

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 303

Senator Uecker

Cosponsors: Senators Coley, LaRose, Seitz, Eklund

A BILL

To amend sections 106.021, 106.03, 106.031, 107.52, 1
107.54, 111.15, 119.03, 121.71, 121.72, 121.73, 2
121.74, 121.75, 121.82, 127.18, 1707.20, and 3
3375.01; to enact sections 101.352, 101.353, 4
106.032, 117.115, 121.93, 121.931, 121.932, and 5
121.933; and to repeal section 121.76 of the 6
Revised Code to reform agency rule-making and 7
legislative review thereof. 8

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

Section 1. That sections 106.021, 106.03, 106.031, 107.52, 9
107.54, 111.15, 119.03, 121.71, 121.72, 121.73, 121.74, 121.75, 10
121.82, 127.18, 1707.20, and 3375.01 be amended and sections 11
101.352, 101.353, 106.032, 117.115, 121.93, 121.931, 121.932, 12
and 121.933 of the Revised Code be enacted to read as follows: 13

Sec. 101.352. If the joint committee on agency rule review 14
becomes aware that an agency subject to its jurisdiction is 15
relying upon a principle of law or policy that, under section 16
121.93 of the Revised Code, should have been supplanted by its 17
restatement in a rule, the chairperson of the joint committee, 18

in the chairperson's sole discretion, may request the agency to 19
appear before the joint committee to address why, 20
notwithstanding section 121.93 of the Revised Code, it is so 21
relying. The request shall specify the time and place at which a 22
designee of the agency is to appear before the joint committee 23
to address, and to answer the joint committee's questions 24
concerning, the agency's reliance. The date set for the 25
appearance shall be not earlier than thirty days after the joint 26
committee transmits the request to the agency. The joint 27
committee shall transmit the request to the agency 28
electronically. The joint committee also shall publish the 29
request on its web site, as part of the relevant meeting agenda, 30
and shall indicate in conjunction with the published request 31
that any person is invited to appear before the joint committee 32
when the agency appears to offer and make comments to the joint 33
committee concerning the agency's reliance. 34

Upon receiving the request, the agency shall designate a 35
suitable agency officer or employee to appear on behalf of the 36
agency before the joint committee as directed in the request. 37
The agency electronically shall notify the joint committee of 38
the name, title, telephone number, and electronic mail address 39
of the officer or employee who has been designated to appear 40
before the joint committee in response to the request. 41

Upon appearing before the joint committee, the agency's 42
designee shall address why the agency is relying upon a 43
principle of law or policy that, notwithstanding section 121.93 44
of the Revised Code, has not been supplanted by its restatement 45
in a rule. The members of the joint committee may question the 46
agency's designee concerning the agency's reliance. Any person 47
may offer and make comments to the joint committee concerning 48
the agency's reliance. 49

After the appearance has concluded, the joint committee, 50
by vote of a majority of its members, in writing may recommend 51
to the agency that it supplant the principle of law or policy 52
that it is relying upon by its restatement in a rule. The joint 53
committee shall support its recommendation with a brief 54
rationale of why, under section 121.93 of the Revised Code, the 55
principle of law or policy should be supplanted by its 56
restatement in a rule. The joint committee shall transmit the 57
recommendation electronically to the agency. 58

After receiving the recommendation from the joint 59
committee, the agency shall commence the rule-making process as 60
soon as it is reasonably feasible to do so, but not later than 61
the date that is six months after the recommendation was 62
received. The principle of law or policy as it is restated in a 63
rule does not need to be wholly congruent with the supplanted 64
principle of law or policy. The agency lawfully may improve or 65
develop further the supplanted principle of law or policy as it 66
is restated in a rule. 67

The agency may continue to rely upon the principle of law 68
or policy, but only while it is complying with the preceding 69
paragraph. The agency may not rely upon the principle of law or 70
policy in advising with regard to or in determining the rights 71
or liabilities of a person if the agency fails to commence the 72
rule-making process by the deadline specified in the preceding 73
paragraph, or if, after commencing the rule-making process, the 74
agency neglects or abandons the rule-making process before it is 75
completed. 76

Sec. 101.353. If the joint committee on agency rule review 77
becomes aware, such as through its own inquiries or by receiving 78
complaints from interested parties or stakeholders, that an 79

agency subject to its jurisdiction is required expressly or 80
impliedly by a statute to adopt a rule but appears neither to 81
have done so nor to have commenced the rule-making process, the 82
chairperson of the joint committee, in the chairperson's sole 83
discretion, may request the agency to appear before the joint 84
committee to address its apparent dereliction. The request shall 85
specify the time and place at which a designee of the agency is 86
to appear before the joint committee to address, and answer the 87
joint committee's questions concerning, the agency's apparent 88
dereliction. The request shall identify the statute that 89
expressly or impliedly requires rule-making and that apparently 90
has not been complied with. The joint committee shall transmit 91
the request to the agency electronically. The joint committee 92
also shall publish the request on its web site, and shall 93
indicate in conjunction with the published request that any 94
person is invited to appear before the joint committee when the 95
agency appears to offer and make comments to the joint committee 96
concerning the agency's apparent dereliction. 97

Upon receiving the request, the agency shall designate a 98
suitable agency officer or employee to appear on behalf of the 99
agency before the joint committee as directed in the request. 100
The agency electronically shall notify the joint committee of 101
the name, title, telephone number, and electronic mail address 102
of the officer or employee who has been designated to appear 103
before the joint committee in response to the request. 104

Upon appearing before the joint committee, the agency's 105
designee shall address why the agency apparently has neither 106
adopted a rule nor commenced the rule-making process as 107
expressly or impliedly required by the statute. The members of 108
the joint committee may question the agency's designee 109
concerning the agency's apparent dereliction. Any person may 110

offer and make comments to the joint committee concerning the 111
agency's apparent dereliction. 112

After the appearance has concluded, the joint committee, 113
by vote of a majority of its members, in writing may advise the 114
agency to commence rule-making proceedings under the statute, as 115
soon as it is reasonably feasible for the agency to do so. The 116
joint committee shall transmit the advisory electronically to 117
the agency. The joint committee also shall publish the advisory 118
on its web site. 119

Sec. 106.021. If, upon reviewing a proposed rule or 120
revised proposed rule, the joint committee on agency rule review 121
makes any of the following findings with regard to the proposed 122
rule or revised proposed rule, the joint committee may recommend 123
to the senate and house of representatives the adoption of a 124
concurrent resolution to invalidate the proposed rule or revised 125
proposed rule or a part thereof: 126

(A) The proposed rule or revised proposed rule exceeds the 127
scope of its statutory authority. 128

(B) The proposed rule or revised proposed rule conflicts 129
with the legislative intent of the statute under which it was 130
proposed. 131

(C) The proposed rule or revised proposed rule conflicts 132
with another proposed or existing rule. 133

(D) The proposed rule or revised proposed rule 134
incorporates a text or other material by reference and either 135
~~the agency has failed to file the text or other material~~ 136
~~incorporated by reference as required by section 121.73 of the~~ 137
~~Revised Code or the incorporation by reference fails to meet the~~ 138
~~standards stated in sections 121.72, 121.75, and 121.76 of the~~ 139

<u>Revised Code:</u>	140
<u>(1) The accompanying citation is not such as reasonably</u>	141
<u>would enable the joint committee readily and without charge to</u>	142
<u>find and inspect the incorporated text or other material, and</u>	143
<u>the agency did not file or otherwise make the incorporated text</u>	144
<u>or other material available without charge to the joint</u>	145
<u>committee; or</u>	146
<u>(2) The agency has treated the rule in whole or in part as</u>	147
<u>exempt from sections 121.71 to 121.74 of the Revised Code on</u>	148
<u>grounds the incorporated text or other material has one or more</u>	149
<u>of the characteristics described in division (B) of section</u>	150
<u>121.75 of the Revised Code, but the incorporated text or other</u>	151
<u>material actually does not have any of those characteristics.</u>	152
(E) The agency has failed to prepare a complete and	153
accurate rule summary and fiscal analysis of the proposed rule	154
or revised proposed rule as required by section 127.18 of the	155
Revised Code.	156
(F) The agency has failed to demonstrate through the	157
business impact analysis, recommendations from the common sense	158
initiative office, and the memorandum of response that the	159
regulatory intent of the proposed rule or revised proposed rule	160
justifies its adverse impact on businesses in this state.	161
<u>(G) The proposed rule or revised proposed rule imposes a</u>	162
<u>fee that is not reasonably and fairly related to the cost</u>	163
<u>actually incurred by the agency in performing the function for</u>	164
<u>which the fee is charged.</u>	165
Sec. 106.03. Prior to the review date of an existing rule,	166
the agency that adopted the rule shall do both of the following:	167
(A) Review the rule to determine all of the following:	168

(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;	169 170 171 172
(2) Whether the rule needs amendment or rescission to give more flexibility at the local level;	173 174
(3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork;	175 176
(4) Whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by section 121.74 of the Revised Code and whether the incorporation by reference meets the standards stated in sections 121.72, 121.75, and 121.76 of the Revised Code;	177 178 179 180 181 182
<u>(a) Whether the citation accompanying the incorporation by reference is such as reasonably would enable a reasonable person to whom the rule applies readily and without charge to find and inspect the incorporated text or other material;</u>	183 184 185 186
<u>(b) Whether the citation accompanying the incorporation by reference is such as reasonably would enable the joint committee on agency rule review readily and without charge to find and inspect the incorporated text or other material; and</u>	187 188 189 190
<u>(c) If the rule has been exempted in whole or in part from sections 121.71 to 121.74 of the Revised Code on grounds the incorporated text or other material has one or more of the characteristics described in division (B) of section 121.75 of the Revised Code, whether the incorporated text or other material actually has any of those characteristics.</u>	191 192 193 194 195 196
(5) Whether the rule duplicates, overlaps with, or	197

conflicts with other rules;	198
(6) Whether the rule has an adverse impact on businesses, as determined under section 107.52 of the Revised Code; and	199 200
(7) Whether the rule contains words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive.	201 202 203
In making its review, the agency shall consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the rule.	204 205 206 207 208
(B) On the basis of its review of the existing rule, the agency shall determine whether the existing rule needs to be amended or rescinded.	209 210 211
(1) If the existing rule needs to be amended or rescinded, the agency, on or before the review date of the existing rule, shall commence the process of amending or rescinding the existing rule in accordance with its review of the rule.	212 213 214 215
(2) If the existing rule does not need to be amended or rescinded, proceedings shall be had under section 106.031 of the Revised Code.	216 217 218
Upon the request of the agency that adopted an existing rule, the joint committee on agency rule review may extend the review date of the rule to a date that is not later than one hundred eighty days after the review date assigned to the rule by the agency. Not more than two such extensions may be allowed.	219 220 221 222 223
Sec. 106.031. If an agency, on the basis of its review of a rule under section 106.03 of the Revised Code, determines that	224 225

the rule does not need to be amended or rescinded, proceedings 226
shall be had as follows: 227

(A) (1) If, considering only the standard of review 228
specified in division (A) (6) of section 106.03 of the Revised 229
Code, the rule has an adverse impact on businesses, the agency 230
shall prepare a business impact analysis that describes its 231
review of the rule under that division and that explains why the 232
regulatory intent of the rule justifies its adverse impact on 233
businesses. If the rule does not have an adverse impact on 234
businesses, the agency may proceed under division (B) of this 235
section. 236

(2) The agency shall transmit a copy of the full text of 237
the rule and the business impact analysis electronically to the 238
common sense initiative office. The office shall make the rule 239
and analysis available to the public on its web site under 240
section 107.62 of the Revised Code. 241

(3) The agency shall consider any recommendations made by 242
the office. 243

(4) Not earlier than the sixteenth business day after 244
transmitting the rule and analysis to the office, the agency 245
shall either (a) proceed under divisions (A) (5) and (B) of this 246
section or (b) commence, under division (B) (1) of section 106.03 247
of the Revised Code, the process of rescinding the rule or of 248
amending the rule to incorporate into the rule features the 249
recommendations suggest will eliminate or reduce the adverse 250
impact the rule has on businesses. If the agency determines to 251
amend or rescind the rule, the agency is not subject to the time 252
limit specified in division (B) (1) of section 106.03 of the 253
Revised Code. 254

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

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

(C) (1) The agency shall file all the following, in electronic form, with the joint committee on agency rule review, the secretary of state, and the director of the legislative service commission: a copy of the rule specifying its new review date, a complete and accurate rule summary and fiscal analysis, and, if relevant, a business impact analysis of the rule, any recommendations received from the common sense initiative office, and any memorandum of response.

(2) Subject to section 106.05 of the Revised Code, the joint committee does not have jurisdiction to review, and shall reject, the filing of a rule under division (C) (1) of this section if, at any time while the rule is in its possession, it discovers that the rule has an adverse impact on businesses and the agency has not complied with division (A) of this section. The joint committee shall electronically return a rule that is rejected to the agency, together with any documents that were part of the filing. Such a rejection does not preclude the agency from refiling the rule under division (C) (1) of this section after complying with division (A) of this section. When

the filing of a rule is rejected under this division, it is as 285
if the filing had not been made. 286

(D) The joint committee shall publish notice of the 287
agency's determination not to amend or rescind the rule in the 288
register of Ohio for four consecutive weeks after the rule is 289
filed under division (C) of this section. 290

(E) During the ninety-day period after a rule is filed 291
under division (C) of this section, but after the four-week 292
notice period required by division (D) of this section has 293
ended, the joint committee may recommend to the senate and house 294
of representatives the adoption of a concurrent resolution 295
invalidating the rule if the joint committee finds any of the 296
following: 297

(1) The agency improperly applied the standards in 298
division (A) of section 106.03 of the Revised Code in reviewing 299
the rule and in determining that the rule did not need amendment 300
or rescission. 301

(2) The rule has an adverse impact on businesses, and the 302
agency has failed to demonstrate through a business impact 303
analysis, recommendations from the common sense initiative 304
office, and a memorandum of response that the regulatory intent 305
of the rule justifies its adverse impact on businesses. 306

(3) If the rule incorporates a text or other material by 307
~~reference, the agency failed to file, or to deposit or display,~~ 308
~~the text or other material incorporated by reference as required~~ 309
~~by section 121.73 or 121.74 of the Revised Code or the~~ 310
~~incorporation by reference fails to meet the standards stated in~~ 311
~~sections 121.72, 121.75, and 121.76 of the Revised Code~~ any of 312
the following applies: 313

(a) The citation accompanying the incorporation by reference is not such as reasonably would enable a reasonable person to whom the rule applies readily and without charge to find and inspect the incorporated text or other material; 314
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(b) The citation accompanying the incorporation by reference is not such as reasonably would enable the joint committee readily and without charge to find and inspect the incorporated text or other material; or 318
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(c) The rule has been exempted in whole or in part from sections 121.71 to 121.74 of the Revised Code on grounds the incorporated text or other material has one or more of the characteristics described in division (B) of section 121.75 of the Revised Code, but the incorporated text or other material actually does not have any of those characteristics. 322
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If the agency fails to comply with section 106.03 or 106.031 of the Revised Code, the joint committee shall afford the agency an opportunity to appear before the joint committee to show cause why the agency has not complied with either or both of those sections. If the agency appears before the joint committee at the time scheduled for the agency to show cause, and fails to do so, the joint committee, by vote of a majority of its members present, may recommend the adoption of a concurrent resolution invalidating the rule for the agency's failure to show cause. Or if the agency fails to appear before the joint committee at the time scheduled for the agency to show cause, the joint committee, by vote of a majority of its members present, may recommend adoption of a concurrent resolution invalidating the rule for the agency's default. 328
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When the joint committee recommends that a rule be invalidated, the recommendation does not suspend operation of 342
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the rule, and the rule remains operational pending action by the senate and house of representatives on the concurrent resolution embodying the recommendation. If the senate and house of representatives adopt the concurrent resolution, the rule is invalid. If, however, the senate and house of representatives do not adopt the resolution, the rule continues in effect, and shall next be reviewed according to the new review date assigned to the rule.

Sec. 106.032. If the chairperson of the joint committee on agency rule review becomes aware that an existing rule has had or is having an unintended or unforeseen effect on businesses that is not reasonably within the express or implied scope of the statute under which the existing rule purportedly was adopted, the chairperson may move that the joint committee order the agency that is administering the existing rule to submit the existing rule for review under section 106.031 of the Revised Code, the same as if the agency had made a determination with regard to the existing rule under division (B)(2) of section 106.03 of the Revised Code. The joint committee may adopt the motion by vote of a majority of its members.

The joint committee shall prepare the order in writing, and shall transmit the order electronically to the agency. The joint committee also shall transmit a copy of the order electronically to the director of the legislative service commission and to the common sense initiative office. The joint committee shall indicate in the order the date on which the order is transmitted. The director shall publish the order in the register of Ohio.

Upon receiving the order, the agency shall comply with the order as soon as reasonably possible, but shall commence

compliance with the order not later than thirty days after the 374
date on which the order was transmitted. 375

When an agency complies with the order, proceedings are to 376
be had with regard to the existing rule under section 106.031 of 377
the Revised Code, the same as if the agency had made a 378
determination with regard to the existing rule under division 379
(B) (2) of section 106.03 of the Revised Code. In addition to the 380
standards of review stated in division (E) of section 106.031 of 381
the Revised Code, the joint committee may recommend to the 382
senate and house of representatives the adoption of a concurrent 383
resolution invalidating the existing rule if the joint committee 384
finds that the existing rule has an unintended or unforeseen 385
effect on businesses that is not reasonably within the express 386
or implied scope of the statute under which the agency 387
purportedly adopted the existing rule. 388

Sec. 107.52. A draft or existing rule that affects 389
businesses has an adverse impact on businesses if a provision of 390
the draft or existing rule that applies to businesses has any of 391
the following effects: 392

(A) It requires a license, permit, or any other prior 393
authorization to engage in or operate a line of business; 394

(B) It imposes a criminal penalty, a civil penalty, or 395
another sanction, or creates a cause of action, for failure to 396
comply with its terms; ~~or~~ 397

(C) It requires specific expenditures or the report of 398
information as a condition of compliance; or 399

(D) It reasonably would be likely to reduce the revenue or 400
increase the expenses of the lines of business to which it will 401
apply or applies. 402

Sec. 107.54. (A) (1) When the common sense initiative 403
office receives a draft rule and business impact analysis from 404
an agency, the office shall evaluate the draft rule and analysis 405
against the business impact analysis instrument and any other 406
relevant criteria, and may prepare and transmit recommendations 407
to the agency on how the draft rule might be revised to 408
eliminate or reduce any adverse impact the draft rule might have 409
on businesses. 410

(2) When the office receives an existing rule and business 411
impact analysis from an agency under division (A) (2) of section 412
106.031 of the Revised Code, the office shall evaluate the 413
existing rule and analysis against the business impact analysis 414
instrument and any other relevant criteria, and may prepare and 415
transmit recommendations to the agency on how the existing rule 416
might be amended or rescinded to eliminate or reduce any adverse 417
impact the existing rule has on businesses. 418

(B) The office shall transmit any such recommendations 419
electronically to the agency. If the office fails to make such a 420
transmission on or before the thirtieth day after receiving the 421
draft or existing rule and business impact analysis, it is as if 422
the office had elected not to make any recommendations. 423

Sec. 111.15. (A) As used in this section: 424

(1) "Rule" includes any rule, regulation, bylaw, or 425
standard having a general and uniform operation adopted by an 426
agency under the authority of the laws governing the agency; any 427
appendix to a rule; and any internal management rule. "Rule" 428
does not include any guideline adopted pursuant to section 429
3301.0714 of the Revised Code, any order respecting the duties 430
of employees, any finding, any determination of a question of 431
law or fact in a matter presented to an agency, or any rule 432

promulgated pursuant to Chapter 119. or division (C) (1) or (2) 433
of section 5117.02 of the Revised Code. "Rule" includes any 434
amendment or rescission of a rule. 435

(2) "Agency" means any governmental entity of the state 436
and includes, but is not limited to, any board, department, 437
division, commission, bureau, society, council, institution, 438
state college or university, community college district, 439
technical college district, or state community college. "Agency" 440
does not include the general assembly, the controlling board, 441
the adjutant general's department, or any court. 442

(3) "Internal management rule" means any rule, regulation, 443
bylaw, or standard governing the day-to-day staff procedures and 444
operations within an agency. 445

(B) (1) Any rule, other than a rule of an emergency nature, 446
adopted by any agency pursuant to this section shall be 447
effective on the tenth day after the day on which the rule in 448
final form and in compliance with division (B) (3) of this 449
section is filed as follows: 450

(a) The rule shall be filed in electronic form with both 451
the secretary of state and the director of the legislative 452
service commission; 453

(b) The rule shall be filed in electronic form with the 454
joint committee on agency rule review. Division (B) (1) (b) of 455
this section does not apply to any rule to which division (D) of 456
this section does not apply. 457

An agency that adopts or amends a rule that is subject to 458
division (D) of this section shall assign a review date to the 459
rule that is not later than five years after its effective date. 460
If a review date assigned to a rule exceeds the five-year 461

maximum, the review date for the rule is five years after its 462
effective date. A rule with a review date is subject to review 463
under section 106.03 of the Revised Code. This paragraph does 464
not apply to a rule of a state college or university, community 465
college district, technical college district, or state community 466
college. 467

If an agency in adopting a rule designates an effective 468
date that is later than the effective date provided for by 469
division (B)(1) of this section, the rule if filed as required 470
by such division shall become effective on the later date 471
designated by the agency. 472

Any rule that is required to be filed under division (B) 473
(1) of this section is also subject to division (D) of this 474
section if not exempted by that division. 475

If a rule incorporates a text or other material by 476
reference, the agency shall comply with sections 121.71 to 477
~~121.76~~121.75 of the Revised Code. 478

(2) A rule of an emergency nature necessary for the 479
immediate preservation of the public peace, health, or safety 480
shall state the reasons for the necessity. The emergency rule, 481
in final form and in compliance with division (B)(3) of this 482
section, shall be filed in electronic form with the secretary of 483
state, the director of the legislative service commission, and 484
the joint committee on agency rule review. The emergency rule is 485
effective immediately upon completion of the latest filing, 486
except that if the agency in adopting the emergency rule 487
designates an effective date, or date and time of day, that is 488
later than the effective date and time provided for by division 489
(B)(2) of this section, the emergency rule if filed as required 490
by such division shall become effective at the later date, or 491

later date and time of day, designated by the agency. 492

An emergency rule becomes invalid at the end of the one 493
hundred twentieth day it is in effect. Prior to that date, the 494
agency may file the emergency rule as a nonemergency rule in 495
compliance with division (B) (1) of this section. The agency may 496
not refile the emergency rule in compliance with division (B) (2) 497
of this section so that, upon the emergency rule becoming 498
invalid under such division, the emergency rule will continue in 499
effect without interruption for another one hundred twenty-day 500
period. 501

(3) An agency shall file a rule under division (B) (1) or 502
(2) of this section in compliance with the following standards 503
and procedures: 504

(a) The rule shall be numbered in accordance with the 505
numbering system devised by the director for the Ohio 506
administrative code. 507

(b) The rule shall be prepared and submitted in compliance 508
with the rules of the legislative service commission. 509

(c) The rule shall clearly state the date on which it is 510
to be effective and the date on which it will expire, if known. 511

(d) Each rule that amends or rescinds another rule shall 512
clearly refer to the rule that is amended or rescinded. Each 513
amendment shall fully restate the rule as amended. 514

If the director of the legislative service commission or 515
the director's designee gives an agency notice pursuant to 516
section 103.05 of the Revised Code that a rule filed by the 517
agency is not in compliance with the rules of the legislative 518
service commission, the agency shall within thirty days after 519
receipt of the notice conform the rule to the rules of the 520

commission as directed in the notice. 521

(C) All rules filed pursuant to divisions (B) (1) (a) and 522
(2) of this section shall be recorded by the secretary of state 523
and the director under the title of the agency adopting the rule 524
and shall be numbered according to the numbering system devised 525
by the director. The secretary of state and the director shall 526
preserve the rules in an accessible manner. Each such rule shall 527
be a public record open to public inspection and may be 528
transmitted to any law publishing company that wishes to 529
reproduce it. 530

(D) At least sixty-five days before a board, commission, 531
department, division, or bureau of the government of the state 532
files a rule under division (B) (1) of this section, it shall 533
file the full text of the proposed rule in electronic form with 534
the joint committee on agency rule review, and the proposed rule 535
is subject to legislative review and invalidation under section 536
106.021 of the Revised Code. If a state board, commission, 537
department, division, or bureau makes a revision in a proposed 538
rule after it is filed with the joint committee, the state 539
board, commission, department, division, or bureau shall 540
promptly file the full text of the proposed rule in its revised 541
form in electronic form with the joint committee. A state board, 542
commission, department, division, or bureau shall also file the 543
rule summary and fiscal analysis prepared under section 127.18 544
of the Revised Code in electronic form along with a proposed 545
rule, and along with a proposed rule in revised form, that is 546
filed under this division. If a proposed rule has an adverse 547
impact on businesses, the state board, commission, department, 548
division, or bureau also shall file the business impact 549
analysis, any recommendations received from the common sense 550
initiative office, and the associated memorandum of response, if 551

any, in electronic form along with the proposed rule, or the 552
proposed rule in revised form, that is filed under this 553
division. 554

A proposed rule that is subject to legislative review 555
under this division may not be adopted and filed in final form 556
under division (B)(1) of this section unless the proposed rule 557
has been filed with the joint committee on agency rule review 558
under this division and the time for the joint committee to 559
review the proposed rule has expired without recommendation of a 560
concurrent resolution to invalidate the proposed rule. 561

As used in this division, "commission" includes the public 562
utilities commission when adopting rules under a federal or 563
state statute. 564

This division does not apply to any of the following: 565

(1) A proposed rule of an emergency nature; 566

(2) A rule proposed under section 1121.05, 1121.06, 567
1155.18, 1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 568
4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of 569
the Revised Code; 570

(3) A rule proposed by an agency other than a board, 571
commission, department, division, or bureau of the government of 572
the state; 573

(4) A proposed internal management rule of a board, 574
commission, department, division, or bureau of the government of 575
the state; 576

(5) Any proposed rule that must be adopted verbatim by an 577
agency pursuant to federal law or rule, to become effective 578
within sixty days of adoption, in order to continue the 579

operation of a federally reimbursed program in this state, so 580
long as the proposed rule contains both of the following: 581

(a) A statement that it is proposed for the purpose of 582
complying with a federal law or rule; 583

(b) A citation to the federal law or rule that requires 584
verbatim compliance. 585

(6) An initial rule proposed by the director of health to 586
impose safety standards and quality-of-care standards with 587
respect to a health service specified in section 3702.11 of the 588
Revised Code, or an initial rule proposed by the director to 589
impose quality standards on a facility listed in division (A) (4) 590
of section 3702.30 of the Revised Code, if section 3702.12 of 591
the Revised Code requires that the rule be adopted under this 592
section; 593

(7) A rule of the state lottery commission pertaining to 594
instant game rules. 595

If a rule is exempt from legislative review under division 596
(D) (5) of this section, and if the federal law or rule pursuant 597
to which the rule was adopted expires, is repealed or rescinded, 598
or otherwise terminates, the rule is thereafter subject to 599
legislative review under division (D) of this section. 600

Whenever a state board, commission, department, division, 601
or bureau files a proposed rule or a proposed rule in revised 602
form under division (D) of this section, it shall also file the 603
full text of the same proposed rule or proposed rule in revised 604
form in electronic form with the secretary of state and the 605
director of the legislative service commission. A state board, 606
commission, department, division, or bureau shall file the rule 607
summary and fiscal analysis prepared under section 127.18 of the 608

Revised Code in electronic form along with a proposed rule or 609
proposed rule in revised form that is filed with the secretary 610
of state or the director of the legislative service commission. 611

Sec. 117.115. (A) (1) In conducting an audit of a state 612
agency under section 117.11 or 117.12 of the Revised Code, the 613
auditor of state or independent certified public accountant, as 614
part of inquiring into the agency's compliance with the law 615
pertaining to the agency, shall inquire whether the agency is or 616
appears to be relying upon a principle of law or policy that has 617
not been restated in a rule and that, under section 121.93 of 618
the Revised Code, should be supplanted by its restatement in a 619
rule. 620

(2) If an audit was performed by an independent certified 621
public accountant, the auditor of state, as part of analyzing 622
the accountant's report under section 117.25 of the Revised 623
Code, shall analyze any notation that the agency is or appears 624
to be relying upon a principle of law or policy that has not 625
been restated in a rule and that, under section 121.93 of the 626
Revised Code, should be supplanted by its restatement in a rule. 627

(B) If a principle of law or policy inquired into or 628
analyzed under division (A) (1) or (2) of this section appears to 629
be a principle of law or policy that, under section 121.93 of 630
the Revised Code, should be supplanted by its restatement in a 631
rule, the principle of law or policy shall be identified in the 632
audit report. The auditor of state shall transmit a copy of an 633
audit report that identifies such a principle of law or policy 634
to the joint committee on agency rule review. 635

Sec. 119.03. In the adoption, amendment, or rescission of 636
any rule, an agency shall comply with the following procedure: 637

(A) Reasonable public notice shall be given in the 638
register of Ohio at least thirty days prior to the date set for 639
a hearing, in the form the agency determines. The agency shall 640
file copies of the public notice under division (B) of this 641
section. (The agency gives public notice in the register of Ohio 642
when the public notice is published in the register under that 643
division.) 644

The public notice shall include: 645

(1) A statement of the agency's intention to consider 646
adopting, amending, or rescinding a rule; 647

(2) A synopsis of the proposed rule, amendment, or rule to 648
be rescinded or a general statement of the subject matter to 649
which the proposed rule, amendment, or rescission relates; 650

(3) A statement of the reason or purpose for adopting, 651
amending, or rescinding the rule; 652

(4) The date, time, and place of a hearing on the proposed 653
action, which shall be not earlier than the thirty-first nor 654
later than the fortieth day after the proposed rule, amendment, 655
or rescission is filed under division (B) of this section. 656

In addition to public notice given in the register of 657
Ohio, the agency may give whatever other notice it reasonably 658
considers necessary to ensure notice constructively is given to 659
all persons who are subject to or affected by the proposed rule, 660
amendment, or rescission. 661

The agency shall provide a copy of the public notice 662
required under division (A) of this section to any person who 663
requests it and pays a reasonable fee, not to exceed the cost of 664
copying and mailing. 665

(B) The full text of the proposed rule, amendment, or rule 666
to be rescinded, accompanied by the public notice required under 667
division (A) of this section, shall be filed in electronic form 668
with the secretary of state and with the director of the 669
legislative service commission. (If in compliance with this 670
division an agency files more than one proposed rule, amendment, 671
or rescission at the same time, and has prepared a public notice 672
under division (A) of this section that applies to more than one 673
of the proposed rules, amendments, or rescissions, the agency 674
shall file only one notice with the secretary of state and with 675
the director for all of the proposed rules, amendments, or 676
rescissions to which the notice applies.) The proposed rule, 677
amendment, or rescission and public notice shall be filed as 678
required by this division at least sixty-five days prior to the 679
date on which the agency, in accordance with division (E) of 680
this section, issues an order adopting the proposed rule, 681
amendment, or rescission. 682

If the proposed rule, amendment, or rescission 683
incorporates a text or other material by reference, the agency 684
shall comply with sections 121.71 to ~~121.76~~ 121.75 of the 685
Revised Code. 686

The proposed rule, amendment, or rescission shall be 687
available for at least thirty days prior to the date of the 688
hearing at the office of the agency in printed or other legible 689
form without charge to any person affected by the proposal. 690
Failure to furnish such text to any person requesting it shall 691
not invalidate any action of the agency in connection therewith. 692

If the agency files a revision in the text of the proposed 693
rule, amendment, or rescission, it shall also promptly file the 694
full text of the proposed rule, amendment, or rescission in its 695

revised form in electronic form with the secretary of state and 696
with the director of the legislative service commission. 697

The agency shall file the rule summary and fiscal analysis 698
prepared under section 127.18 of the Revised Code in electronic 699
form along with a proposed rule, amendment, or rescission or 700
proposed rule, amendment, or rescission in revised form that is 701
filed with the secretary of state or the director of the 702
legislative service commission. 703

The agency shall file the hearing report relating to a 704
proposed rule, amendment, or rescission in electronic form with 705
the secretary of state and the director of the legislative 706
service commission at the same time the agency files the hearing 707
report with the joint committee on agency rule review. 708

The director of the legislative service commission shall 709
publish in the register of Ohio the full text of the original 710
and each revised version of a proposed rule, amendment, or 711
rescission; the full text of a public notice; the full text of a 712
rule summary and fiscal analysis; and the full text of a hearing 713
report that is filed with the director under this division. 714

(C) When an agency files a proposed rule, amendment, or 715
rescission under division (B) of this section, it also shall 716
file in electronic form with the joint committee on agency rule 717
review the full text of the proposed rule, amendment, or rule to 718
be rescinded in the same form and the public notice required 719
under division (A) of this section. (If in compliance with this 720
division an agency files more than one proposed rule, amendment, 721
or rescission at the same time, and has given a public notice 722
under division (A) of this section that applies to more than one 723
of the proposed rules, amendments, or rescissions, the agency 724
shall file only one notice with the joint committee for all of 725

the proposed rules, amendments, or rescissions to which the 726
notice applies.) The proposed rule, amendment, or rescission is 727
subject to legislative review and invalidation under sections 728
106.02, 106.021, and 106.022 of the Revised Code. If the agency 729
makes a revision in a proposed rule, amendment, or rescission 730
after it is filed with the joint committee, the agency promptly 731
shall file the full text of the proposed rule, amendment, or 732
rescission in its revised form in electronic form with the joint 733
committee. 734

An agency shall file the rule summary and fiscal analysis 735
prepared under section 127.18 of the Revised Code in electronic 736
form along with a proposed rule, amendment, or rescission, and 737
along with a proposed rule, amendment, or rescission in revised 738
form, that is filed under this division. 739

If a proposed rule, amendment, or rescission has an 740
adverse impact on businesses, the agency also shall file the 741
business impact analysis, any recommendations received from the 742
common sense initiative office, and the agency's memorandum of 743
response, if any, in electronic form along with the proposed 744
rule, amendment, or rescission, or along with the proposed rule, 745
amendment, or rescission in revised form, that is filed under 746
this division. 747

The agency shall file the hearing report in electronic 748
form with the joint committee before the joint committee holds 749
its public hearing on the proposed rule, amendment, or 750
rescission. The filing of a hearing report does not constitute a 751
revision of the proposed rule, amendment, or rescission to which 752
the hearing report relates. 753

A proposed rule, amendment, or rescission that is subject 754
to legislative review under this division may not be adopted 755

under division (E) of this section or filed in final form under 756
section 119.04 of the Revised Code unless the proposed rule, 757
amendment, or rescission has been filed with the joint committee 758
on agency rule review under this division and the time for 759
legislative review of the proposed rule, amendment, or 760
rescission has expired without adoption of a concurrent 761
resolution to invalidate the proposed rule, amendment, or 762
rescission. 763

This division does not apply to: 764

(1) An emergency rule, amendment, or rescission; 765

(2) A proposed rule, amendment, or rescission that must be 766
adopted verbatim by an agency pursuant to federal law or rule, 767
to become effective within sixty days of adoption, in order to 768
continue the operation of a federally reimbursed program in this 769
state, so long as the proposed rule contains both of the 770
following: 771

(a) A statement that it is proposed for the purpose of 772
complying with a federal law or rule; 773

(b) A citation to the federal law or rule that requires 774
verbatim compliance. 775

If a rule or amendment is exempt from legislative review 776
under division (C) (2) of this section, and if the federal law or 777
rule pursuant to which the rule or amendment was adopted 778
expires, is repealed or rescinded, or otherwise terminates, the 779
rule or amendment, or its rescission, is thereafter subject to 780
legislative review under division (C) of this section. 781

(D) On the date and at the time and place designated in 782
the notice, the agency shall conduct a public hearing at which 783
any person affected by the proposed action of the agency may 784

appear and be heard in person, by the person's attorney, or 785
both, may present the person's position, arguments, or 786
contentions, orally or in writing, offer and examine witnesses, 787
and present evidence tending to show that the proposed rule, 788
amendment, or rescission, if adopted or effectuated, will be 789
unreasonable or unlawful. An agency may permit persons affected 790
by the proposed rule, amendment, or rescission to present their 791
positions, arguments, or contentions in writing, not only at the 792
hearing, but also for a reasonable period before, after, or both 793
before and after the hearing. A person who presents a position 794
or arguments or contentions in writing before or after the 795
hearing is not required to appear at the hearing. 796

At the hearing, the testimony shall be recorded. Such 797
record shall be made at the expense of the agency. The agency is 798
required to transcribe a record that is not sight readable only 799
if a person requests transcription of all or part of the record 800
and agrees to reimburse the agency for the costs of the 801
transcription. An agency may require the person to pay in 802
advance all or part of the cost of the transcription. 803

In any hearing under this section the agency may 804
administer oaths or affirmations. 805

The agency shall consider the positions, arguments, or 806
contentions presented at, or before or after, the hearing. The 807
agency shall prepare a hearing summary of the positions, 808
arguments, or contentions, and of the issues raised by the 809
positions, arguments, or contentions. The agency then shall 810
prepare a hearing report explaining, with regard to each issue, 811
how it is reflected in the rule, amendment, or rescission. If an 812
issue is not reflected in the rule, amendment, or rescission, 813
the hearing report shall explain why the issue is not reflected. 814

The agency shall include the hearing summary in the hearing report as an appendix thereto. And, in the hearing report, the agency shall identify the proposed rule, amendment, or rescission to which the hearing report relates.

(E) After divisions (A), (B), (C), and (D) of this section have been complied with, and when the time for legislative review under sections 106.02, 106.022, and 106.023 of the Revised Code has expired without adoption of a concurrent resolution to invalidate the proposed rule, amendment, or rescission, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

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

(G) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission

of a specified rule is suspended. The agency may then adopt 845
immediately the emergency rule, amendment, or rescission and it 846
becomes effective on the date the rule, amendment, or 847
rescission, in final form and in compliance with division (A) (2) 848
of section 119.04 of the Revised Code, is filed in electronic 849
form with the secretary of state, the director of the 850
legislative service commission, and the joint committee on 851
agency rule review. The director shall publish the full text of 852
the emergency rule, amendment, or rescission in the register of 853
Ohio. 854

The emergency rule, amendment, or rescission shall become 855
invalid at the end of the one hundred twentieth day it is in 856
effect. Prior to that date the agency may adopt the emergency 857
rule, amendment, or rescission as a nonemergency rule, 858
amendment, or rescission by complying with the procedure 859
prescribed by this section for the adoption, amendment, and 860
rescission of nonemergency rules. The agency shall not use the 861
procedure of this division to readopt the emergency rule, 862
amendment, or rescission so that, upon the emergency rule, 863
amendment, or rescission becoming invalid under this division, 864
the emergency rule, amendment, or rescission will continue in 865
effect without interruption for another one_hundred_twenty-day 866
period, except when section 106.02 of the Revised Code prevents 867
the agency from adopting the emergency rule, amendment, or 868
rescission as a nonemergency rule, amendment, or rescission 869
within the one_hundred_twenty-day period. 870

This division does not apply to the adoption of any 871
emergency rule, amendment, or rescission by the tax commissioner 872
under division (C) (2) of section 5117.02 of the Revised Code. 873

(H) Rules adopted by an authority within the department of 874

job and family services for the administration or enforcement of 875
Chapter 4141. of the Revised Code or of the department of 876
taxation shall be effective without a hearing as provided by 877
this section if the statutes pertaining to such agency 878
specifically give a right of appeal to the board of tax appeals 879
or to a higher authority within the agency or to a court, and 880
also give the appellant a right to a hearing on such appeal. 881
This division does not apply to the adoption of any rule, 882
amendment, or rescission by the tax commissioner under division 883
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 884
the right to file an action for declaratory judgment as provided 885
in Chapter 2721. of the Revised Code from the decision of the 886
board of tax appeals or of the higher authority within such 887
agency. 888

Sec. 121.71. As used in sections 121.71 to ~~121.76~~121.75 889
of the Revised Code: 890

(A) "Agency" means an "agency" as defined in section 891
111.15 or 119.01 of the Revised Code. 892

(B) "Rule" means a new rule or an amendment to an existing 893
rule. "Rule" includes an appendix ~~or an attachment~~ to a rule. 894

Sec. 121.72. An agency incorporates a text or other 895
material into a rule by reference when it ~~states~~refers in the 896
rule ~~that a~~to the text or other material ~~not contained in the~~ 897
~~rule is to be treated as if it were contained~~spelled out or 898
otherwise reproduced in the rule. ~~The agency shall explain in~~ 899
~~the rule how persons who reasonably can be expected to be~~ 900
~~affected by the rule can obtain copies of the text or other~~ 901
~~material that has been incorporated by reference. As part of the~~ 902
~~explanation, the agency shall state whether the incorporated~~ 903
~~text or other material is or is to be deposited in depository~~ 904

~~libraries or is or is to be displayed on a web site. If the text~~ 905
~~or other material incorporated by reference was, is, or~~ 906
~~reasonably can be expected to be subject to change, the agency,~~ 907
~~as part of the explanation, shall identify, and specify the date~~ 908
~~of, the particular edition or other version of the text or other~~ 909
~~material that is incorporated by reference. The agency shall~~ 910
accompany the incorporation by reference with a citation that 911
provides information sufficient to enable a reasonable person to 912
whom the rule applies readily and without charge to find and 913
inspect the text or other material that has been incorporated by 914
reference. The citation shall specify the date of the text or 915
other material or identify a particular edition or version of 916
the text or other material and, if available, the date of the 917
particular edition or version. The citation may include a web 918
site address to the text or other material and may include other 919
information that will enable the text or other material to be 920
found readily and without charge. 921

An agency that incorporates a text or other material by 922
reference into a rule is presumed to have incorporated by 923
reference a version of the text or other material that is in 924
existence at the time of its incorporation by reference. An 925
agency may not incorporate by reference a future version of the 926
text or other material that is not in existence at the time of 927
its incorporation by reference. 928

Sec. 121.73. ~~As used in this section, "rule" has the same~~ 929
~~meaning as in section 121.71 of the Revised Code and also~~ 930
~~includes the rescission of an existing rule.~~ 931

~~(A)~~ When an agency files the original or a revised version 932
of a rule in proposed form under division (D) of section 111.15 933
or division (C) of section 119.03, or a rule for review under 934

section 106.03 of the Revised Code, that incorporates a text or 935
other material by reference, the agency also shall file in 936
electronic form, one complete and accurate copy of the text or 937
other material incorporated by reference with, or otherwise 938
shall make the text or other material available to, the joint 939
committee on agency rule review only if the accompanying 940
citation is not such as reasonably would enable the joint 941
committee readily and without charge to find and inspect the 942
text or other material that has been incorporated by reference. 943

~~An agency is not, however, required to file a text or other-~~ 944
~~material incorporated by reference with the joint committee if-~~ 945
~~the agency revises a rule in proposed form that incorporates a-~~ 946
~~text or other material by reference and the incorporation by-~~ 947
~~reference in the revised version of the rule is identical to the~~ 948
~~incorporation by reference in the preceding version of the rule.~~ 949

~~If it is infeasible for the agency to file a text or other-~~ 950
~~material incorporated by reference electronically, the agency,~~ 951
~~as soon as possible, but not later than three days after-~~ 952
~~completing the electronic filing, shall deliver one complete and-~~ 953
~~accurate copy of the text or other material incorporated by-~~ 954
~~reference to the joint committee, and shall attach a memorandum-~~ 955
~~to the text or other material identifying the filing to which it-~~ 956
~~relates.~~ 957

~~An agency is not required to file a text or other material-~~ 958
~~incorporated by reference into a rule that is proposed for-~~ 959
~~rescission if it is infeasible for the agency to do so.~~ 960

~~An agency shall not file a copy of a text or other-~~ 961
~~material incorporated by reference with the secretary of state-~~ 962
~~or with the director of the legislative service commission.~~ 963

~~(B) Upon completing its review of a rule in proposed form,~~ 964

~~or its review of a rule, that incorporates a text or other material by reference, the joint committee shall forward its copy of the text or other material incorporated by reference to the director of the legislative service commission. The director shall maintain a file of texts and other materials that are or were incorporated by reference into rules.~~ 965
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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.~~ 971
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~~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 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:~~ 974
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~~(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~~ 979
980
981

~~(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.~~ 982
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~~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 ensure that the text or other material is available from the agency. The agency promptly and without charge shall make the text or other material available to any person who requests access to the text or other material.~~ 985
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Sec. 121.75. ~~(A) (1)~~ Sections 121.71 to 121.74 of the 994
Revised Code do not apply ~~with regard to~~ the incorporation by 995
reference into a rule of any of the following ~~so long as the~~ 996
~~incorporation by reference consists of a citation that will be~~ 997
~~intelligible to the persons who reasonably can be expected to be~~ 998
~~affected by the rule and that, if the incorporated text or other~~ 999
~~material was, is, or reasonably can be expected to be subject to~~ 1000
~~change, identifies, and specifies the date of, the particular~~ 1001
~~edition or other version that is incorporated:~~ 1002

~~(A) A section of the United States Code;~~ 1003

(a) A section of the Revised Code; 1004

(b) An uncodified statute of this state; 1005

(c) An act of this state in the Laws of Ohio; 1006

(d) A rule in the Administrative Code; 1007

(e) A rule in the Monthly Record; or 1008

(f) A rule in the Register of Ohio. 1009

(2) Sections 121.71 to 121.74 of the Revised Code do not 1010
apply to the incorporation by reference into a rule of any of 1011
the following: 1012

(a) A section of the United States Code; 1013

~~(B) (b)~~ An uncodified federal statute, if it has been 1014
appended as a legislative note to a section in the United States 1015
Code; 1016

~~(C) An act of this state in the Laws of Ohio or a (c) A~~ 1017
federal act in the Statutes at Large; 1018

~~(D) (d)~~ A federal regulation in the Federal Register or 1019
Code of Federal Regulations; or 1020

~~(E) A text or other material, including, without~~ 1021
~~limitation, generally accepted industry standards, that is~~ 1022
~~generally available to persons who reasonably can be expected to~~ 1023
~~be affected by the rule.~~ 1024

(e) A federal regulation in the Federal Register. 1025

An agency that incorporates a text by reference into a 1026
rule under division (A) (2) of this section shall specify the 1027
date of the text that is being incorporated by reference. 1028

(B) Sections 121.71 to 121.74 of the Revised Code do not 1029
apply to the incorporation by reference into a rule of a text or 1030
other material insofar as the text or other material has any of 1031
the following characteristics: 1032

(1) It addresses the internal management of an agency; 1033

(2) It obtains or maintains authorization of a federally 1034
delegated program in this state; 1035

(3) It addresses or provides for the receipt of federal 1036
funds by the state under a federally funded program; 1037

(4) It is a form to be filled out or a digital application 1038
into which data is entered to fill out a form or its equivalent, 1039
but only if the form or application merely collects information 1040
and does not establish principles of law or policy; 1041

(5) It states or restates federal legislative or 1042
administrative conclusions, such as interest rates or poverty 1043
levels, that are readily ascertainable from reliable sources, 1044
and that are not reasonably susceptible to state legislative or 1045
administrative variation; 1046

(6) It states or restates generally accepted commercial, 1047
industrial, building, fire, plumbing, electrical, safety, or 1048

other codes or standards that are readily available to or 1049
ascertainable by the persons the standards are likely to affect; 1050
or 1051

(7) It is copyrighted text or other material with regard 1052
to which permission to use has been obtained. 1053

Sec. 121.82. In the course of developing a draft rule that 1054
is intended to be proposed under division (D) of section 111.15 1055
or division (C) of section 119.03 of the Revised Code, an agency 1056
shall: 1057

(A) Evaluate the draft rule against the business impact 1058
analysis instrument. If, based on that evaluation, the draft 1059
rule will not have an adverse impact on businesses, the agency 1060
may proceed with the rule-filing process. If the evaluation 1061
determines that the draft rule will have an adverse impact on 1062
businesses, the agency shall incorporate features into the draft 1063
rule that will eliminate or adequately reduce any adverse impact 1064
the draft rule might have on businesses; 1065

(B) Prepare a business impact analysis that describes its 1066
evaluation of the draft rule against the business impact 1067
analysis instrument, that identifies any features that were 1068
incorporated into the draft rule as a result of the evaluation, 1069
and that explains how those features, if there were any, 1070
eliminate or adequately reduce any adverse impact the draft rule 1071
might have on businesses; 1072

(C) Transmit a copy of the full text of the draft rule and 1073
the business impact analysis electronically to the common sense 1074
initiative office, which information shall be made available to 1075
the public on the office's web site in accordance with section 1076
107.62 of the Revised Code; 1077

(D) Consider any recommendations made by the common sense 1078
initiative office with regard to the draft rule, and either 1079
incorporate into the draft rule features the recommendations 1080
suggest will eliminate or reduce any adverse impact the draft 1081
rule might have on businesses or document, in writing, the 1082
reasons those recommendations are not being incorporated into 1083
the draft rule; and 1084

(E) Prepare a memorandum of response identifying features 1085
suggested by any recommendations that were incorporated into the 1086
draft rule and features suggested by any recommendations that 1087
were not incorporated into the draft rule, explaining how the 1088
features that were incorporated into the draft rule eliminate or 1089
reduce any adverse impact the draft rule might have on 1090
businesses, and explaining why the features that were not 1091
incorporated into the draft rule were not incorporated. 1092

~~An agency may not file a proposed rule for legislative 1093
review under division (D) of section 111.15 or division (C) of 1094
section 119.03 of the Revised Code earlier than the sixteenth- 1095
business day after electronically transmitting the draft rule to 1096
the common sense initiative office. If, after an agency transmits 1097
a draft rule to the common sense initiative office, the office 1098
has not completed its evaluation of the draft rule on or before 1099
the thirtieth day after the day on which the draft rule was 1100
transmitted to the office, the office is deemed not to have had 1101
any recommendations to make with regard to the draft rule, and 1102
the agency may proceed to propose the draft rule under section 1103
111.15 or 119.03 of the Revised Code as the case may be. 1104~~

Sec. 121.93. (A) An agency, at reasonable intervals, shall 1105
review its operations to identify principles of law and policy 1106
that have not been stated in a rule and that the agency is 1107

lawfully relying upon in conducting adjudications or other 1108
determinations of rights and liabilities or in issuing writings 1109
and other materials, such as instructions, directives, policy 1110
statements, guidelines, handbooks, manuals, advisories, notices, 1111
circulars, advertisements, forms, letters, and opinions. The 1112
agency shall complete at least one of the reviews during a 1113
governor's term. Within three months after the expiration of a 1114
governor's term, the agency electronically shall transmit to the 1115
joint committee on agency rule review, a notice stating that the 1116
agency has completed one or more of the reviews, specifying the 1117
exact number of reviews completed during the governor's expired 1118
term. 1119

(B) The agency shall determine whether a principle of law 1120
or policy thus identified has a general and uniform operation 1121
and establishes a legal regulation or standard that would not 1122
exist in its absence. If the principle of law or policy has 1123
these characteristics, the agency shall determine whether the 1124
principle of law or policy should be supplanted by its 1125
restatement in a rule to achieve one or more of the following as 1126
they are relevant to the principle of law or policy: 1127

(1) Assert the general and uniform operation of the 1128
principle of law or policy; 1129

(2) Make the principle of law or policy more readily 1130
available to the public; 1131

(3) Make the principle of law or policy more readily 1132
available to persons who specifically are affected by the 1133
principle of law or policy; 1134

(4) Enable the principle of law or policy to be better 1135
known in advance of its application; 1136

(5) Enable greater public participation in improvement and 1137
further development of the principle of law or policy; 1138

(6) Enable greater participation by persons specifically 1139
affected by the principle of law or policy in the improvement 1140
and further development of the principle of law or policy; 1141

(7) Make the principle of law or policy more easily 1142
understandable; or 1143

(8) Make the principle of law or policy more readily 1144
available to those legally charged with monitoring or reviewing 1145
the agency's operations. 1146

If a principle of law or policy aids in the interpretation 1147
of an existing rule or statute, the agency shall consider 1148
whether the aiding effect clarifies or otherwise resolves an 1149
uncertainty in the existing rule or statute. If the principle of 1150
law or policy can be so characterized, the agency shall consider 1151
whether the principle of law or policy should be supplanted by 1152
its restatement in an interpretive rule. The agency may not 1153
presume that a principle of law or policy that aids in the 1154
interpretation of an existing rule or statute is simply a 1155
reiteration of the existing rule or statute. 1156

(C) If the agency determines, in light of the foregoing 1157
standards, that rulemaking is indicated, the agency shall 1158
commence the rule-making process as soon as it is reasonably 1159
feasible to do so, but not later than the date that is six 1160
months after the determination was made. The principle of law or 1161
policy as it is restated in a rule does not need to be wholly 1162
congruent with the supplanted principle of law or policy. The 1163
agency lawfully may improve or develop further the supplanted 1164
principle of law or policy as it is restated in a rule. 1165

The agency may continue to rely upon the principle of law 1166
or policy, but only while it is complying with the preceding 1167
paragraph. The agency may not rely upon the principle of law or 1168
policy in advising with regard to or in determining the rights 1169
or liabilities of a person if the agency fails to commence the 1170
rule-making process by the deadline specified in the preceding 1171
paragraph, or if, after commencing the rule-making process, the 1172
agency neglects or abandons the rule-making process before it is 1173
completed. 1174

(D) A principle of law or policy that is relied upon 1175
directly or by clear implication from a statute applying to the 1176
agency does not need to be supplanted by rule. 1177

Sec. 121.931. (A) A person may petition an agency in 1178
writing to restate a principle of law or policy in a rule if (1) 1179
the person was a party to an adjudication or other determination 1180
before an agency that has resulted in an order or other 1181
disposition or was a party to a civil action in which judgment 1182
has been entered, and (2) the adjudication or other 1183
determination, or the civil action, involved a principle of law 1184
or policy relied upon by the agency that, under section 121.93 1185
of the Revised Code, should have been supplanted by its 1186
restatement in a rule but has not been so supplanted. The 1187
petition shall briefly explain why the principle of law or 1188
policy should, under section 121.93 of the Revised Code, be 1189
supplanted by its restatement in a rule. The person shall send 1190
the petition to the agency not later than the ninetieth day 1191
after the order or other disposition was issued or the judgment 1192
was entered. The person also shall send a copy of the petition 1193
to the joint committee on agency rule review. 1194

(B) The agency, not later than the thirtieth day after 1195

receiving a timely petition, shall consider the petition in 1196
light of section 121.93 of the Revised Code, and shall notify 1197
the petitioner in writing, by certified mail, return receipt 1198
requested, whether it grants or intends to deny the petition. 1199

(1) If the agency grants the petition, it shall commence 1200
the rule-making process as soon as it is reasonably feasible to 1201
do so, but not later than the date that is six months after the 1202
petition was granted. The principle of law or policy as it is 1203
restated in a rule does not need to be wholly congruent with the 1204
supplanted principle of law or policy. The agency lawfully may 1205
improve or develop further the supplanted principle of law or 1206
policy. 1207

The agency may continue to rely upon the principle of law 1208
or policy, but only while it is complying with the preceding 1209
paragraph. The agency may not rely upon the principle of law or 1210
policy in advising with regard to or in determining the rights 1211
or liabilities of a person if the agency fails to commence the 1212
rule-making process by the deadline specified in the preceding 1213
paragraph, or if, after commencing the rule-making process, the 1214
agency neglects or abandons the rule-making process before it is 1215
completed. 1216

(2) If the agency intends to deny the petition, it shall 1217
send the petitioner a notice affording the petitioner an 1218
opportunity for a hearing on the petition and briefly explaining 1219
why the agency intends to deny the petition. If the petitioner 1220
does not in writing request a hearing within fifteen days after 1221
receiving the notice, the agency shall deny the petition and 1222
notify the petitioner in writing. If the petitioner responds in 1223
writing within the fifteen-day period requesting a hearing, the 1224
agency, by certified mail, return receipt requested, promptly 1225

shall notify the petitioner of the time and place for the 1226
hearing, which shall be not earlier than the thirtieth day after 1227
the notice was sent to the petitioner. 1228

(C) At the hearing, the agency shall explain why, 1229
notwithstanding section 121.93 of the Revised Code, it intends 1230
to deny the petition, and the petitioner shall explain why under 1231
that section the petitioner believes the agency's intention to 1232
be erroneous. The hearing shall be informal. The petitioner may 1233
be assisted by counsel at the hearing. 1234

(D) Not later than the thirtieth day after the hearing 1235
concludes, the agency shall grant or deny the petition. 1236

(1) If the agency grants the petition, it shall commence 1237
the rule-making process as soon as it is reasonably feasible to 1238
do so, but not later than the date that is six months after the 1239
determination was made. The principle of law or policy as it is 1240
restated in a rule does not need to be wholly congruent with the 1241
supplanted principle of law or policy. The agency lawfully may 1242
improve or develop further the supplanted principle of law or 1243
policy as it is restated in a rule. 1244

The agency may continue to rely upon the principle of law 1245
or policy, but only while it is complying with the preceding 1246
paragraph. The agency may not rely upon the principle of law or 1247
policy in advising with regard to or in determining the rights 1248
or liabilities of a person if the agency fails to commence the 1249
rule-making process by the deadline specified in the preceding 1250
paragraph, or if, after commencing the rule-making process, the 1251
agency neglects or abandons the rule-making process before it is 1252
completed. 1253

(2) If the petitioner failed to appear at the hearing, or 1254

if the petitioner failed to persuade the agency that its 1255
intention to deny the petition is erroneous, the agency shall 1256
deny the petition. 1257

The agency shall send notice in writing to the petitioner 1258
of the outcome. If the outcome is denial of the petition, the 1259
notice shall explain briefly why the agency is denying the 1260
petition. The petitioner is not entitled to appeal the outcome. 1261

Sec. 121.932. A person has a cause of action if (1) a rule 1262
makes an exception to or an amplification of a principle of law, 1263
(2) the exception or amplification is not expressly or impliedly 1264
authorized by a statute, and (3) the person is adversely 1265
affected by the conjoined principle of law and exception or 1266
amplification as it applies to the person. The court of common 1267
pleas has exclusive original jurisdiction of the action. The 1268
action is governed by the Rules of Civil Procedure. If the 1269
person proves that the person is adversely affected by the 1270
conjoined principle of law and exception or amplification as it 1271
applies to the person, the court shall enter a judgment 1272
declaring the exception or amplification to be void. If the 1273
exception or amplification is declared void, the person is 1274
entitled to costs and attorney's fees. 1275

Sec. 121.933. Sections 101.352, 101.353, 117.115, 121.93, 1276
121.931, and 121.932 of the Revised Code do not apply to the 1277
following elected state officers or their offices: the governor, 1278
the lieutenant governor, the secretary of state, the auditor of 1279
state, the treasurer of state, and the attorney general. 1280

Sec. 127.18. (A) As used in this section: 1281

(1) "Agency" has the meaning defined in section 106.01 of 1282
the Revised Code. 1283

(2) "Rule" includes the adoption, amendment, or rescission of a rule. 1284
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(3) "Proposed rule" means the original version of a proposed rule, and each revised version of the same proposed rule, that is filed with the joint committee on agency rule review under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code. 1286
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(B) An agency shall prepare, on the form designed by the joint committee on agency rule review, a complete and accurate rule summary and fiscal analysis of each proposed rule that it files under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code. 1291
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The joint committee on agency rule review shall design a form for the rule summary and fiscal analysis. The form may solicit information such as the following information: 1296
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(1) The name, address, and telephone number of the agency, and the name, telephone number, and electronic mail address of an individual or office within the agency designated by that agency to be responsible for coordinating and making available information in the possession of the agency regarding the proposed rule; 1299
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(2) The Ohio Administrative Code rule number of the proposed rule; 1305
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(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 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 1307
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rule;	1313
(4) An estimate, in dollars, of the amount by which the proposed rule would increase or decrease revenues or expenditures during the current biennium;	1314 1315 1316
(5) A citation identifying the appropriation that authorizes each expenditure that would be necessitated by the proposed rule;	1317 1318 1319
(6) A summary of the estimated cost of compliance with the rule to all directly affected persons;	1320 1321
(7) The reasons why the rule is being proposed;	1322
(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;	1323 1324 1325 1326 1327
(9) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations and is the result of a federal requirement, a clear explanation that the proposed state rule does not exceed the scope and intent of the requirement, or, if the state rule does exceed the minimum necessary federal requirement, a justification of the excess cost, and an estimate of the costs, including those costs for local governments, exceeding the federal requirement;	1328 1329 1330 1331 1332 1333 1334 1335
(10) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations, a comprehensive cost estimate that includes the procedure and method of calculating the costs of compliance and identifies major cost categories including personnel costs, new equipment or other capital costs, operating costs, and indirect central service	1336 1337 1338 1339 1340 1341

costs related to the rule. The fiscal analysis shall also 1342
include a written explanation of the agency's and the affected 1343
local government's ability to pay for the new requirements and a 1344
statement of any impact the rule will have on economic 1345
development. 1346

(11) If the rule incorporates a text or other material by 1347
reference, and the agency claims the incorporation by reference 1348
is exempt from compliance with sections 121.71 to 121.74 of the 1349
Revised Code ~~because the text or other material is generally~~ 1350
~~available to persons who reasonably can be expected to be~~ 1351
~~affected by the rule, an explanation of how the text or other~~ 1352
~~material is generally available to those persons;~~ 1353

~~(12) If the rule incorporates a text or other material by~~ 1354
~~reference, and it was infeasible for the agency to file the text~~ 1355
~~or other material electronically, an explanation of why filing~~ 1356
~~the text or other material electronically was infeasible;~~ 1357

~~(13) If the rule is being rescinded and incorporates a~~ 1358
~~text or other material by reference, and it was infeasible for~~ 1359
~~the agency to file the text or other material, an explanation of~~ 1360
~~why filing the text or other material was infeasible on grounds~~ 1361
~~the incorporated text or other material has one or more of the~~ 1362
~~characteristics described in division (B) of section 121.75 of~~ 1363
~~the Revised Code, an explanation of how the incorporated text or~~ 1364
~~other material is exempted under that division.~~ 1365

The rule summary and fiscal analysis form, instead of or 1366
in addition to the foregoing, may solicit any other information 1367
the joint committee on agency rule review considers necessary to 1368
make the proposed rule or the fiscal effect of the proposed rule 1369
fully understandable. 1370

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

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

Sec. 1707.20. (A) (1) The division of securities may adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out sections 1707.01 to 1707.45 of the Revised Code, including rules and forms governing registration statements, applications, and reports, and defining any terms, whether or not used in sections 1707.01 to 1707.45 of the Revised Code, insofar as the definitions are not inconsistent with these sections. For the purpose of rules and forms, the division may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

(2) Notwithstanding sections 121.71 to ~~121.76~~ 121.75 of the Revised Code, the division may incorporate by reference into its rules any statute enacted by the United States congress or any rule, regulation, or form promulgated by the securities and exchange commission, or by another federal agency, in a manner that also incorporates all future amendments to the statute, rule, regulation, or form.

(B) No rule, form, or order may be made, amended, or 1401
rescinded unless the division finds that the action is necessary 1402
or appropriate in the public interest or for the protection of 1403
investors, clients, prospective clients, state retirement 1404
systems, or the workers' compensation system and consistent with 1405
the purposes fairly intended by the policy and provisions of 1406
sections 1707.01 to 1707.45 of the Revised Code. In prescribing 1407
rules and forms and in otherwise administering sections 1707.01 1408
to 1707.45 of the Revised Code, the division may cooperate with 1409
the securities administrators of the other states and the 1410
securities and exchange commission with a view of effectuating 1411
the policy of this section to achieve maximum uniformity in the 1412
form and content of registration statements, applications, 1413
reports, and overall securities regulation wherever practicable. 1414

(C) The division may by rule or order prescribe: 1415

(1) The form and content of financial statements required 1416
under sections 1707.01 to 1707.45 of the Revised Code; 1417

(2) The circumstances under which consolidated financial 1418
statements will be filed; 1419

(3) Whether any required financial statements shall be 1420
certified by independent or certified public accountants. All 1421
financial statements shall be prepared in accordance with 1422
generally accepted accounting practices. 1423

(D) All rules and forms of the division shall be 1424
published; and in addition to fulfilling the requirements of 1425
Chapter 119. of the Revised Code, the division shall prescribe, 1426
and shall publish and make available its rules regarding the 1427
sale of securities, the administration of sections 1707.01 to 1428
1707.45 of the Revised Code, and the procedure and practice 1429

before the division. 1430

(E) (1) No provision of sections 1707.01 to 1707.45 of the 1431
Revised Code imposing any liability applies to any act done or 1432
omitted in good faith in conformity with any rule, form, or 1433
order of the division of securities, notwithstanding that the 1434
rule, form, or order may later be amended or rescinded or be 1435
determined by judicial or other authority to be invalid for any 1436
reason, except that the issuance of an order granting 1437
effectiveness to a registration under section 1707.09 or 1438
1707.091 of the Revised Code for the purposes of this division 1439
shall not be deemed an order other than as the establishment of 1440
the fact of registration. 1441

(2) No provision of sections 1707.01 to 1707.45 of the 1442
Revised Code imposing any liability, penalty, sanction, or 1443
disqualification applies to any act done or omitted in good 1444
faith in conformity with either of the following: 1445

(a) Any provision of sections 1707.01 to 1707.45 of the 1446
Revised Code that incorporates by reference a federal statute, 1447
rule, regulation, or form; 1448

(b) Any rule, form, or order of the division that 1449
incorporates by reference a federal statute, rule, regulation, 1450
or form. 1451

Division (E) (2) of this section applies notwithstanding 1452
that the incorporation by reference, or any application of the 1453
incorporated provision, is later determined by judicial or other 1454
authority to be unconstitutional or invalid for any reason. 1455

Sec. 3375.01. A state library board is hereby created to 1456
be composed of five members to be appointed by the state board 1457
of education. One member shall be appointed each year for a term 1458

of five years. No one is eligible to membership on the state 1459
library board who is or has been for a year previous to 1460
appointment a member of the state board of education. A member 1461
of the state library board shall not during the member's term of 1462
office be a member of the board of library trustees for any 1463
library in any subdivision in the state. Before entering on 1464
official duties, each member shall subscribe to the official 1465
oath of office. All vacancies on the state library board shall 1466
be filled by the state board of education by appointment for the 1467
unexpired term. The members shall receive no compensation, but 1468
shall be paid their actual and necessary expenses incurred in 1469
the performance of their duties or in the conduct of authorized 1470
board business, within or without the state. 1471

At its regular meeting next prior to the beginning of each 1472
fiscal biennium, the state library board shall elect a president 1473
and vice-president each of whom shall serve for two years or 1474
until a successor is elected and qualified. 1475

The state library board is responsible for the state 1476
library of Ohio and a statewide program of development and 1477
coordination of library services, and its powers include the 1478
following: 1479

(A) Maintain the state library, holding custody of books, 1480
periodicals, pamphlets, films, recordings, papers, and other 1481
materials and equipment. The board may purchase or procure from 1482
an insurance company licensed to do business in this state 1483
policies of insurance insuring the members of the board and the 1484
officers, employees, and agents of the state library against 1485
liability on account of damage or injury to persons or property 1486
resulting from any act or omission of the board members, 1487
officers, employees, and agents of the state library in their 1488

official capacity.	1489
(B) Accept, receive, administer, and expend, in accordance	1490
with the terms thereof, any moneys, materials, or other aid	1491
granted, appropriated, or made available to it for library	1492
purposes, by the United States, or any of its agencies, or by	1493
any other source, public or private;	1494
(C) Administer such funds as the general assembly may make	1495
available to it for the improvement of public library services,	1496
interlibrary cooperation, or for other library purposes;	1497
(D) Contract with other agencies, organizations,	1498
libraries, library schools, boards of education, universities,	1499
public and private, within or without the state, for library	1500
services, facilities, research, or any allied or related	1501
purpose;	1502
(E) In accordance with Chapter 119. of the Revised Code,	1503
approve, disapprove, or modify resolutions for establishment of	1504
county district libraries, and approve, disapprove, or modify	1505
resolutions to determine the boundaries of such districts, along	1506
county lines or otherwise, and approve, disapprove, or modify	1507
resolutions to redefine boundaries, along county lines or	1508
otherwise, where questions subsequently arise as a result of	1509
school district consolidations;	1510
(F) Upon consolidation of two or more school districts and	1511
in accordance with Chapter 119. of the Revised Code, define and	1512
adjust the boundaries of the new public library district	1513
resulting from such consolidation and resolve any disputes or	1514
questions pertaining to the boundaries, organization, and	1515
operation of the new library district;	1516
(G) Upon application of one or more boards of library	1517

trustees and in accordance with Chapter 119. of the Revised 1518
Code, define, amend, and adjust the boundaries of the library 1519
districts making such application and the boundaries of adjacent 1520
library districts; 1521

(H) Upon application of one or more boards of library 1522
trustees, or upon the state library board's own initiative, and 1523
in accordance with Chapter 119. of the Revised Code, define, 1524
amend, and adjust the boundaries of overlapping library 1525
districts to eliminate areas of overlap; 1526

(I) Upon application of any private corporation or library 1527
association maintaining a free public library prior to September 1528
4, 1947, and in accordance with Chapter 119. of the Revised 1529
Code, define, amend, and adjust the boundaries of a library 1530
district for the private corporation or library association for 1531
the sole purpose of preventing or eliminating areas of overlap 1532
with other library districts in relation to tax levies described 1533
in sections 5705.19, 5705.191, and 5705.21 of the Revised Code 1534
that are or may be levied in support of the private corporation 1535
or library association; 1536

(J) Certify its actions relating to boundaries authorized 1537
in this section, to boards of election, taxing authorities, the 1538
boards of trustees of libraries affected, and other appropriate 1539
bodies; 1540

(K) Encourage and assist the efforts of libraries and 1541
local governments to develop mutual and cooperative solutions to 1542
library service problems; 1543

~~(L) Designate by rule five depository libraries so as to 1544
provide statewide, geographically distributed accessibility to 1545
agency deposits of texts or other materials that have been 1546~~

~~incorporated by reference into rules;~~ 1547

~~(M)~~ Recommend to the governor and to the general assembly 1548
such changes in the law as will strengthen and improve library 1549
services and operations; 1550

~~(N)~~ (M) In accordance with Chapter 119. of the Revised 1551
Code, adopt such rules as are necessary for the carrying out of 1552
any function imposed on it by law, and provide such rules as are 1553
necessary for its government and the government of its 1554
employees. The board may delegate to the state librarian the 1555
management and administration of any function imposed on it by 1556
law. 1557

Section 2. That existing sections 106.021, 106.03, 1558
106.031, 107.52, 107.54, 111.15, 119.03, 121.71, 121.72, 121.73, 1559
121.74, 121.75, 121.82, 127.18, 1707.20, and 3375.01 and section 1560
121.76 of the Revised Code are hereby repealed. 1561

Section 3. Sections 1 and 2 of this act take effect on the 1562
date that is six months after the effective date of this 1563
section. 1564

Section 4. Legislative Information Systems, in 1565
consultation with the Director of the Legislative Service 1566
Commission and the Executive Director of the Joint Committee on 1567
Agency Rule Review, shall program or reprogram the electronic 1568
rule filing system as necessary to enable the amendments made by 1569
this act to be fulfilled. Legislative Information Systems shall 1570
complete the programming or reprogramming as soon as reasonably 1571
possible after the effective date of this section but not later 1572
than the date that is six months after that effective date. 1573