization that requests a copy within 591
five days after receipt of the request; 592

(c) Consult with appropriate state and local government 593
agencies, or with persons representative of their interests, 594
including statewide organizations of local government officials, 595
and consult with accounting professionals and other interested 596
persons; 597

(d) Conduct, on the date and at the time and place designated 598

in the notice, a public hearing at which any person affected by 599
the proposed rule, including statewide organizations of local 600
government officials, may appear and be heard in person, by 601
attorney, or both, and may present the person's or organization's 602
position or contentions orally or in writing. 603

~~(2) Except as otherwise provided in division (A)(2) of this 604
section, ~~comply~~ Comply with divisions (B) to (E) of section 111.15 605
of the Revised Code. The auditor of state is not required to file 606
a rule summary and fiscal analysis along with any copy of a 607
proposed rule, or proposed rule in revised form, that is filed 608
with the joint committee on agency rule review, the secretary of 609
state, or the director of the legislative service commission under 610
division (D) or (E) of section 111.15 of the Revised Code. 611~~

(B) The auditor of state shall diligently discharge the 612
duties imposed by divisions (A)(1)(a), (b), and (c) of this 613
section, but failure to mail or send by electronic mail any notice 614
or copy of a proposed rule, or to consult with any person or 615
organization, shall not invalidate any rule. 616

(C) Notwithstanding any contrary provision of the Revised 617
Code, the auditor of state may prepare and disseminate, to public 618
offices and other interested persons and organizations, advisory 619
bulletins, directives, and instructions relating to accounting and 620
financial reporting systems, budgeting procedures, fiscal 621
controls, and the constructions by the auditor of state of 622
constitutional and statutory provisions, court decisions, and 623
opinions of the attorney general. The bulletins, directives, and 624
instructions shall be of an advisory nature only. 625

(D) As used in this section, "rule" includes the adoption, 626
amendment, or rescission of a rule. 627

Sec. 119.01. As used in sections 119.01 to 119.13 of the 628
Revised Code: 629

(A)(1) "Agency" means, except as limited by this division, 630
any official, board, or commission having authority to promulgate 631
rules or make adjudications in the civil service commission, the 632
division of liquor control, the department of taxation, the 633
industrial commission, the bureau of workers' compensation, the 634
functions of any administrative or executive officer, department, 635
division, bureau, board, or commission of the government of the 636
state specifically made subject to sections 119.01 to 119.13 of 637
the Revised Code, and the licensing functions of any 638
administrative or executive officer, department, division, bureau, 639
board, or commission of the government of the state having the 640
authority or responsibility of issuing, suspending, revoking, or 641
canceling licenses. 642

Except as otherwise provided in division (I) of this section, 643
sections 119.01 to 119.13 of the Revised Code do not apply to the 644
public utilities commission. Sections 119.01 to 119.13 of the 645
Revised Code do not apply to the utility radiological safety 646
board; to the controlling board; to actions of the superintendent 647
of financial institutions and the superintendent of insurance in 648
the taking possession of, and rehabilitation or liquidation of, 649
the business and property of banks, savings and loan associations, 650
savings banks, credit unions, insurance companies, associations, 651
reciprocal fraternal benefit societies, and bond investment 652
companies; to any action taken by the division of securities under 653
section 1707.201 of the Revised Code; or to any action that may be 654
taken by the superintendent of financial institutions under 655
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 656
1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 657
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 658

Sections 119.01 to 119.13 of the Revised Code do not apply to 659
actions of the industrial commission or the bureau of workers' 660
compensation under sections 4123.01 to 4123.94 of the Revised Code 661

with respect to all matters of adjudication, or to the actions of 662
the industrial commission, bureau of workers' compensation board 663
of directors, and bureau of workers' compensation under division 664
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 665
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 666
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 667
(E) of section 4131.14 of the Revised Code with respect to all 668
matters concerning the establishment of premium, contribution, and 669
assessment rates. 670

(2) "Agency" also means any official or work unit having 671
authority to promulgate rules or make adjudications in the 672
department of job and family services, but only with respect to 673
both of the following: 674

(a) The adoption, amendment, or rescission of rules that 675
section 5101.09 of the Revised Code requires be adopted in 676
accordance with this chapter; 677

(b) The issuance, suspension, revocation, or cancellation of 678
licenses. 679

(B) "License" means any license, permit, certificate, 680
commission, or charter issued by any agency. "License" does not 681
include any arrangement whereby a person, institution, or entity 682
furnishes medicaid services under a provider agreement with the 683
department of job and family services pursuant to Title XIX of the 684
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 685
amended. 686

(C) "Rule" means any rule, regulation, or standard, having a 687
general and uniform operation, adopted, promulgated, and enforced 688
by any agency under the authority of the laws governing such 689
agency, and includes any appendix to a rule. "Rule" does not 690
include any internal management rule of an agency unless the 691
internal management rule affects private rights and does not 692

include any guideline adopted pursuant to section 3301.0714 of the Revised Code.

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

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

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

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

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

(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 adopting, amending, or rescinding a rule;

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

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

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

In addition to public notice given in the register of Ohio,

the agency may give whatever other notice it reasonably considers 753
necessary to ensure notice constructively is given to all persons 754
who are subject to or affected by the proposed rule, amendment, or 755
rescission. 756

The agency shall provide a copy of the public notice required 757
under division (A) of this section to any person who requests it 758
and pays a reasonable fee, not to exceed the cost of copying and 759
mailing. 760

(B) The full text of the proposed rule, amendment, or rule to 761
be rescinded, accompanied by the public notice required under 762
division (A) of this section, shall be filed in electronic form 763
with the secretary of state and with the director of the 764
legislative service commission. (If in compliance with this 765
division an agency files more than one proposed rule, amendment, 766
or rescission at the same time, and has prepared a public notice 767
under division (A) of this section that applies to more than one 768
of the proposed rules, amendments, or rescissions, the agency 769
shall file only one notice with the secretary of state and with 770
the director for all of the proposed rules, amendments, or 771
rescissions to which the notice applies.) The proposed rule, 772
amendment, or rescission and public notice shall be filed as 773
required by this division at least sixty-five days prior to the 774
date on which the agency, in accordance with division (D) of this 775
section, issues an order adopting the proposed rule, amendment, or 776
rescission. 777

If the proposed rule, amendment, or rescission incorporates a 778
text or other material by reference, the agency shall comply with 779
sections 121.71 to 121.76 of the Revised Code. 780

The proposed rule, amendment, or rescission shall be 781
available for at least thirty days prior to the date of the 782
hearing at the office of the agency in printed or other legible 783
form without charge to any person affected by the proposal. 784

Failure to furnish such text to any person requesting it shall not 785
invalidate any action of the agency in connection therewith. 786

If the agency files a substantive revision in the text of the 787
proposed rule, amendment, or rescission under division (H) of this 788
section, it shall also promptly file the full text of the proposed 789
rule, amendment, or rescission in its revised form in electronic 790
form with the secretary of state and with the director of the 791
legislative service commission. 792

The agency shall file the rule summary and fiscal analysis 793
prepared under section 127.18 of the Revised Code in electronic 794
form along with a proposed rule, amendment, or rescission or 795
proposed rule, amendment, or rescission in revised form that is 796
filed with the secretary of state or the director of the 797
legislative service commission. 798

The director of the legislative service commission shall 799
publish in the register of Ohio the full text of the original and 800
each revised version of a proposed rule, amendment, or rescission; 801
the full text of a public notice; and the full text of a rule 802
summary and fiscal analysis that is filed with the director under 803
this division. 804

(C) On the date and at the time and place designated in the 805
notice, the agency shall conduct a public hearing at which any 806
person affected by the proposed action of the agency may appear 807
and be heard in person, by the person's attorney, or both, may 808
present the person's position, arguments, or contentions, orally 809
or in writing, offer and examine witnesses, and present evidence 810
tending to show that the proposed rule, amendment, or rescission, 811
if adopted or effectuated, will be unreasonable or unlawful. An 812
agency may permit persons affected by the proposed rule, 813
amendment, or rescission to present their positions, arguments, or 814
contentions in writing, not only at the hearing, but also for a 815
reasonable period before, after, or both before and after the 816

hearing. A person who presents a position or arguments or 817
contentions in writing before or after the hearing is not required 818
to appear at the hearing. 819

At the hearing, the testimony shall be recorded. Such record 820
shall be made at the expense of the agency. The agency is required 821
to transcribe a record that is not sight readable only if a person 822
requests transcription of all or part of the record and agrees to 823
reimburse the agency for the costs of the transcription. An agency 824
may require the person to pay in advance all or part of the cost 825
of the transcription. 826

In any hearing under this section the agency may administer 827
oaths or affirmations. 828

The agency shall consider the positions, arguments, or 829
contentions presented at, or before or after, the hearing. The 830
agency shall prepare a hearing summary of the positions, 831
arguments, or contentions, and of the issues raised by the 832
positions, arguments, or contentions. The agency then shall 833
prepare a hearing report explaining, with regard to each issue, 834
how it is reflected in the rule, amendment, or rescission. If an 835
issue is not reflected in the rule, amendment, or rescission, the 836
hearing report shall explain why the issue is not reflected. The 837
agency shall append the hearing summary to the hearing report. 838

(D) After complying with divisions (A), (B), (C), and (H) of 839
this section, and when the time for legislative review and 840
invalidation under division (I) of this section has expired 841
without recommendation of a concurrent resolution to invalidate 842
the proposed rule, amendment, or rescission, the agency may issue 843
an order adopting the proposed rule or the proposed amendment or 844
rescission of the rule, consistent with the synopsis or general 845
statement included in the public notice. At that time the agency 846
shall designate the effective date of the rule, amendment, or 847
rescission, which shall not be earlier than the tenth day after 848

the rule, amendment, or rescission has been filed in its final 849
form as provided in section 119.04 of the Revised Code. 850

An agency may not adopt a proposed rule, amendment, or 851
rescission or revised proposed rule, amendment, or rescission or 852
file it in final form unless the proposed rule has been filed with 853
the joint committee on agency rule review under division (D) of 854
section 111.15 of the Revised Code or division (H) of this section 855
and the time for the joint committee to review the proposed rule 856
has expired without recommendation of a concurrent resolution to 857
invalidate the proposed rule. 858

(E) Prior to the effective date of a rule, amendment, or 859
rescission, the agency shall make a reasonable effort to inform 860
those affected by the rule, amendment, or rescission and to have 861
available for distribution to those requesting it the full text of 862
the rule as adopted or as amended. 863

(F) If the governor, upon the request of an agency, 864
determines that an emergency requires the immediate adoption, 865
amendment, or rescission of a rule, the governor shall issue an 866
order, the text of which shall be filed in electronic form with 867
the agency, the secretary of state, the director of the 868
legislative service commission, and the joint committee on agency 869
rule review, that the procedure prescribed by this section with 870
respect to the adoption, amendment, or rescission of a specified 871
rule is suspended. The agency may then adopt immediately the 872
emergency rule, amendment, or rescission and it becomes effective 873
on the date the rule, amendment, or rescission, in final form and 874
in compliance with division (A)(2) of section 119.04 of the 875
Revised Code, is filed in electronic form with the secretary of 876
state, the director of the legislative service commission, and the 877
joint committee on agency rule review. If all filings are not 878
completed on the same day, the emergency rule, amendment, or 879
rescission shall be effective on the day on which the latest 880

filing is completed. The director shall publish the full text of 881
the emergency rule, amendment, or rescission in the register of 882
Ohio. 883

The emergency rule, amendment, or rescission shall become 884
invalid at the end of the ~~ninetieth~~ one hundred twentieth day it 885
is in effect. Prior to that date the agency may adopt the 886
emergency rule, amendment, or rescission as a nonemergency rule, 887
amendment, or rescission by complying with the procedure 888
prescribed by this section for the adoption, amendment, and 889
rescission of nonemergency rules. The agency shall not use the 890
procedure of this division to readopt the emergency rule, 891
amendment, or rescission so that, upon the emergency rule, 892
amendment, or rescission becoming invalid under this division, the 893
emergency rule, amendment, or rescission will continue in effect 894
without interruption for another ~~ninety-day~~ one-hundred-twenty-day 895
period, except when division (I)(2)(a) of this section prevents 896
the agency from adopting the emergency rule, amendment, or 897
rescission as a nonemergency rule, amendment, or rescission within 898
the ~~ninety-day~~ one-hundred-twenty-day period. 899

This division does not apply to the adoption of any emergency 900
rule, amendment, or rescission by the tax commissioner under 901
division (C)(2) of section 5117.02 of the Revised Code. 902

(G) Rules adopted by an authority within the department of 903
job and family services for the administration or enforcement of 904
Chapter 4141. of the Revised Code or of the department of taxation 905
shall be effective without a hearing as provided by this section 906
if the statutes pertaining to such agency specifically give a 907
right of appeal to the board of tax appeals or to a higher 908
authority within the agency or to a court, and also give the 909
appellant a right to a hearing on such appeal. This division does 910
not apply to the adoption of any rule, amendment, or rescission by 911
the tax commissioner under division (C)(1) or (2) of section 912

5117.02 of the Revised Code, or deny the right to file an action 913
for declaratory judgment as provided in Chapter 2721. of the 914
Revised Code from the decision of the board of tax appeals or of 915
the higher authority within such agency. 916

(H) When any agency files a proposed rule, amendment, or 917
rescission under division (B) of this section, it shall also file 918
in electronic form with the joint committee on agency rule review 919
the full text of the proposed rule, amendment, or rule to be 920
rescinded in the same form and the public notice required under 921
division (A) of this section. (If in compliance with this division 922
an agency files more than one proposed rule, amendment, or 923
rescission at the same time, and has given a public notice under 924
division (A) of this section that applies to more than one of the 925
proposed rules, amendments, or rescissions, the agency shall file 926
only one notice with the joint committee for all of the proposed 927
rules, amendments, or rescissions to which the notice applies.) If 928
the agency makes a substantive revision in a proposed rule, 929
amendment, or rescission after it is filed with the joint 930
committee, the agency shall promptly file the full text of the 931
proposed rule, amendment, or rescission in its revised form in 932
electronic form with the joint committee. The latest version of a 933
proposed rule, amendment, or rescission as filed with the joint 934
committee supersedes each earlier version of the text of the same 935
proposed rule, amendment, or rescission. If the hearing report is 936
available when the proposed rule, amendment, or rescission is 937
filed, or when the hearing report later becomes available, the 938
agency shall file a copy of the hearing report with the joint 939
committee along with the proposed rule, amendment, or rescission 940
or at a later time with reference to the proposed rule, amendment, 941
or rescission. (The later filing of a hearing report does not 942
constitute a revision of the proposed rule, amendment, or 943
rescission to which the report relates.) An agency shall file the 944
rule summary and fiscal analysis prepared under section 127.18 of 945

the Revised Code in electronic form along with a proposed rule, 946
amendment, or rescission, and along with a proposed rule, 947
amendment, or rescission in revised form, that is filed under this 948
division. If a proposed rule, amendment, or rescission has an 949
adverse impact on businesses, the agency also shall file the 950
business impact analysis, any recommendations received from the 951
common sense initiative office, and the agency's memorandum of 952
response, if any, in electronic form along with the proposed rule, 953
amendment, or rescission, or along with the proposed rule, 954
amendment, or rescission in revised form, that is filed under this 955
division. 956

This division does not apply to: 957

(1) An emergency rule, amendment, or rescission; 958

(2) Any proposed rule, amendment, or rescission that must be 959
adopted verbatim by an agency pursuant to federal law or rule, to 960
become effective within sixty days of adoption, in order to 961
continue the operation of a federally reimbursed program in this 962
state, so long as the proposed rule contains both of the 963
following: 964

(a) A statement that it is proposed for the purpose of 965
complying with a federal law or rule; 966

(b) A citation to the federal law or rule that requires 967
verbatim compliance. 968

If a rule or amendment is exempt from legislative review 969
under division (H)(2) of this section, and if the federal law or 970
rule pursuant to which the rule or amendment was adopted expires, 971
is repealed or rescinded, or otherwise terminates, the rule or 972
amendment, or its rescission, is thereafter subject to legislative 973
review under division (H) of this section. 974

(I)(1) The joint committee on agency rule review may 975
recommend the adoption of a concurrent resolution invalidating a 976

proposed rule, amendment, rescission, or part thereof if it finds 977
any of the following: 978

(a) That the rule-making agency has exceeded the scope of its 979
statutory authority in proposing the rule, amendment, or 980
rescission; 981

(b) That the proposed rule, amendment, or rescission 982
conflicts with another rule, amendment, or rescission adopted by 983
the same or a different rule-making agency; 984

(c) That the proposed rule, amendment, or rescission 985
conflicts with the legislative intent in enacting the statute 986
under which the rule-making agency proposed the rule, amendment, 987
or rescission; 988

(d) That the rule-making agency has failed to prepare a 989
complete and accurate rule summary and fiscal analysis of the 990
proposed rule, amendment, or rescission as required by section 991
127.18 of the Revised Code; 992

(e) That the proposed rule, amendment, or rescission 993
incorporates a text or other material by reference and either the 994
rule-making agency has failed to file the text or other material 995
incorporated by reference as required by section 121.73 of the 996
Revised Code or, in the case of a proposed rule or amendment, the 997
incorporation by reference fails to meet the standards stated in 998
section 121.72, 121.75, or 121.76 of the Revised Code; 999

(f) That the rule-making agency has failed to demonstrate 1000
through the business impact analysis, recommendations from the 1001
common sense initiative office, and the memorandum of response the 1002
agency has filed under division (H) of this section that the 1003
regulatory intent of the proposed rule, amendment, or rescission 1004
justifies its adverse impact on businesses in this state. 1005

The joint committee shall not hold its public hearing on a 1006
proposed rule, amendment, or rescission earlier than the 1007

forty-first day after the original version of the proposed rule, 1008
amendment, or rescission was filed with the joint committee. 1009

When the joint committee recommends invalidation of a 1010
proposed or existing rule, the chairperson of the joint committee, 1011
or another member of the joint committee designated by the 1012
chairperson, shall prepare the recommendation of invalidation in 1013
writing. The recommendation shall identify the proposed or 1014
existing rule, the agency that proposed or submitted the proposed 1015
or existing rule, and the finding that caused the joint committee 1016
to make the recommendation. The recommendation briefly shall 1017
explain the finding. 1018

The chairperson of the joint committee shall request the 1019
legislative service commission to prepare a concurrent resolution 1020
to invalidate the proposed or existing rule according to the 1021
recommendation. The concurrent resolution shall state the finding 1022
that caused the joint committee to recommend invalidation of the 1023
rule. 1024

The chairperson of the joint committee on agency rule review, 1025
or another member of the joint committee designated by the 1026
chairperson, shall submit a concurrent resolution to invalidate a 1027
proposed or existing rule to the clerk of either house of the 1028
general assembly. The recommendation of invalidation and a copy of 1029
the proposed or existing rule also shall be submitted to the clerk 1030
along with the concurrent resolution. 1031

The house of representatives and senate may adopt a 1032
concurrent resolution invalidating a proposed rule, amendment, 1033
rescission, or part thereof. The concurrent resolution shall state 1034
which of the specific rules, amendments, rescissions, or parts 1035
thereof are invalidated. A concurrent resolution invalidating a 1036
proposed rule, amendment, or rescission shall be adopted not later 1037
than the sixty-fifth day after the original version of the text of 1038
the proposed rule, amendment, or rescission is filed with the 1039

joint committee, except that if more than thirty-five days after 1040
the original version is filed the rule-making agency either files 1041
a revised version of the text of the proposed rule, amendment, or 1042
rescission, or revises the rule summary and fiscal analysis in 1043
accordance with division (I)(4) of this section, a concurrent 1044
resolution invalidating the proposed rule, amendment, or 1045
rescission shall be adopted not later than the thirtieth day after 1046
the revised version of the proposed rule or rule summary and 1047
fiscal analysis is filed. If, after the joint committee on agency 1048
rule review recommends the adoption of a concurrent resolution 1049
invalidating a proposed rule, amendment, rescission, or part 1050
thereof, the house of representatives or senate does not, within 1051
the time remaining for adoption of the concurrent resolution, hold 1052
five floor sessions at which its journal records a roll call vote 1053
disclosing a sufficient number of members in attendance to pass a 1054
bill, the time within which that house may adopt the concurrent 1055
resolution is extended until it has held five such floor sessions. 1056

Within five days after the adoption of a concurrent 1057
resolution invalidating a proposed rule, amendment, rescission, or 1058
part thereof, the clerk ~~of the senate~~ shall send the rule-making 1059
agency, the secretary of state, and the director of the 1060
legislative service commission in electronic form a certified text 1061
of the resolution together with a certification stating the date 1062
on which the resolution takes effect. The secretary of state and 1063
the director of the legislative service commission shall each note 1064
the invalidity of the proposed rule, amendment, rescission, or 1065
part thereof, and shall each remove the invalid proposed rule, 1066
amendment, rescission, or part thereof from the file of proposed 1067
rules. The rule-making agency shall not proceed to adopt in 1068
accordance with division (D) of this section, or to file in 1069
accordance with division (B)(1) of section 111.15 of the Revised 1070
Code, any version of a proposed rule, amendment, rescission, or 1071
part thereof that has been invalidated by concurrent resolution. 1072

Unless the house of representatives and senate adopt a 1073
concurrent resolution invalidating a proposed rule, amendment, 1074
rescission, or part thereof within the time specified by this 1075
division, the rule-making agency may proceed to adopt in 1076
accordance with division (D) of this section, or to file in 1077
accordance with division (B)(1) of section 111.15 of the Revised 1078
Code, the latest version of the proposed rule, amendment, or 1079
rescission as filed with the joint committee. If by concurrent 1080
resolution certain of the rules, amendments, rescissions, or parts 1081
thereof are specifically invalidated, the rule-making agency may 1082
proceed to adopt, in accordance with division (D) of this section, 1083
or to file in accordance with division (B)(1) of section 111.15 of 1084
the Revised Code, the latest version of the proposed rules, 1085
amendments, rescissions, or parts thereof as filed with the joint 1086
committee that are not specifically invalidated. The rule-making 1087
agency may not revise or amend any proposed rule, amendment, 1088
rescission, or part thereof that has not been invalidated except 1089
as provided in this chapter or in section 111.15 of the Revised 1090
Code. 1091

(2)(a) A proposed rule, amendment, or rescission that is 1092
filed with the joint committee under division (H) of this section 1093
or division (D) of section 111.15 of the Revised Code shall be 1094
carried over for legislative review to the next succeeding regular 1095
session of the general assembly if the original or any revised 1096
version of the proposed rule, amendment, or rescission is filed 1097
with the joint committee on or after the first day of December of 1098
any year. 1099

(b) The latest version of any proposed rule, amendment, or 1100
rescission that is subject to division (I)(2)(a) of this section, 1101
as filed with the joint committee, is subject to legislative 1102
review and invalidation in the next succeeding regular session of 1103
the general assembly in the same manner as if it were the original 1104

version of a proposed rule, amendment, or rescission that had been 1105
filed with the joint committee for the first time on the first day 1106
of the session. A rule-making agency shall not adopt in accordance 1107
with division (D) of this section, or file in accordance with 1108
division (B)(1) of section 111.15 of the Revised Code, any version 1109
of a proposed rule, amendment, or rescission that is subject to 1110
division (I)(2)(a) of this section until the time for legislative 1111
review and invalidation, as contemplated by division (I)(2)(b) of 1112
this section, has expired. 1113

(3) Invalidation of any version of a proposed rule, 1114
amendment, rescission, or part thereof by concurrent resolution 1115
shall prevent the rule-making agency from instituting or 1116
continuing proceedings to adopt any version of the same proposed 1117
rule, amendment, rescission, or part thereof for the duration of 1118
the general assembly that invalidated the proposed rule, 1119
amendment, rescission, or part thereof unless the same general 1120
assembly adopts a concurrent resolution permitting the rule-making 1121
agency to institute or continue such proceedings. 1122

The failure of the general assembly to invalidate a proposed 1123
rule, amendment, rescission, or part thereof under this section 1124
shall not be construed as a ratification of the lawfulness or 1125
reasonableness of the proposed rule, amendment, rescission, or any 1126
part thereof or of the validity of the procedure by which the 1127
proposed rule, amendment, rescission, or any part thereof was 1128
proposed or adopted. 1129

(4) In lieu of recommending a concurrent resolution to 1130
invalidate a proposed rule, amendment, rescission, or part thereof 1131
because the rule-making agency has failed to prepare a complete 1132
and accurate fiscal analysis, the joint committee on agency rule 1133
review may issue, on a one-time basis, for rules, amendments, 1134
rescissions, or parts thereof that have a fiscal effect on school 1135
districts, counties, townships, or municipal corporations, a 1136

finding that the rule summary and fiscal analysis is incomplete or 1137
inaccurate and order the rule-making agency to revise the rule 1138
summary and fiscal analysis and refile it with the proposed rule, 1139
amendment, rescission, or part thereof. If an emergency rule is 1140
filed as a nonemergency rule before the end of the ninetieth day 1141
of the emergency rule's effectiveness, and the joint committee 1142
issues a finding and orders the rule-making agency to refile under 1143
division (I)(4) of this section, the governor may also issue an 1144
order stating that the emergency rule shall remain in effect for 1145
an additional sixty days after the ninetieth day of the emergency 1146
rule's effectiveness. The governor's orders shall be filed in 1147
accordance with division (F) of this section. The joint committee 1148
shall send in electronic form to the rule-making agency, the 1149
secretary of state, and the director of the legislative service 1150
commission a certified text of the finding and order to revise the 1151
rule summary and fiscal analysis, which shall take immediate 1152
effect. 1153

An order issued under division (I)(4) of this section shall 1154
prevent the rule-making agency from instituting or continuing 1155
proceedings to adopt any version of the proposed rule, amendment, 1156
rescission, or part thereof until the rule-making agency revises 1157
the rule summary and fiscal analysis and refiles it in electronic 1158
form with the joint committee along with the proposed rule, 1159
amendment, rescission, or part thereof. If the joint committee 1160
finds the rule summary and fiscal analysis to be complete and 1161
accurate, the joint committee shall issue a new order noting that 1162
the rule-making agency has revised and refiled a complete and 1163
accurate rule summary and fiscal analysis. The joint committee 1164
shall send in electronic form to the rule-making agency, the 1165
secretary of state, and the director of the legislative service 1166
commission a certified text of this new order. The secretary of 1167
state and the director of the legislative service commission shall 1168
each link this order to the proposed rule, amendment, rescission, 1169

or part thereof. The rule-making agency may then proceed to adopt 1170
in accordance with division (D) of this section, or to file in 1171
accordance with division (B)(1) of section 111.15 of the Revised 1172
Code, the proposed rule, amendment, rescission, or part thereof 1173
that was subject to the finding and order under division (I)(4) of 1174
this section. If the joint committee determines that the revised 1175
rule summary and fiscal analysis is still inaccurate or 1176
incomplete, the joint committee shall recommend the adoption of a 1177
concurrent resolution in accordance with division (I)(1) of this 1178
section. 1179

Sec. 119.032. (A) As used in this section and in section 1180
119.033 of the Revised Code: 1181

(1) "Agency" includes both an agency as defined in division 1182
(A)(2) of section 111.15 and an agency as defined in division (A) 1183
of section 119.01 of the Revised Code. 1184

(2) "Review date" means the review date assigned to a rule by 1185
an agency ~~under division (B) or (E)(2) of this section or under~~ 1186
~~section 111.15, 119.04, or 1141.14 of the Revised Code or a review~~ 1187
date or an extended review date assigned to a rule by the joint 1188
committee on agency rule review ~~under division (B) of this~~ 1189
~~section.~~ 1190

(3)(a) "Rule" means only a rule whose adoption, amendment, or 1191
rescission is subject to review under division (D) of section 1192
111.15 or division (H) of section 119.03 of the Revised Code. 1193

(b) "Rule" does not include a rule adopted, amended, or 1194
rescinded by the department of taxation under section 5703.14 of 1195
the Revised Code, a rule of a state college or university, 1196
community college district, technical college district, or state 1197
community college, or a rule that is consistent with and 1198
equivalent to the form required by a federal law and that does not 1199
exceed the minimum scope and intent of that federal law. 1200

(B) ~~Not later than March 25, 1997, each agency shall assign a review date to each of its rules that is currently in effect and shall notify the joint committee on agency rule review of the review date for each such rule. The agency shall assign review dates to its rules so that approximately one fifth of the rules are scheduled for review during each calendar year of the five year period that begins March 25, 1997, except that an agency, with the joint committee's approval, may set a review schedule for the agency's rules in which there is no requirement that approximately one fifth of the agency's rules be assigned a review date during each calendar year of the five year period but in which all of the agency's rules are assigned a review date during that five year period. An agency may change the review dates it has assigned to specific rules so long as the agency complies with the five-year time deadline specified in this division.~~

Upon the request of the agency that adopted the rule, the joint committee on agency rule review may extend a review date of a rule to a date that is not later than one hundred eighty days after the ~~original~~ review date assigned to the rule by the agency ~~under this division, division (E)(2) of this section, or section 111.15, 119.04, or 4141.14 of the Revised Code.~~ The joint committee may further extend a review date that has been extended under this paragraph if appropriate under the circumstances.

(C) Prior to the review date of a rule, the agency that adopted the rule shall review the rule to determine all of the following:

(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;

(2) Whether the rule needs amendment or rescission to give

more flexibility at the local level; 1233

(3) Whether the rule needs amendment or rescission to 1234
eliminate unnecessary paperwork, or whether the rule incorporates 1235
a text or other material by reference and, if so, whether the text 1236
or other material incorporated by reference is deposited or 1237
displayed as required by section 121.74 of the Revised Code and 1238
whether the incorporation by reference meets the standards stated 1239
in sections 121.72, 121.75, and 121.76 of the Revised Code; 1240

(4) Whether the rule duplicates, overlaps with, or conflicts 1241
with other rules; 1242

(5) Whether the rule has an adverse impact on businesses, 1243
reviewing the rule as if it were a draft rule being reviewed under 1244
sections 107.52 and 107.53 of the Revised Code, and whether any 1245
such adverse impact has been eliminated or reduced. 1246

~~(D) In making the its review required under division (C) of 1247
this section, the agency shall consider the continued need for the 1248
rule, the nature of any complaints or comments received concerning 1249
the rule, and any relevant factors that have changed in the 1250
subject matter area affected by the rule. 1251~~

~~(E)(1) On or before the designated review date of a rule, the 1252
agency that adopted the rule shall proceed under division (E)(2) 1253
or (5) of this section to indicate that the agency has reviewed 1254
the rule. 1255~~

~~(2) If the agency has determined that the rule does not need 1256
to be amended or rescinded, the agency shall file all the 1257
following, in electronic form, with the joint committee on agency 1258
rule review, the secretary of state, and the director of the 1259
legislative service commission: a copy of the rule, a statement of 1260
the agency's determination, and an accurate rule summary and 1261
fiscal analysis for the rule as described in section 127.18 of the 1262
Revised Code. The agency shall assign a new review date to the 1263~~

~~rule, which shall not be later than five years after the rule's 1264
immediately preceding review date. After the joint committee has 1265
reviewed such a rule for the first time, including any rule that 1266
was in effect on September 26, 1996, the agency in its subsequent 1267
reviews of the rule may provide the same fiscal analysis it 1268
provided to the joint committee during its immediately preceding 1269
review of the rule unless any of the conditions described in 1270
division (B)(4), (5), (6), (8), (9), or (10) of section 127.18 of 1271
the Revised Code, as they relate to the rule, have appreciably 1272
changed since the joint committee's immediately preceding review 1273
of the rule. If any of these conditions, as they relate to the 1274
rule, have appreciably changed, the agency shall provide the joint 1275
committee with an updated fiscal analysis for the rule. If no 1276
review date is assigned to a rule, or if a review date assigned to 1277
a rule exceeds the five year maximum, the review date for the rule 1278
is five years after its immediately preceding review date. The 1279
joint committee shall give public notice in the register of Ohio 1280
of the agency's determination after receiving a notice from the 1281
agency under division (E)(2) of this section. The joint committee 1282
shall transmit a copy of the notice in electronic form to the 1283
director of the legislative service commission. The director shall 1284
publish the notice in the register of Ohio for four consecutive 1285
weeks after its receipt. 1286~~

~~(3) During the ninety day period following the date the joint 1287
committee receives a notice under division (E)(2) of this section 1288
but after the four week period described in division (E)(2) of 1289
this section has ended, the joint committee, by a two thirds vote 1290
of the members present, may recommend the adoption of a concurrent 1291
resolution invalidating the rule if the joint committee determines 1292
that any of the following apply: 1293~~

~~(a) The agency improperly applied the criteria described in 1294
divisions (C) and (D) of this section in reviewing the rule and in 1295~~

~~recommending its continuance without amendment or rescission.~~ 1296

~~(b) The agency failed to file proper notice with the joint committee regarding the rule, or if the rule incorporates a text or other material by reference, the agency failed to file, or to deposit or display, the text or other material incorporated by reference as required by section 121.73 or 121.74 of the Revised Code or the incorporation by reference fails to meet the standards stated in section 121.72, 121.75, or 121.76 of the Revised Code.~~ 1297
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~~(c) The rule has an adverse impact on businesses, as determined under section 107.52 of the Revised Code, and the agency has not eliminated or reduced that impact as required under section 121.82 of the Revised Code.~~ 1304
1305
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~~(4) If the joint committee does not take the action described in division (E)(3) of this section regarding a rule during the ninety day period after the date the joint committee receives a notice under division (E)(2) of this section regarding that rule, the rule shall continue in effect without amendment and shall be next reviewed by the joint committee by the date designated by the agency in the notice provided to the joint committee under division (E)(2) of this section.~~ 1308
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~~(5) If the agency has determined that a rule reviewed under division (C) of this section needs to be amended or rescinded, the agency, on or before the rule's review date, shall file the rule as amended or rescinded in accordance with section 111.15, 119.03, or 4141.14 of the Revised Code, as applicable.~~ 1316
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(6)(D) Prior to the review date of a rule, the agency that adopted the rule shall determine, on the basis of its review of the rule, whether the rule needs to be amended or rescinded. 1321
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(1) If the rule needs to be amended or rescinded, the agency, on or before the review date of the rule, shall commence the process of amending or rescinding the rule in accordance with its 1324
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review of the rule. 1327

(2) If the rule does not need to be amended or rescinded, 1328
proceedings shall be had under section 119.033 of the Revised 1329
Code. 1330

(E) Each agency shall provide the joint committee with a copy 1331
of the rules that it has determined are rules described in 1332
division (A)(3)(b) of this section. At a time the joint committee 1333
designates, each agency shall appear before the joint committee 1334
and explain why it has determined that such rules are rules 1335
described in division (A)(3)(b) of this section. The joint 1336
committee, by a two-thirds vote of the members present, may 1337
determine that any of such rules are rules described in division 1338
(A)(3)(a) of this section. After the joint committee has made such 1339
a determination relating to a rule, the agency shall thereafter 1340
treat the rule as a rule described in division (A)(3)(a) of this 1341
section. 1342

~~(F) If an agency fails to provide the notice to the joint~~ 1343
~~committee required under division (E)(2) of this section regarding~~ 1344
~~a rule or otherwise fails by the rule's review date to take any~~ 1345
~~action regarding the rule required by~~ comply with this section or 1346
section 119.033 of the Revised Code, the joint committee, by a 1347
majority vote of the members present, may recommend the adoption 1348
of a concurrent resolution invalidating the rule. The joint 1349
committee shall not recommend the adoption of such a resolution 1350
until it has afforded the agency the opportunity to appear before 1351
the joint committee to show cause why the joint committee should 1352
not recommend the adoption of such a resolution regarding that 1353
rule. 1354

(G) If the joint committee recommends adoption of a 1355
concurrent resolution invalidating a rule under ~~division (E)(3) or~~ 1356
~~(F)~~ of this section or section 119.033 of the Revised Code, the 1357
adoption of the concurrent resolution shall be in the manner 1358

described in division (I) of section 119.03 of the Revised Code. 1359

Sec. 119.033. If an agency, on the basis of its review of a 1360
rule under section 119.032 of the Revised Code, determines that 1361
the rule does not need to be amended or rescinded, proceedings 1362
shall be had as follows: 1363

(A)(1) If, considering only the standard of review specified 1364
in division (C)(5) of section 119.032 of the Revised Code, the 1365
rule has an adverse impact on businesses that has not been 1366
eliminated or reduced, the agency shall prepare a business impact 1367
analysis that describes its review of the rule under that division 1368
and that explains why the rule is not being amended or rescinded 1369
to eliminate or reduce its adverse impact on businesses. If the 1370
rule does not have an adverse impact on businesses, the agency may 1371
proceed under division (B) of this section. 1372

(2) The agency shall transmit a copy of the full text of the 1373
rule and the business impact analysis electronically to the common 1374
sense initiative office. The office shall make the rule and 1375
analysis available to the public on its web site under section 1376
107.62 of the Revised Code. 1377

(3) The agency shall consider any recommendations made by the 1378
office. 1379

(4) Not earlier than the sixteenth business day after 1380
transmitting the rule and analysis to the office, the agency shall 1381
either (a) proceed under divisions (A)(5) and (B) of this section 1382
or (b) commence, under division (D)(1) of section 119.032 of the 1383
Revised Code, the process of rescinding the rule or of amending 1384
the rule to incorporate into the rule features the recommendations 1385
suggest will eliminate or reduce the adverse impact the rule has 1386
on businesses. If the agency determines to amend or rescind the 1387
rule, the agency is not subject to the time limit specified in 1388
division (D)(1) of section 119.032 of the Revised Code. 1389

(5) If the agency receives recommendations from the office, 1390
and determines not to amend or rescind the rule, the agency shall 1391
prepare a memorandum of response that explains why the rule is not 1392
being rescinded or why the recommendations are not being 1393
incorporated into the rule. 1394

(B) The agency shall assign a new review date to the rule. 1395
The review date assigned shall be not later than five years after 1396
the immediately preceding review date pertaining to the rule. If 1397
the agency assigns a review date that exceeds the five-year 1398
maximum, the review date is five years after the immediately 1399
preceding review date. 1400

(C)(1) The agency shall file all the following, in electronic 1401
form, with the joint committee on agency rule review, the 1402
secretary of state, and the director of the legislative service 1403
commission: a copy of the rule specifying its new review date, a 1404
complete and accurate rule summary and fiscal analysis, and, if 1405
relevant, a business impact analysis of the rule, any 1406
recommendations received from the common sense initiative office, 1407
and any memorandum of response. An agency may comply with the 1408
requirement to file a complete and accurate rule summary and 1409
fiscal analysis by filing a previously prepared rule summary and 1410
fiscal analysis, so long as the previous rule summary and fiscal 1411
analysis was complete and accurate at the time it was prepared, 1412
continues to be such a complete and accurate explanation of the 1413
rule, and the conditions described in division (B)(4), (5), (6), 1414
(8), (9), or (10) of section 127.18 of the Revised Code, as they 1415
relate to the rule, have not appreciably changed since the 1416
previous rule summary and fiscal analysis was prepared. 1417

(2) Subject to section 119.034 of the Revised Code, the joint 1418
committee does not have jurisdiction to review, and shall reject, 1419
the filing of a rule under division (C)(1) of this section if, at 1420
any time while the rule is in its possession, it discovers that 1421

the rule has an adverse impact on businesses and the agency has 1422
not complied with division (A) of this section. The joint 1423
committee shall electronically return a rule that is rejected to 1424
the agency, together with any documents that were part of the 1425
filing. Such a rejection does not preclude the agency from 1426
refiling the rule under division (C)(1) of this section after 1427
complying with division (A) of this section. When the filing of a 1428
rule is rejected under this division, it is as if the filing had 1429
not been made. 1430

(D) The joint committee shall publish notice of the agency's 1431
determination not to amend or rescind the rule in the register of 1432
Ohio for four consecutive weeks after the rule is filed under 1433
division (C) of this section. 1434

(E) During the ninety-day period after a rule is filed under 1435
division (C) of this section, but after the four-week notice 1436
period required by division (D) of this section has ended, the 1437
joint committee, by a two-thirds vote of members present, may 1438
recommend to the senate and house of representatives the adoption 1439
of a concurrent resolution invalidating the rule if the joint 1440
committee finds any of the following: 1441

(1) The agency improperly applied the standards in division 1442
(C) of section 119.032 of the Revised Code in reviewing the rule 1443
and in determining that the rule did not need amendment or 1444
rescission. 1445

(2) The rule has an adverse impact on businesses, and the 1446
agency has failed to demonstrate through a business impact 1447
analysis, recommendations from the common sense initiative office, 1448
and a memorandum of response that the regulatory intent of the 1449
rule justifies its adverse impact on businesses. 1450

(3) If the rule incorporates a text or other material by 1451
reference, the agency failed to file, or to deposit or display, 1452

the text or other material incorporated by reference as required 1453
by section 121.73 or 121.74 of the Revised Code or the 1454
incorporation by reference fails to meet the standards stated in 1455
sections 121.72, 121.75, and 121.76 of the Revised Code. 1456

(4) The agency otherwise failed to comply with section 1457
119.032 of the Revised Code or this section. 1458

When the joint committee recommends that a rule be 1459
invalidated, the recommendation does not suspend operation of the 1460
rule, and the rule remains operational pending action by the 1461
senate and house of representatives on the concurrent resolution 1462
embodying the recommendation. If the senate and house of 1463
representatives adopt the concurrent resolution, the rule is 1464
invalid. If, however, the senate and house of representatives do 1465
not adopt the resolution, the rule continues in effect, and shall 1466
next be reviewed according to the new review date assigned to the 1467
rule. 1468

Sec. 119.034. (A) If the joint committee on agency rule 1469
review is reviewing a proposed or existing rule under section 1470
119.03 or 119.033 of the Revised Code and is uncertain whether the 1471
rule has an adverse impact on businesses, or if the rule appears 1472
to have an adverse impact on businesses that has not been 1473
addressed or that has been inadequately addressed, the joint 1474
committee electronically may refer the rule to the common sense 1475
initiative office. If an adverse impact to business has been 1476
identified and that impact was not evaluated in a business impact 1477
analysis previously reviewed by the common sense initiative 1478
office, the joint committee may rerefer that rule to the common 1479
sense initiative office. The joint committee may transmit a 1480
memorandum to the office along with the proposed or existing rule 1481
explaining specifically why it is referring or rereferring the 1482
rule to the office. The joint committee electronically shall 1483

notify the agency if it refers or rerefers the proposed or 1484
existing rule to the office. 1485

Such a referral or rereferral tolls the running of the time 1486
within which the joint committee is required to recommend adoption 1487
of a concurrent resolution invalidating the proposed or existing 1488
rule. The time resumes running when the proposed or existing rule 1489
is returned to the joint committee after the referral or 1490
rereferral. The tolling does not affect the continued operation of 1491
an existing rule. 1492

(B) The office, within thirty days after receiving a proposed 1493
or existing rule under division (A) of this section, shall 1494
evaluate or reevaluate the rule to determine whether it has an 1495
adverse impact on businesses, and shall proceed under division 1496
(C)(1) or (2) of this section as is appropriate to its 1497
determination. 1498

(C)(1) If the office determined that the proposed or existing 1499
rule does not have an adverse impact on businesses, the office 1500
shall prepare a memorandum stating that finding. The office 1501
electronically shall transmit the memorandum to the agency, and 1502
shall return the proposed or existing rule to the joint committee. 1503
The office also shall transmit a copy of its memorandum to the 1504
joint committee along with the proposed or existing rule. The 1505
joint committee may review or reject the proposed or existing 1506
rule, the same as if the rule had not been referred or rereferred 1507
to the office. If, when the proposed or existing rule is returned 1508
to the joint committee, fewer than thirty days remain in the time 1509
by which a concurrent resolution invalidating the rule must be 1510
recommended, the time for making such a recommendation is extended 1511
until the thirtieth day after the day on which the rule was 1512
returned to the joint committee. 1513

(2) If the office determined that the proposed or existing 1514
rule has an adverse impact on businesses, the office 1515

electronically shall transmit the memorandum to the agency, and 1516
shall return the proposed or existing rule to the agency. The 1517
office also shall transmit a copy of its memorandum to the joint 1518
committee along with the proposed or existing rule. After 1519
receiving the memorandum and proposed or existing rule from the 1520
office, the agency shall evaluate the impact of the proposed or 1521
existing rule on business, complete a business impact analysis, 1522
and submit the business impact analysis to the common sense 1523
initiative office as described in section 121.82 of the Revised 1524
Code. 1525

(a) When the office transmits a copy of a proposed rule to 1526
the joint committee, if fewer than thirty days remain in the time 1527
by which a concurrent resolution invalidating the rule must be 1528
recommended, the time for making such a recommendation is extended 1529
until the thirtieth day after a copy of the rule was transmitted 1530
to the joint committee. The agency, after considering the 1531
recommendations, may revise the proposed rule, and, if the agency 1532
does so, the agency is exempt from complying with divisions (A), 1533
(B), and (C) of section 121.82 of the Revised Code, but shall 1534
comply with divisions (D) and (E) of that section. 1535

(b) When the office transmits a copy of an existing rule to 1536
the joint committee, it is the same as if the agency had withdrawn 1537
the rule from the joint committee's jurisdiction. If the agency 1538
determines, after considering the recommendations, that the 1539
existing rule needs to be amended or rescinded, the agency shall 1540
commence the process of doing so under division (D)(1) of section 1541
119.032 of the Revised Code. If, however, the agency determines, 1542
after considering the recommendations, that the existing rule does 1543
not need to be amended or rescinded, the agency shall resume 1544
periodic review of the rule under division (D)(2) of section 1545
119.032 of the Revised Code. 1546

Sec. 119.04. (A)(1) Any rule adopted by any agency shall be 1547
effective on the tenth day after the day on which the rule in 1548
final form and in compliance with division (A)(2) of this section 1549
is filed as follows: 1550

(a) The rule shall be filed in electronic form with both the 1551
secretary of state and the director of the legislative service 1552
commission; 1553

(b) The rule shall be filed in electronic form with the joint 1554
committee on agency rule review. Division (A)(1)(b) of this 1555
section does not apply to any rule to which division (H) of 1556
section 119.03 of the Revised Code does not apply. 1557

~~If all filings are not completed on the same day, the rule~~ 1558
~~shall be effective on the tenth day after the day on which the~~ 1559
~~latest filing is completed.~~ If an agency in adopting a rule 1560
designates an effective date that is later than the effective date 1561
provided for by this division, the rule if filed as required by 1562
this division shall become effective on the later date designated 1563
by the agency. 1564

An agency that adopts or amends a rule that is subject to 1565
division (H) of section 119.03 of the Revised Code shall assign a 1566
review date to the rule that is not later than five years after 1567
its effective date. ~~If no review date is assigned to a rule, or if~~ 1568
a review date assigned to a rule exceeds the five-year maximum, 1569
the review date for the rule is five years after its effective 1570
date. A rule with a review date is subject to review under section 1571
119.032 of the Revised Code. This paragraph does not apply to the 1572
department of taxation. 1573

(2) The agency shall file the rule in compliance with the 1574
following standards and procedures: 1575

(a) The rule shall be numbered in accordance with the 1576

numbering system devised by the director for the Ohio administrative code. 1577
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(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission. 1579
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(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known. 1581
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(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. 1583
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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. 1586
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(3) As used in this section, "rule" includes an amendment or rescission of a rule. 1592
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(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. 1594
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~~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.~~ 1599
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Sec. 121.74. As used in this section, "rule" has the same meaning as in section 121.71 of the Revised Code and also includes the rescission of an existing rule.

When an agency files a rule in final form under division (B)(1) of section 111.15, or division (A)(1) of section 119.04, ~~division (B)(1) of section 1141.14, or division (A) of section 5703.14~~ of the Revised Code that incorporates or incorporated a text or other material by reference, the agency, prior to the effective date of the rule, shall either:

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

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

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

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

(A) "Agency" means a state agency that is required to file proposed rules for legislative review under division (D) of section 111.15 or division (H) 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 1638
section 111.15 or division (H) of section 119.03 of the Revised 1639
Code and includes a proposed amendment, adoption, or rescission of 1640
a rule in both its original and any revised form. "Draft rule" 1641
does not include an emergency rule adopted under division (B)(2) 1642
of section 111.15 or division (F) of section 119.03 of the Revised 1643
Code, but does include a rule that is proposed to replace an 1644
emergency rule that expires under those divisions. 1645

Sections 121.81 to 121.83 and 121.91 of the Revised Code are 1646
complementary to sections 107.51 to 107.55 and 107.61 to 107.63 of 1647
the Revised Code. 1648

Sec. 121.83. (A) When an agency files a proposed rule for 1649
legislative review under division (D) of section 111.15 of the 1650
Revised Code or division (H) of section 119.03 of the Revised 1651
Code, the agency electronically shall file one copy of the 1652
business impact analysis, any recommendations received from the 1653
common sense initiative office, and the agency's memorandum of 1654
response, if any, along with the proposed rule. 1655

(B) ~~The~~ (1) Subject to section 119.034 of the Revised Code, 1656
the joint committee on agency rule review does not have 1657
jurisdiction to review, and shall reject, the filing of a proposed 1658
rule if, at any time while the proposed rule is in its possession, 1659
it discovers that the proposed rule might have an adverse impact 1660
on businesses and the agency has not included with the filing a 1661
business impact analysis or has included a business impact 1662
analysis that is inadequately prepared. The joint committee 1663
electronically shall return a filing that is rejected to the 1664
agency. Such a rejection does not preclude the agency from 1665
refiling the proposed rule after complying with section 121.82 of 1666
the Revised Code. When a filing is rejected under this division, 1667
it is as if the filing had not been made. 1668

(2) If the last previously filed version of a proposed rule, 1669
the filing of a later version of which has been rejected by the 1670
joint committee, remains in the possession of the joint committee, 1671
and if the time for legislative review of that previously filed 1672
version has expired, or if fewer than thirty days remain before 1673
the time for legislative review of that previously filed version 1674
expires, then the time for legislative review of that previously 1675
filed version is revived or extended, and recommendation of a 1676
concurrent resolution to invalidate that previously filed version 1677
may be adopted not later than the sixty-fifth day after the day on 1678
which the filing of the later version of the proposed rule was 1679
rejected. This deadline is subject to extension under section 1680
106.02 of the Revised Code. 1681

Sec. 121.91. (A) Each state agency shall develop, and as it 1682
becomes necessary or advisable may improve, customer service 1683
standards for each employee of the agency whose duties include a 1684
significant level of contact with the public. The agency shall 1685
base the standards on the job descriptions of the positions that 1686
the employees hold in the agency. An agency is not required to 1687
adopt the standards by rule. A state agency that is created after 1688
the effective date of this amendment shall develop its initial 1689
customer service standards within six months after the effective 1690
date of the statute that creates the state agency. 1691

Each state agency shall reduce the standards to writing, and 1692
the standards shall be incorporated into employee policy manuals, 1693
job descriptions, and employee performance evaluations. 1694

(B) The state agency, and its officers and employees, shall 1695
comply with the customer service performance standards that have 1696
been developed under division (A) of this section. A state 1697
agency's compliance with the standards shall be evaluated, by the 1698
director of budget and management and the committees of the senate 1699

and house of representatives having jurisdiction over the state 1700
operating budget, as part of the consideration of the state 1701
agency's biennial budget. (If the evaluation is of the office of 1702
budget and management, evaluation by the committees is 1703
sufficient.) An employee's compliance with the standards shall be 1704
evaluated as part of the employee's periodic performance reviews. 1705
A state agency's and employee's compliance with the standards may 1706
be evaluated as part of any performance audit of the state agency. 1707

Sec. 127.18. (A) As used in this section: 1708

(1) "Rule-making agency" has the ~~same~~ meaning ~~as~~ defined in 1709
~~division (I) of~~ section 119.01 of the Revised Code. 1710

(2) "Rule" includes the adoption, amendment, or rescission of 1711
a rule. 1712

(3) "Proposed rule" means the original version of a proposed 1713
rule, and each revised version of the same proposed rule, that is 1714
filed with the joint committee on agency rule review under 1715
division (D) of section 111.15 or division (H) of section 119.03 1716
of the Revised Code. 1717

(B) A rule-making agency shall prepare, in the form 1718
prescribed by the joint committee on agency rule review ~~under~~ 1719
~~division (E) of this section,~~ a complete and accurate rule summary 1720
and fiscal analysis of each proposed rule that it files under 1721
division (D) of section 111.15 or division (H) of section 119.03 1722
of the Revised Code. The rule summary and fiscal analysis shall 1723
include all of the following information: 1724

(1) The name, address, and telephone number of the 1725
~~rule-making~~ agency, and the name ~~and~~, telephone number, and 1726
electronic mail address of an individual or office within the 1727
agency designated by that agency to be responsible for 1728
coordinating and making available information in the possession of 1729

the agency regarding the proposed rule;	1730
(2) The Ohio Administrative Code rule number of the proposed rule;	1731 1732
(3) A brief summary of, and the legal basis for, the proposed rule, including citations identifying the statute that prescribes the procedure in accordance with which the rule-making agency is required to adopt the proposed rule, the statute that authorizes the agency to adopt the proposed rule, and the statute that the agency intends to amplify or implement by adopting the proposed rule;	1733 1734 1735 1736 1737 1738 1739
(4) An estimate, in dollars, of the amount by which the proposed rule would increase or decrease revenues or expenditures during the current biennium;	1740 1741 1742
(5) A citation identifying the appropriation that authorizes each expenditure that would be necessitated by the proposed rule;	1743 1744
(6) A summary of the estimated cost of compliance with the rule to all directly affected persons;	1745 1746
(7) The reasons why the rule is being proposed;	1747
(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;	1748 1749 1750 1751 1752
(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	1753 1754 1755 1756 1757 1758 1759

governments, exceeding the federal requirement; 1760

(10) If the rule has a fiscal effect on school districts, 1761
counties, townships, or municipal corporations, a comprehensive 1762
cost estimate that includes the procedure and method of 1763
calculating the costs of compliance and identifies major cost 1764
categories including personnel costs, new equipment or other 1765
capital costs, operating costs, and indirect central service costs 1766
related to the rule. The fiscal analysis shall also include a 1767
written explanation of the agency's and the affected local 1768
government's ability to pay for the new requirements and a 1769
statement of any impact the rule will have on economic 1770
development. 1771

(11) If the rule incorporates a text or other material by 1772
reference, and the agency claims the incorporation by reference is 1773
exempt from compliance with sections 121.71 to 121.74 of the 1774
Revised Code because the text or other material is generally 1775
available to persons who reasonably can be expected to be affected 1776
by the rule, an explanation of how the text or other material is 1777
generally available to those persons; 1778

(12) If the rule incorporates a text or other material by 1779
reference, and it was infeasible for the agency to file the text 1780
or other material electronically, an explanation of why filing the 1781
text or other material electronically was infeasible; 1782

(13) If the rule is being rescinded and incorporates a text 1783
or other material by reference, and it was infeasible for the 1784
agency to file the text or other material, an explanation of why 1785
filing the text or other material was infeasible; 1786

(14) Any other information the joint committee on agency rule 1787
review considers necessary to make the proposed rule or the fiscal 1788
effect of the proposed rule fully understandable. 1789

(C) The rule-making agency shall file the rule summary and 1790

fiscal analysis in electronic form along with the proposed rule 1791
that it files under divisions (D) and (E) of section 111.15 or 1792
divisions (B) and (H) of section 119.03 of the Revised Code. The 1793
joint committee on agency rule review shall not accept any 1794
proposed rule for filing unless a copy of the rule summary and 1795
fiscal analysis of the proposed rule, completely and accurately 1796
prepared, is filed along with the proposed rule. 1797

(D) The joint committee on agency rule review shall review 1798
the fiscal effect of each proposed rule that is filed under 1799
division (D) of section 111.15 or division (H) of section 119.03 1800
of the Revised Code. 1801

(E) The joint committee on agency rule review shall prescribe 1802
the form in which each rule-making agency shall prepare its rule 1803
summary and fiscal analysis of a proposed rule. 1804

~~(F) This section does not require the auditor of state or the 1805
auditor of state's designee to prepare or attach a rule summary 1806
and fiscal analysis to any copy of a rule proposed under section 1807
117.12, 117.19, 117.38, or 117.43 of the Revised Code. 1808~~

Sec. 4141.14. ~~(A)~~ All rules of the director of the department 1809
of job and family services adopted pursuant to this chapter shall 1810
be approved by the unemployment compensation review commission 1811
before the rules become effective. All such rules shall specify on 1812
their face their effective date and the date on which they will 1813
expire, if known. Approval by the unemployment compensation review 1814
commission shall also be required before amendments to, or 1815
rescission of, any rules of the director adopted pursuant to this 1816
chapter become effective. If the commission disapproves a rule of 1817
the director, it shall determine and promulgate a rule that it 1818
considers appropriate after affording a hearing to the director. 1819

~~(B)(1) Any rule promulgated pursuant to this section shall be 1820
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~~effective on the tenth day after the day on which the rule in 1822
final form and in compliance with division (B)(2) of this section 1823
is filed as follows: 1824~~

~~(a) The rule shall be filed in electronic form with both the 1825
secretary of state and the director of the legislative service 1826
commission; 1827~~

~~(b) The rule shall be filed in electronic form with the joint 1828
committee on agency rule review. Division (B)(1)(b) of this 1829
section does not apply to any rule to which division (H) of 1830
section 119.03 of the Revised Code does not apply. 1831~~

~~If all filings are not completed on the same day, the rule 1832
shall be effective on the tenth day after the day on which the 1833
latest filing is completed. If the department of job and family 1834
services or the unemployment compensation review commission in 1835
adopting a rule pursuant to this chapter designates an effective 1836
date that is later than the effective date provided for by this 1837
division, the rule if filed as required by this division shall 1838
become effective on the later date designated by the department or 1839
commission. 1840~~

~~If the commission or department adopts or amends a rule that 1841
is subject to division (H) of section 119.03 of the Revised Code, 1842
the commission or department shall assign a review date to the 1843
rule that is not later than five years after its effective date. 1844
If no review date is assigned to a rule, or if a review date 1845
assigned to a rule exceeds the five year maximum, the review date 1846
for the rule is five years after its effective date. A rule with a 1847
review date is subject to review under section 119.032 of the 1848
Revised Code. 1849~~

~~(2) The department and commission shall file the rule in 1850
compliance with the following standards and procedures: 1851~~

~~(a) The rule shall be numbered in accordance with the 1852~~

~~numbering system devised by the director for the Ohio administrative code.~~ 1853
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~~(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.~~ 1855
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~~(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.~~ 1857
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~~(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.~~ 1859
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~~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.~~ 1862
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~~The secretary of state and the director of the legislative service commission shall preserve the rules filed under division (B)(1)(a) of this section in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.~~ 1871
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~~(C) As used in this section:~~ 1877

~~(1) "Rule" includes an amendment or rescission of a rule.~~ 1878

~~(2) "Substantive revision" has the same meaning as in division (J) of section 119.01 of the Revised Code.~~ 1879
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Sec. 5703.14. ~~(A) Any rule adopted by the board of tax appeals and any rule of the department of taxation adopted by the~~ 1881
1882

~~tax commissioner shall be effective on the tenth day after the day 1883
on which the rule in final form and in compliance with division 1884
(B) of this section is filed by the board or the commissioner as 1885
follows: 1886~~

~~(1) The rule shall be filed in electronic form with both the 1887
secretary of state and the director of the legislative service 1888
commission; 1889~~

~~(2) The rule shall be filed in electronic form with the joint 1890
committee on agency rule review. Division (A)(2) of this section 1891
does not apply to any rule to which division (H) of section 119.03 1892
of the Revised Code does not apply. 1893~~

~~If all filings are not completed on the same day, the rule 1894
shall be effective on the tenth day after the day on which the 1895
latest filing is completed. If the board or the commissioner in 1896
adopting a rule designates an effective date that is later than 1897
the effective date provided for by this division, the rule if 1898
filed as required by this division shall become effective on the 1899
later date designated by the board or commissioner. 1900~~

~~(B) The board and commissioner shall file the rule in 1901
compliance with the following standards and procedures: 1902~~

~~(1) The rule shall be numbered in accordance with the 1903
numbering system devised by the director for the Ohio 1904
administrative code. 1905~~

~~(2) The rule shall be prepared and submitted in compliance 1906
with the rules of the legislative service commission. 1907~~

~~(3) The rule shall clearly state the date on which it is to 1908
be effective and the date on which it will expire, if known. 1909~~

~~(4) Each rule that amends or rescinds another rule shall 1910
clearly refer to the rule that is amended or rescinded. Each 1911
amendment shall fully restate the rule as amended. 1912~~

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

~~All rules of the department and board filed pursuant to
division (A)(1) of this section shall be recorded by the secretary
of state and the director under the name of the department or
board and shall be numbered in accordance with the numbering
system devised by the director. The secretary of state and the
director shall preserve the rules 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. Each such rule shall also be made available to
interested parties upon request directed to the department.~~

~~(C) Applications for review of any rule adopted and
promulgated by the tax commissioner may be filed with the board of
tax appeals by any person who has been or may be injured by the
operation of the rule. The appeal may be taken at any time after
the rule is filed with the secretary of the state, the director of
the legislative service commission, and, if applicable, the joint
committee on agency rule review. Failure to file an appeal does
not preclude any person from seeking any other remedy against the
application of the rule to the person. The applications shall set
forth, or have attached thereto and incorporated by reference, a
true copy of the rule, and shall allege that the rule complained
of is unreasonable and shall state the grounds upon which the
allegation is based. Upon the filing of the application, the board
shall notify the commissioner of the filing of the application,~~

fix a time for hearing the application, notify the commissioner 1945
and the applicant of the time for the hearing, and afford both an 1946
opportunity to be heard. The appellant, the tax commissioner, and 1947
any other interested persons that the board permits, may introduce 1948
evidence. The burden of proof to show that the rule is 1949
unreasonable shall be upon the appellant. After the hearing, the 1950
board shall determine whether the rule complained of is reasonable 1951
or unreasonable. A determination that the rule complained of is 1952
unreasonable shall require a majority vote of the three members of 1953
the board, and the reasons for the determination shall be entered 1954
on the journal of the board. 1955

Upon determining that the rule complained of is unreasonable, 1956
the board shall file copies of its determination as follows: 1957

~~(1)~~(A) The determination shall be filed in electronic form 1958
with both the secretary of state and the director of the 1959
legislative service commission, who shall note the date of their 1960
receipt of the certified copies conspicuously in their files of 1961
the rules of the department; 1962

~~(2)~~(B) The determination shall be filed in electronic form 1963
with the joint committee on agency rule review. Division (C)(2) of 1964
this section does not apply to any rule to which division ~~(H)~~(C) 1965
of section 119.03 of the Revised Code does not apply. 1966

On the tenth day after the determination has been received by 1967
the secretary of state, the director, and, if applicable, the 1968
joint committee, the rule referred to in the determination shall 1969
cease to be in effect. If all filings of the determination are not 1970
completed on the same day, the rule shall remain in effect until 1971
the tenth day after the day on which the latest filing is 1972
completed. This section does not apply to licenses issued under 1973
sections 5735.02, 5739.17, and 5743.15 of the Revised Code, which 1974
shall be governed by sections 119.01 to 119.13 of the Revised 1975
Code. 1976

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

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

Section 2. That existing sections 101.35, 103.0511, 107.52, 107.53, 107.54, 107.55, 107.62, 107.63, 111.15, 117.20, 119.01, 119.03, 119.032, 119.04, 121.74, 121.81, 121.83, 121.91, 127.18, 4141.14, and 5703.14 of the Revised Code are hereby repealed.

Section 3. Section 119.031 of the Revised Code is hereby repealed.

Section 4. A state agency that is required to develop customer service standards under section 121.91 of the Revised Code and that has not, on the effective date of this section, developed its initial standards shall do so not later than December 31, 2013.

Section 5. Section 5703.14 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 3 and the version of Am. Sub. S.B. 11 of the 123rd General Assembly effective on April 1, 2002. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.