



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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S.B. 221

132nd General Assembly
(H. Government Accountability and Oversight)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_1572-1)
Technical corrections <i>(R.C. 103.05, 111.15, and 3304.15)</i>	No provision.	Removes obsolete cross-references and makes other technical corrections. Updates R.C. sections 111.15 and 3304.15 to the current effective versions.
Information that may be solicited by the Joint Committee on Agency Rule Review (JCARR) on the Rule Summary and Fiscal Analysis <i>(R.C. 106.024)</i>	In addition to the information permitted under continuing law, authorizes JCARR to solicit information explaining how a text or other material that has been incorporated by reference is exempt from the Incorporation of Rules by Reference Act on grounds the incorporation has one or more of the characteristics authorizing the exemption.	Additionally authorizes JCARR to request an explanation of the relationship between a fee imposed by a rule and the costs incurred by the agency in performing the function for which the fee is charged.

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<p>Review of a rule having an unintended or unexpected effect on businesses (R.C. 106.032)</p>	<p>Specifies, if the chairperson of JCARR 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 rule purportedly was adopted, that the chairperson can move that JCARR order the agency that is administering the existing rule to submit the existing rule for review under the procedure of the Periodic Review of Rules Act (R.C. 106.031) that applies when an agency, upon conducting periodic review of its rules, determines that a rule does not require amendment or rescission.</p>	<p>Same, but changes "unforeseen" effect to "unexpected" effect and adds a provision preventing JCARR from adopting a motion to order an agency to submit an existing rule for review under the Periodic Review of Rules Act (R.C. 106.031) if JCARR has previously adopted a motion ordering the agency to submit the rule for review under the Act within the immediately preceding five-year period.</p>
<p>Calculation of five year rule review dates (R.C. 106.031)</p>	<p>No provision.</p>	<p>Clarifies that the initial review date from which the five year review date is calculated includes a review ordered by JCARR under R.C. 106.032 (see "Review of a rule" above).</p>
<p>Definition of "adverse impact on businesses" (R.C. 107.52(D))</p>	<p>Adds, to the definition in current law of what constitutes an "adverse impact on business" for purposes of the business review or rules law, an additional meaning: that the rule <i>reasonably</i> would be likely to reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.</p>	<p>Instead, adds to the definition in current law of an "adverse impact on business" that the rule would be likely to <i>directly</i> reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.</p>
<p>Agency duty to state principles of law or policy in rules (R.C. 121.93)</p>	<p>Requires an agency, at reasonable intervals, to review its operations to identify principles of law and policies that have not been stated in a rule and that the agency is lawfully relying upon (1) in conducting adjudications or other determinations of rights and liabilities or (2) in issuing writings and other materials, such as instructions, directives, policy statements,</p>	<p>Same, but adds that an agency is not required to identify principles of law and policy relied upon to issue internal management rules, as that term is defined in R.C. 111.15.</p>



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	guidelines, handbooks, manuals, advisories, notices, circulars, advertisements, forms, letters, and opinions.	
Implementation of the duty: related cause of action <i>(R.C. 121.932)</i>	Creates a right to bring and prosecute a lawsuit if (1) a state agency makes an exception to or an amplification of a principle of law whatever its source, (2) the agency applied the exception or amplification to the person, (3) the exception or amplification is not expressly or impliedly authorized by a statute, and (4) the plaintiff is adversely affected by the exception or amplification as it was applied to the plaintiff.	No provision.

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