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Committees

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Sponsor Testimony
State Senator Joseph Uecker
Sub. Senate Bill 221
House Government Accountability and Oversight Committee
May 22, 2018

Thank you Chairman Blessing, Vice Chairman Reineke, Ranking Member Clyde, and members of the House Government Accountability and Oversight Committee for the opportunity to speak on behalf of Sub. Senate Bill 221.

The Joint Committee on Agency Rule Review was created in 1977 to review proposed, amended, and rescinded rules from over 110 agencies to ensure they do not exceed their rule-making authority granted to them by the General Assembly. If a rule violates one or more of six items prongs, the JCARR committee could make a recommendation to invalidate the rule.

Sub. SB 221 seeks to enhance Ohio's rulemaking process by prohibiting informal policy making by state agencies thereby providing Ohio businesses and residents with greater transparency on the impact of proposed agency rules.

This bill contains the following improvements:

- If an agency improperly establishes a rule through policy, instead of through formal rulemaking, the committee will have the authority to call the agency before the committee to explain why they are using informal policy instead of an actual rule.
- The committee may then vote to ask the agency to write a formal rule in lieu of an informal policy.
- This review process also extends to inaction on rules that state agencies are statutorily required to propose but have failed to do so. The bill provides JCARR with the ability to ask why the rules have not been proposed.
- Agencies will be required to follow a process of self-examination to search for policies that should be formalized in rulemaking and a report must be sent to JCARR.

- A person may petition an agency to write rules if they have been partner to an adjudication, an order, or civil action.
- Allows JCARR to review rules between 5-year rule review periods if a rule has an unforeseen effect on business. This would require a vote of JCARR as an initial hurdle before requesting such review.
- Expands the definition of adverse impact on business to include rules that are likely to reduce the revenue of a business or increase the expenses of the business, as opposed to simply charging a new fee to the business as result of the rule.

S.B. 221 passed with bipartisan support with a vote of 30 – 3 in the Senate.

Please join me in supporting common sense reforms that will simplify government and allow businesses throughout Ohio to thrive. Thank you for your consideration. I am happy to answer any questions.