



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

## Synopsis of Conference Committee Amendments

### S.B. 1 of the 133<sup>rd</sup> General Assembly

Alyssa Bethel, Attorney

The Conference Committee on S.B. 1 recommends the bill as passed by the House of Representatives with the following changes:

Senate Version	House Version	Conference Committee Recommendation
<b>REGULATORY RESTRICTIONS</b>		
<b>Reduction requirement</b>		
Requires an agency to produce a base inventory of rules containing regulatory restrictions before December 31, 2019.	No provision. This requirement was enacted under H.B. 166 of the 133 <sup>rd</sup> General Assembly (Main Operating Budget).	Same as House.
Requires an agency to reduce the total number of regulatory restrictions according to the following schedule: -Reduce by 10% by December 31, 2020. -Reduce by 20% by December 31, 2021. -Reduced by 30% by December 31, 2022.	Same as Senate.	Requires state agencies to reduce the total number of regulatory restrictions according to the following schedule: -Reduce by 10% by June 30, 2022. -Reduce by 20% by June 30, 2023. -Reduced by 30% by June 30, 2024. <i>(R.C. 121.951.)</i>

Senate Version	House Version	Conference Committee Recommendation
<p>Applies the bill’s required 30% reduction in regulatory restrictions to:</p> <ul style="list-style-type: none"> <li>-Administrative departments (listed in R.C. 121.02);</li> <li>-Administrative department heads (listed in R.C. 121.03);</li> <li>-A state agency organized under an administrative department or administrative department head;</li> <li>-Attorney General, Secretary of State, Auditor of State, and Treasurer of State;</li> <li>-Department of Education, State Lottery Commission, Ohio Casino Control Commission, State Racing Commission, and Public Utilities Commission of Ohio.</li> </ul> <p><i>(R.C. 121.951.)</i></p>	<p>Same, but no longer subjects the Attorney General, Auditor of State, Treasurer of State, or Secretary of State to the reduction.</p>	<p>Same as House.</p>
<p>Prohibits a state agency that has not achieved the required reduction from adopting a new regulatory restriction unless the agency simultaneously removes two or more other existing regulatory restrictions <i>(R.C. 121.951)</i>.</p>	<p>Delays this provision until July 1, 2023, because H.B. 166 of the 133<sup>rd</sup> General Assembly (Main Operating Budget) enacted a blanket prohibition through June 30, 2023, against state agencies adopting a new regulatory restriction unless the agency simultaneously removes two or more other existing regulatory restrictions <i>(R.C. 121.951)</i>.</p>	<p>Delays this provision until July 1, 2024 <i>(R.C. 121.951)</i>.</p>
<p>Effective January 1, 2023, limits the total number of regulatory restrictions that may be in effect in Ohio.</p> <p>Requires an agency to contact the Joint Committee on Agency Rule Review (JCARR)</p>	<p>Same as Senate.</p>	<p>Same as Senate, but effective July 1, 2024.</p>

Senate Version	House Version	Conference Committee Recommendation
<p>before submitting a proposed rule containing a regulatory restriction, to determine if the adoption would cause the state to exceed the permitted maximum number of regulatory restrictions.</p> <p><i>(R.C. 121.953.)</i></p>		
<p>Specifies criteria an agency must use to determine whether a rule containing a regulatory restriction should be amended or rescinded.</p> <p><i>(R.C. 106.03 and 121.951.)</i></p>	Same as Senate.	Same as Senate.
<p>Prohibits an agency from adopting new regulatory restrictions that would increase the percentage of restrictions in the agency's rules.</p>	Same as Senate.	Same as Senate.
<p>Encourages an agency to reduce regulatory restrictions even after it has achieved the required 30% reduction.</p> <p><i>(R.C. 121.951.)</i></p>		
<p>Allows JCARR to lessen an agency's required reduction in regulatory restrictions if the agency fails to meet a reduction goal and shows cause why the agency's required reduction should be lessened.</p> <p><i>(R.C. 121.952.)</i></p>	Same as Senate.	Same as Senate.

Senate Version	House Version	Conference Committee Recommendation
<p>Authorizes the head of an administrative department (listed in R.C. 121.02) or an administrative department head (listed in R.C. 121.03) to direct otherwise independent officials or state agencies organized under the department to reduce regulatory restrictions in accordance with the bill.</p> <p><i>(R.C. 121.031.)</i></p>	<p>Same as Senate.</p>	<p>Same as Senate.</p>
<p><b>Inventories and reports</b></p>		
<p>Requires an agency to report its base inventory to JCARR by December 31, 2019.</p> <p><i>(R.C. 121.95.)</i></p>	<p>No provision. This requirement was enacted under H.B. 166 of the 133<sup>rd</sup> General Assembly (Main Operating Budget).</p>	<p>Same as House.</p>
<p>Requires JCARR to prepare a report aggregating the agencies' base inventories by June 15, 2020.</p> <p><i>(R.C. 101.354.)</i></p>	<p>Same as Senate.</p>	<p>Requires JCARR to prepare a report aggregating the agencies' base inventory reports by June 15, 2021.</p> <p><i>(R.C. 101.354.)</i></p>
<p>Beginning in 2021, requires an agency to report its progress toward reducing regulatory restrictions over the previous calendar year to JCARR by March 15 each year until the agency achieves the 30% reduction.</p> <p><i>(R.C. 121.951.)</i></p>	<p>Same as Senate.</p>	<p>By September 15, 2021, requires an agency to report its progress toward reducing regulatory restrictions from when the agency submitted its base inventory to JCARR (in 2019) to June 30, 2021.</p> <p>Beginning in 2022, requires an agency to report its progress over the previous fiscal year to JCARR by September 15 each year until the agency achieves the 30% reduction.</p> <p><i>(R.C. 121.951.)</i></p>

Senate Version	House Version	Conference Committee Recommendation
<p>Requires JCARR to prepare a report aggregating the agencies' annual reports by June 15 of each year, beginning in 2020.</p> <p><i>(R.C. 101.354.)</i></p>	<p>Same as Senate.</p>	<p>Annually, beginning in 2021, requires JCARR to prepare a report aggregating the agencies' reports by December 15.</p>
<b>JCARR</b>		
<p>Requires JCARR to advise and assist agencies in preparing inventories and reducing regulatory restrictions.</p> <p><i>(R.C. 101.354.)</i></p>	<p>Same as Senate.</p>	<p>Same as Senate.</p>
<p>Requires JCARR to include in its annual report (1) a description of JCARR's work over the previous year toward reducing regulatory restrictions, (2) the percentage by which agencies have reduced regulatory restrictions, and (3) recommendations for statutory changes where appropriate.</p> <p>Requires JCARR to publish the report on its website and submit the report to the Speaker and President.</p> <p><i>(R.C. 101.354.)</i></p>	<p>Same as Senate.</p>	<p>Same as Senate.</p>
<p>Expands the permitted reasons for JCARR to recommend the invalidation of a proposed or existing rule to include the basis that the agency has failed to justify the proposed adoption, amendment, or retention of a rule containing a regulatory restriction.</p> <p><i>(R.C. 106.021 and 106.031.)</i></p>	<p>Same as Senate.</p>	<p>Same as Senate.</p>

Senate Version	House Version	Conference Committee Recommendation
<p>Requires JCARR to consult Legislative Information Systems (LIS) to create and maintain a system for agencies to enter regulatory restriction data and create, compile, and send inventories and reports.</p> <p><i>(R.C. 101.355.)</i></p>	Same as Senate.	Same as Senate.
<p>Requires JCARR to consult with LIS to establish, maintain, and improve the Cut Red Tape System, which must include a website and must allow members of the public to request information about regulatory restrictions and to communicate with JCARR about regulatory restrictions.</p> <p><i>(R.C. 101.355.)</i></p>	Same as Senate.	Same as Senate.
<b>Common Sense Initiative Office</b>		
<p>Allows the Common Sense Initiative Office (CSIO) to review rules containing regulatory restrictions and to direct an agency to eliminate a regulatory restriction, and permits the agency to appeal that decision to JCARR.</p> <p><i>(R.C. 107.57.)</i></p>	Same as Senate.	Same as Senate.

Senate Version	House Version	Conference Committee Recommendation
<b>Five-year review criteria</b>		
<p>Modifies the five-year review criteria by:</p> <ol style="list-style-type: none"> <li>1. Removing a requirement to consider whether a rule needs amendment or rescission to eliminate unnecessary paperwork;</li> <li>2. Adding requirements that the agency consider whether the rule should be amended or rescinded because it does any of the following, or otherwise for the purpose of reducing regulatory restrictions: <ul style="list-style-type: none"> <li>-Creates a compliance or oversight burden for the agency, or for any person or entity, that is greater than the burden that would be created if the agency accomplished the intended purpose of the restriction by other means;</li> <li>-Is no longer useful or beneficial;</li> <li>-Duplicates, overlaps with, or conflicts with a state or federal law;</li> <li>-Has an adverse impact on any person or entity;</li> <li>-Imposes a more severe duty or liability than restrictions in neighboring states in order to accomplish the same goal.</li> </ul> </li> </ol> <p><i>(R.C. 106.03.)</i></p>	Same as Senate.	Same as Senate.

Senate Version	House Version	Conference Committee Recommendation
<b>DEPARTMENT OF HEALTH ORDERS AND RULES</b>		
No provision.	Prohibits any order issued by the Director of Health from being effective for more than 14 days, unless JCARR approves an extension <i>(R.C. 3701.13).</i>	No provision.
No provision.	Specifies that any order of the Director issued on or after April 29, 2020, ceases to be effective 14 days after the bill takes effect, unless JCARR approves an extension. <i>(Section 3.)</i>	No provision.
No provision.	Requires a majority vote of JCARR, including three members of the House and three members of the Senate, to approve such an extension. <i>(R.C. 101.36.)</i>	No provision.
No provision.	Gives any Ohio citizen standing to seek a court order requiring the Director to comply with that requirement. <i>(R.C. 101.36.)</i>	No provision.
No provision.	Allows the Director to make certain public health rules only in accordance with the Administrative Procedure Act, and prohibits the Director from adopting emergency rules. <i>(R.C. 3701.13.)</i>	No provision.