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## Bill Analysis

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**Primary Sponsors:** Reps. Ferguson and Lorenz

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### SUMMARY

#### Legislative approval and expiration of certain rules

- Requires the General Assembly to enact a bill approving a proposed administrative rule if a rule summary and fiscal analysis of the rule (RSFA) indicates the rule will increase the proposing agency's expenditures during the current biennium by \$100,000 or more, or compliance with the rule will cost a directly affected person \$100,000 or more.
- Allows a proposing agency to refile a proposed rule and RSFA with the Joint Committee on Agency Rule Review (JCARR) if the General Assembly fails to enact a law authorizing the rule's adoption before adjourning sine die.
- Specifies that an administrative rule that must be approved by a law under the bill expires five years after the effective date of the authorizing law or five years after the effective date of the most recent law authorizing the rule's renewal.

#### Adjudications and court proceedings

- Makes it an affirmative defense to the alleged violation of an administrative rule that a person of ordinary intelligence could not anticipate from the law purported to be the basis for the rule that the individual's conduct would be unlawful.
- Permits a person who has allegedly violated an administrative rule to challenge the rule's validity on the basis that the rule should have been approved by a law but that it was not so approved.

#### Changes to rule summary and fiscal analysis; alternative analysis

- Makes information related to the costs of a proposed administrative rule a mandatory part of an agency's RSFA (current law allows JCARR to dispense with cost-related information if it is not necessary to make the proposed rule or its fiscal effect fully understandable).

- Requires an agency to include in a RSFA for a proposed rule a comparison between the proposed rule and the approach, if any, used by the federal government and the states surrounding Ohio to address the same issue the proposed rule seeks to address.
- Allows either JCARR chairperson to request in writing that an independent third party prepare an alternative RSFA for a proposed administrative rule.
- Requires a written request by a JCARR chairperson for an alternative RSFA be approved by the chamber of the General Assembly from which the chairperson was appointed.
- Requires, after a request for an alternative RSFA is approved, the JCARR chairperson who made the request to contract with a qualified, independent third party that is not an agency to prepare the alternative RSFA.
- Requires a completed alternative RSFA for a proposed rule be transmitted to the agency that filed the proposed rule, the JCARR members, the Secretary of State, the Director of the Legislative Service Commission (LSC Director), the Governor, the Clerk of the House of Representatives, and the Senate Clerk.
- Requires the LSC Director to publish an alternative RSFA for a proposed rule in the Register of Ohio.
- Requires JCARR to review both the agency's RSFA for a proposed rule and the alternative RSFA when reviewing the rule, unless either RSFA require the proposed rule be approved by a law enacted by the General Assembly.
- Specifies when the agency proposing a rule must pay the cost of completing an alternative RSFA and when the chamber from which the JCARR chairperson who requested it must pay.

## **Regulatory agendas, budgets, and actions**

- Requires, not later than June 30 and December 31 of each year, the Director of Budget and Management to publish a unified regulatory agenda using an agenda of proposed regulatory and deregulatory actions provided by each state agency.
- Requires the OBM Director to issue guidance to each state agency on how to compile and submit the agency's agenda of proposed regulatory and deregulatory actions.
- Requires the OBM Director, in the December unified regulatory agenda, to establish an annual regulatory budget specifying the net difference between the estimated cost of issuing a significant regulatory action and the estimated cost saved by issuing any deregulatory action and setting an incremental regulatory cost allowance for each agency.
- Unless specified circumstances occur, prohibits an agency from taking a significant regulatory action.

## Agency guidance documents

- Requires a covered state agency to publish the agency’s guidance documents to a website maintained by the Director of Administrative Services and to post a hyperlink to the website where the documents are published on the agency’s own website.
- Requires, if an agency rescinds a guidance document, the document to be maintained on the website maintained by the DAS Director with information about the rescission included.

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## DETAILED ANALYSIS

### Legislative approval and expiration of certain rules

The bill requires the General Assembly to pass a bill approving the adoption of an administrative rule proposed by a state agency if the rule summary and fiscal analysis for the rule prepared by the agency, or an “**Alternative RSFA**,” as described below, indicates either of the following:

- The proposed rule will increase the agency’s expenditures during the current biennium by \$100,000 or more;
- The cost to comply with the proposed rule for a directly affected person will be \$100,000 or more.<sup>1</sup>

Continuing law, requires legislative oversight in almost all instances where an agency proposes adopting, amending, or rescinding an administrative rule. Generally, the agency

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<sup>1</sup> R.C. 106.026(A) with conforming changes in R.C. 106.02.

proposing the rule must (among other actions) submit the rule to the Joint Committee on Agency Rule Review (JCARR) for legislative review at least 65 days before adopting it.<sup>2</sup>

During the 65-day period, JCARR may, for reasons specified in continuing law, recommend that the General Assembly adopt a concurrent resolution invalidating the proposed rule. Each chamber has until the later of 65 days after the agency filed the proposed rule with JCARR or the fifth voting session occurring after the date JCARR recommends invalidation, to adopt the resolution. If both chambers adopt the resolution, the agency proposing the rule must cease all rulemaking activity related to it for the remaining General Assembly term. If one or both chambers fails to adopt the resolution, the agency may adopt the proposed rule.<sup>3</sup>

Under the bill, if a proposed rule requires legislative approval for the reasons described above, the JCARR chairperson must immediately transmit the proposed rule and rule summary and fiscal analysis (RSFA) to the clerks of the Senate and the House of Representatives. After the JCARR chairperson transmits the proposed rule and RSFA, all the following apply to the proposed rule:

- JCARR may take no further action with respect to the proposed rule until after it is adopted or refiled as described in the bill;
- The agency may not file a revised version of the proposed rule as permitted under continuing law for rules not subject to the bill;
- The agency may not adopt the proposed rule unless adoption is authorized by a subsequently enacted law.<sup>4</sup>

As soon as practicable after receiving a proposed rule transmitted in accordance with the bill, the House and Senate clerks must make the proposed rule and RSFA available to all members of the clerks' respective chambers.

Any member of the General Assembly may introduce legislation authorizing the agency to adopt the rule. If a law authorizing the proposed rule is enacted before the General Assembly adjourns sine die (without scheduling a date to reconvene), any review by JCARR ends and the agency may, on or after the law's effective date, adopt the rule in compliance with continuing law. If a law authorizing the rule is not enacted before the General Assembly adjourns sine die, the proposed rule is invalidated. The agency may refile the rule and RSFA with JCARR.<sup>5</sup>

A state agency is a creature of statute, and the agency cannot take actions unless a law permits or requires the agency to do so.<sup>6</sup> The General Assembly may enact law requiring an

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<sup>2</sup> R.C. 111.15(D) and 119.03(B).

<sup>3</sup> R.C. 106.02 and 111.15 and R.C. 106.021 and 106.03, not in the bill.

<sup>4</sup> R.C. 106.026(B), by reference to Ohio Constitution Article II, Sections 15 and 16.

<sup>5</sup> R.C. 106.026(C) and (D).

<sup>6</sup> See, e.g., *Castle Aviation, Inc. v. Wilkins*, 109 Ohio St.3d 290 (2006), and *Columbus S. Power v. Pub. Util. Comm.*, 67 Ohio St.3d 535 (1993).

agency to take an action, such as adopting administrative rules. In such cases, the bill may require the General Assembly to enact two laws to allow the agency to make a rule: the initial law requiring an agency to adopt a rule, and a second law to approve the agency's proposed rule.

The bill specifies that the second law enacted by the General Assembly authorizing an agency to adopt a proposed rule to which the bill applies, does not do either of the following:

- Grant the proposing agency additional rulemaking authority or modify the agency's existing rulemaking authority;
- Extinguish or modify any claim against an agency arising from the rule.<sup>7</sup>

In addition, the enactment of a second law authorizing an agency to adopt a proposed rule to which the bill applies cannot be used as evidence in any proceeding concerning the rule except for the purpose of determining whether the rule is in effect.<sup>8</sup>

The bill's requirement for a law approving certain rules does not apply to any rule that is exempt from JCARR review under continuing law. The following types of rules are statutorily exempt from review by JCARR:

- An emergency rule (subject to limited exceptions, an emergency rule expires 180 days after it is adopted);
- A rule that must be adopted verbatim by a state agency pursuant to federal authority to continue the operation of a federally reimbursed state program;
- A rule updating Ohio's controlled substances schedules that is adopted to reflect changes in the federal drug abuse control laws or regulations adopted under those laws;
- A rule adopted by the Superintendent of Financial Institutions granting an Ohio bank or trust company a right, power, privilege, or benefit possessed by other specified U.S. financial institutions by virtue of a statute, rule, regulation, interpretation, or judicial decision;
- A rule adopted by the Superintendent of Financial Institutions to correct a competitive disadvantage imposed on an Ohio bank or trust company relative to any other type of financial institution as a result of a regulation, rule, interpretation, procedure, or guideline of a federal banking regulatory authority;
- A rule adopted by the Superintendent of Financial Institutions to reflect amendments to or modifications of specified federal laws governing mortgage lending;
- A rule adopted by the Division of Securities reflecting changes to laws, rules, regulations, or guidelines affecting securities;

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<sup>7</sup> R.C. 106.026 (F)

<sup>8</sup> R.C. 106.026(G)

- A rule adopted by the Superintendent of Credit Unions granting an Ohio credit union a right, power, privilege, or benefit possessed by another Ohio credit union by virtue of a statute, rule, regulation, interpretation, or judicial decision;
- A rule adopted by the Administrator of Workers' Compensation related to rate making or investment policy under the Workers' Compensation Law;
- A rule proposed by an agency other than a board, commission, department, division, or bureau of the state government;
- A rule governing the day-to-day staff procedures and operations of a board, commission, department, division, or bureau of state government (referred to as an "internal management" rule);
- An initial rule proposed by the Director of Health to impose quality standards on an ambulatory surgical facility, freestanding dialysis center, freestanding inpatient rehabilitation facility, freestanding birthing center, freestanding radiation therapy center, or a freestanding or mobile diagnostic imaging center;
- A State Lottery Commission rule pertaining to instant game rules.<sup>9</sup>

### **Expiration of rules subject to legislative approval**

Under current law, every state agency must review each rule it adopts no less than once every five years. During the review, the agency must evaluate whether the rule should be amended or rescinded for reasons specified in statute. If the agency determines the rule needs to be amended or rescinded, the agency must start the amendment or rescission process using the same procedure it used to adopt the rule. If the agency determines the rule does not need to be amended or rescinded (referred to as a "no change rule"), the agency must submit its determination to JCARR. After the agency files a no change rule and the determination not to change it with JCARR, JCARR has a statutorily established amount of time to review the rule and recommend that the General Assembly adopt an invalidating resolution. If the General Assembly does not adopt an invalidating resolution, the agency may renew the rule for up to an additional five years.

A rule subject to the bill's legislative approval requirement is not subject to five-year rule review. Instead, the rule automatically expires five years after the effective date of the law authorizing the rule's adoption or five years after the effective date of the most recent law authorizing its renewal.<sup>10</sup>

Not less than 180 days before a rule requiring legislative approval under the bill expires, if the adopting agency determines that the rule should not expire, the agency must transmit the rule and a RSFA to the House and Senate clerks. The RSFA must include the date the rule will expire.

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<sup>9</sup> R.C. 106.026(E), by reference to R.C. 111.15(D) and 119.03(C). See also R.C. 119.01, not in the bill.

<sup>10</sup> R.C. 111.15(B) and 119.04(A), 106.033(A) and R.C. 106.03 and 106.031, not in the bill.

If the General Assembly enacts a law authorizing the rule's extension that takes effect before the rule expires, the agency may renew the rule for an additional five years from the law's effective date. If the General Assembly does not enact a law that takes effect before the rule expires, the rule expires. An expired rule may not be readopted in substantially the same form, and a new rule that is substantially the same as the rule may not be adopted, unless the readopted or new rule is specifically authorized by a law enacted by the General Assembly and signed by the Governor.<sup>11</sup>

## **Adjudications and court proceedings**

In any adjudication or court proceeding in which a person has allegedly violated an administrative rule, the bill makes it an affirmative defense to the alleged violation that a person of ordinary intelligence could not anticipate from the law purported to be the basis for the rule that the individual's conduct would be unlawful.<sup>12</sup>

The bill also permits a person who has allegedly violated an administrative rule to challenge the rule's validity on the basis that the rule should have been approved by a law enacted by the General Assembly and signed by the Governor but was not so approved.<sup>13</sup>

## **Changes to the RSFA; alternative analysis**

Continuing law requires an agency submitting an administrative rule to JCARR for legislative review to prepare a complete and accurate RSFA of the rule. JCARR designs the RSFA form. The form may solicit any information JCARR considers necessary to make the rule or its fiscal effect fully understandable. The bill retains JCARR's authority to solicit necessary information, but it makes the following information mandatory in an agency's RSFA:

- An estimate, in dollars, of the amount by which the proposed rule would increase or decrease revenues or expenditures during the current biennium;
- A summary of the estimated cost of compliance with the rule to all directly affected persons;
- If the rule imposes a fee, an explanation of how the fee directly relates to the cost actually incurred by the agency in performing the function for which the fee is charged;
- A comparison between the proposed rule and the approach, if any, used by the federal government and the states surrounding Ohio to address the same issue the proposed rule seeks to address (added by the bill);
- If the rule has a fiscal effect on school districts, counties, townships, or municipalities all the following:

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<sup>11</sup> R.C. 106.033(B) and (C).

<sup>12</sup> R.C. 106.10(A).

<sup>13</sup> R.C. 106.10(B).

- 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;
- If the rule 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; and
- A comprehensive cost estimate that includes the procedure and method of calculating the costs of compliance and identifies major cost categories including personnel costs, new equipment or other capital costs, operating costs, and indirect central service costs related to the rule.<sup>14</sup>

### **Alternative RSFA**

Under the bill, after an agency files a proposed RSFA with JCARR, either of JCARR's two co-chairpersons may request in writing that an independent third party prepare an alternative, complete and accurate rule summary and fiscal analysis of the proposed rule (alternative RSFA).

A request by the JCARR chairperson appointed by the Speaker of the House requires approval by a resolution adopted by the full House. A request by the JCARR chairperson appointed by the Senate President requires approval by a resolution adopted by the full Senate.<sup>15</sup>

When a JCARR chairperson requests an alternative RSFA be prepared, the running of the time within which the General Assembly may adopt an invalidating concurrent resolution is tolled. If a resolution approving a request for an alternative RSFA is not adopted by the later of the following dates, the request is denied:

- 30 days after the request is made;
- The first session after the request of the chamber to which the requesting chairperson belongs at which the chamber's journal records a roll call vote disclosing enough members in attendance to pass a bill.<sup>16</sup>

If a JCARR chairperson's request for an alternative RSFA is denied, JCARR must review the proposed rule and RSFA in accordance with continuing law. An invalidating concurrent resolution may be adopted in accordance with continuing law not later than the 30<sup>th</sup> day after the denial.<sup>17</sup>

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<sup>14</sup> R.C. 106.024.

<sup>15</sup> R.C. 106.025(A)(1).

<sup>16</sup> R.C. 106.025(A)(2).

<sup>17</sup> R.C. 106.025(A)(3).



If a JCARR chairperson's request for an alternative RSFA is approved, the chairperson who made the request must notify the agency that filed the proposed rule and contract with a qualified, independent third party that is not an agency to prepare the alternative RSFA.<sup>18</sup>

An independent third party contracted to complete the alternative RSFA must complete it using the same form used by the agency that filed the proposed rule. The independent third party must complete the alternative RSFA not less than 60 days after entering the contract.<sup>19</sup>

On completing the alternative RSFA, the independent third party must transmit it to the JCARR chairperson who requested it. The chairperson must then electronically transmit it to the agency that filed the proposed rule, the members of JCARR, the Secretary of State, the Director of the Legislative Service Commission (LSC Director), the Governor, and the House and Senate clerks. The clerks must make the alternative RSFA available to the members of their respective chambers. The LSC Director must publish the alternative RSFA in the Register of Ohio. The Register of Ohio is an electronic gazette published free of charge by LSC on the internet. It provides notice of documents related to rulemaking for persons who are subject to or affected by a proposed rule.

Unless the rule must be approved by the General Assembly as described under **"Legislative approval and expiration of certain rules,"** JCARR must review both the RSFA and the alternative RSFA. The General Assembly may adopt an invalidating concurrent resolution no later than the 30<sup>th</sup> day after the LSC Director publishes the alternative RSFA. The failure to request an alternative RSFA, or the denial of such a request, is not an independent reason to recommend an invalidating concurrent resolution.<sup>20</sup>

The JCARR chairperson who requested the alternative RSFA may authorize the cost of completing it to be paid from JCARR's current appropriations for operations. The agency that proposed the rule must reimburse JCARR's costs if any of the costs listed under **"Changes to RSFA; alternative analysis,"** above, estimated by the alternative RSFA, vary from the same estimates in the agency's RSFA by 10% or more. However, if the costs estimated by the alternative RSFA vary from the estimates in the agency's rule summary and fiscal analysis by less than 10%, or agree with the agency's determination that there will be no such costs, the cost of preparing the alternative RSFA must be reimbursed from the regular appropriation to the chamber of the General Assembly to which the requesting chairperson belongs.

The bill requires the Director of Budget and Management (OBM Director) to make any transfers necessary to carry out the bill's reimbursement requirements.<sup>21</sup>

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<sup>18</sup> R.C. 106.025.

<sup>19</sup> R.C. 106.025(C).

<sup>20</sup> R.C. 106.025(D) and R.C. 103.051 and 119.037, not in the bill.

<sup>21</sup> R.C. 106.025(E).

## Regulatory agendas, budgets, and actions

Except as described below, the bill prohibits a state agency from taking a significant regulatory action unless all the following apply:

- The agency head identifies at least one deregulatory action to offset the costs of the significant regulatory action and issues the deregulatory action before or on the same schedule as the significant regulatory action;
- The significant regulatory action was included on the most recent version of the published “**Unified regulatory agenda**,” described below;
- The incremental costs of the significant regulatory action, as offset by any deregulatory action, do not cause the state agency to exceed or contribute to the agency exceeding the agency’s incremental regulatory cost allowance for that fiscal year as established by the OBM Director in the “**Annual regulatory budget**,” described below.

If the bill prohibits an agency from taking a significant regulatory action, the General Assembly may approve the action by enacting a law authorizing it.<sup>22</sup>

For purposes of the bill, a “significant regulatory action” is any rule, regulatory guidance, statement of policy, information collection request, form, or reporting, recordkeeping, or disclosure requirement under review at a state agency that will impose a burden on the public or that governs the agency’s operations that is likely to do any of the following:

- Impose an annual effect on Ohio’s economy of \$1,000,000 or more;
- Adversely affect in a material way Ohio’s economy, a sector of Ohio’s economy, productivity, competition, jobs, the environment, public health or safety, or a specific identifiable community within Ohio;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another state agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof;
- Raise a novel legal or policy issue.

A deregulatory action is any rescission, replacement, or modification to an existing regulatory action.<sup>23</sup>

As discussed under “**Legislative approval and expiration of certain rules**,” above, the General Assembly may enact laws requiring an agency to take an action, such as regulating in a new area. In such cases, the bill may require the General Assembly to enact two laws to allow the agency to undertake a significant regulatory action: the initial law to require an

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<sup>22</sup> R.C. 126.04(E).

<sup>23</sup> R.C. 126.04(A).

agency to regulate in a new area, and a second law to approve the agency's proposed action after the agency is unable to identify a corresponding deregulatory action.

### **Unified regulatory agenda**

Under the bill, not later than June 30 and December 31 of each year, the Director of Budget and Management must publish a unified regulatory agenda. In the unified regulatory agenda, the OBM Director must include both of the following:

- A list of proposed regulatory and deregulatory actions under development or review at each state agency;
- A regulatory plan of all significant regulatory actions and associated deregulatory actions that each state agency reasonably expects to issue in proposed or final form in the year the agenda is published and the following fiscal year.<sup>24</sup>

In accordance with the guidance described below, and not less than 60 days before the publication of each unified regulatory agenda, the head of each agency must submit to the OBM Director an agenda of all regulatory actions and deregulatory actions under development at the agency. In the agenda, the agency head must include all the following:

- A regulatory action or deregulatory action identifier number;
- A brief summary of the action;
- The legal authority for the action;
- Any required deadline for the action and the reason the deadline is required;
- The name and contact information for a knowledgeable official at the agency who is familiar with the action;
- Any other information required by the OBM Director.

The agenda must also include a list of each significant regulatory action the agency reasonably expects to issue in proposed or final form in the current and following fiscal year. For each significant regulatory action, the head of the agency must include all the following:

- A statement of the significant regulatory action's objectives;
- The legal authority for the significant regulatory action;
- A statement of the need for the significant regulatory action;
- The agency's schedule for the significant regulatory action;
- The significant regulatory action's estimated cost ;
- The significant regulatory action's estimated benefit;

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<sup>24</sup> R.C. 126.04(B).

- Any deregulatory action related to the significant regulatory action;
- A best approximation of the total cost or savings of the significant regulatory action and any cost or savings associated with the related deregulatory action;
- An estimate of the economic effects of the significant regulatory action that were considered in drafting the action, including any estimate of the net effect the action will have on the number of jobs in Ohio, or, if an estimate is not available, a statement affirming that no information on the economic effects of the action was considered.<sup>25</sup>

### **Annual regulatory budget**

In the December unified regulatory agenda described above, the OBM Director must establish the annual regulatory budget. In the regulatory budget, the OBM Director must do both of the following for each agency:

- Specify the net difference between the estimated cost of issuing a significant regulatory action and the estimated cost saved by issuing any deregulatory action (referred to as an “incremental regulatory cost”);
- At the OBM Director’s discretion, set an incremental regulatory cost allowance allowing an increase, prohibiting an increase, or requiring a decrease of an incremental regulatory cost.

If the Director does not set a net incremental regulatory cost allowance for an agency, the allowance is considered zero.<sup>26</sup>

### **Guidance to agencies**

Not later than 90 days after the bill’s effective date, the OBM Director must issue guidance on how a state agency must submit information the OBM Director needs to create the unified regulatory agendas required under the bill. In the guidance, the OBM Director must include all the following:

- A process for standardizing the measurement and estimation of regulatory costs, including cost savings associated with deregulatory actions;
- Standards for determining what qualifies as a deregulatory action;
- Standards for determining the costs of existing regulatory actions that are considered for repeal, replacement, or modification;
- Standards under which the OBM Director will determine whether a regulatory action or a collection of regulatory actions qualifies as a significant regulatory action.

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<sup>25</sup> R.C. 126.04(C).

<sup>26</sup> R.C. 126.04(A)(4) and (D).

The bill requires the OBM Director to periodically update the guidance issued to state agencies.<sup>27</sup>

## Agency guidance documents

Except as described below, the bill requires each state agency to do both of the following:

- On the date the agency issues a guidance document, publish the document to a single location on a website maintained by the Director of Administrative Services (DAS Director);
- Not later than 180 days after the bill's effective date, publish any guidance document issued by the agency that is in effect on the bill's effective date to the website maintained by the DAS Director.<sup>28</sup>

Under the bill, a "guidance document" is any written principle of law or policy that has not been stated in a rule and that an agency is relying on in conducting adjudications or other determinations of rights and liabilities or in issuing writings and other materials. "Guidance document" does not include any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.<sup>29</sup>

The requirement to post a guidance document does not apply to guidance documents issued by the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, or Attorney General. It also does not apply to a state institution of higher education, the state's five public pension systems, or to any guidance document that is not a public record under the Public Records Law.<sup>30</sup>

Each agency required by the bill to post guidance documents also must post a hyperlink on the agency's own website that provides access to website maintained by the DAS Director. The hyperlink must be prominently displayed on the agency's website. Each agency must categorize guidance documents published by the agency into specific, identifiable topics and must further divide the topics and guidance documents into subcategories as appropriate.<sup>31</sup>

The DAS Director must create the website to which agencies will publish guidance documents no later than 90 days after the bill's effective date.<sup>32</sup>

If an agency rescinds a guidance document, it must maintain the rescinded guidance document on the website maintained by the DAS Director and do all of the following:

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<sup>27</sup> R.C. 126.04(F).

<sup>28</sup> R.C. 121.96(B) and (C)(1).

<sup>29</sup> R.C. 121.96(A).

<sup>30</sup> R.C. 121.96(A)(1) and (E), by reference to R.C. 149.43, not in the bill; see also R.C. 121.933, not in the bill.

<sup>31</sup> R.C. 121.96(C).

<sup>32</sup> R.C. 121.96(D).

- Indicate that the guidance document was rescinded;
- Post the date on which the guidance document was rescinded;
- If the guidance document was rescinded pursuant to a court order, indicate the case number of the case in which the order was entered.

An agency must comply with the requirement to mark rescinded guidance documents no later than the date on which the document is rescinded. In the case of a guidance document rescinded pursuant to a court order, the agency must indicate the rescission and the date of the rescission no later than the date the court enters the order.<sup>33</sup>

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## HISTORY

Action	Date
Introduced	01-23-25

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ANHB0011IN-136/ar

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<sup>33</sup> R.C. 121.96(F).