



*Phil Mullin*

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 78**

127th General Assembly  
(As Reported by H. State Government and Elections)

**Reps. Blessing, Seitz, Daniels**

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### **BILL SUMMARY**

- Beginning January 1, 2008, makes the officers of a standing legislative committee limited, ex officio members of the Joint Committee on Agency Rule Review (JCARR) when a rule coming within the subject matter jurisdiction of the legislative committee is under consideration by JCARR.

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### **CONTENT AND OPERATION**

A ten-member legislative joint committee, the Joint Committee on Agency Rule Review (JCARR), is required to review certain proposed agency administrative rules. If it makes certain findings, JCARR is authorized to recommend that the House and Senate adopt a concurrent resolution invalidating or suspending a proposed rule, an amendment to a rule, a rescission of a rule, or a part thereof (see **COMMENT**). (R.C. 101.35.)

Under the bill, beginning on January 1, 2008, whenever JCARR takes up a rule, amendment, rescission, or part thereof for consideration, the chairperson, vice-chairperson, and ranking minority member of the standing committee of the Senate and House of Representatives having jurisdiction over the subject matter of the rule, amendment, rescission, or part thereof also are members of JCARR during, and with regard to only, that consideration. The effect is temporarily to augment JCARR's membership to 16 members. Nine members of JCARR therefore constitute a quorum with regard to consideration of a rule and the concurrence of nine members is required to recommend that the House and Senate adopt a concurrent resolution invalidating or suspending a proposed rule, amendment, rescission, or part thereof. Six members continue to constitute a quorum for all other purposes. (R.C. 101.35 and Section 3.)

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## COMMENT

JCARR may recommend invalidation of a proposed rule if it finds any of the following with respect to the proposed rule: (1) the agency exceeded the scope of its statutory authority in proposing or adopting the rule, (2) the rule conflicts with another rule adopted by the same or a different agency, (3) the rule conflicts with the legislative intent in enacting the statute under which the agency proposed or adopted the rule, or (4) the agency failed to prepare a complete and accurate rule summary and fiscal analysis (RSFA) of the proposed rule as required by R.C. 121.24 or 127.18, or, if the proposed rule incorporates a text or other material by reference, either the agency has failed to file the incorporated text or other material with JCARR or the incorporation by reference fails to meet the standards governing incorporations by reference in rules (see below) (R.C. 119.03(I)(1) and 119.031(C)(2), not in the bill). (The last finding is applicable to only proposed rules.)

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## HISTORY

ACTION	DATE
Introduced	02-27-07
Reported, H. State Gov't & Elections	05-30-07

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