



Ohio Revised Code

Section 101.353 Request for appearance before joint committee regarding agency's failure to adopt rule.

Effective: October 3, 2023

Legislation: House Bill 33

If the joint committee on agency rule review becomes aware, such as through its own inquiries or by receiving complaints from interested parties or stakeholders, that an agency subject to its jurisdiction is required expressly or impliedly by a statute to adopt a rule but appears neither to have done so nor to have commenced the rule-making process, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, in that chairperson's sole discretion, may request the agency to appear before the joint committee to address its apparent dereliction. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and answer the joint committee's questions concerning, the agency's apparent dereliction. The request shall identify the statute that expressly or impliedly requires rule-making and that apparently has not been complied with. The joint committee shall transmit the request to the agency electronically. The joint committee also shall publish the request on its web site, and shall indicate in conjunction with the published request that any person is invited to appear before the joint committee when the agency appears to offer and make comments to the joint committee concerning the agency's apparent dereliction.

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

Upon appearing before the joint committee, the agency's designee shall address why the agency apparently has neither adopted a rule nor commenced the rule-making process as expressly or impliedly required by the statute. The members of the joint committee may question the agency's designee concerning the agency's apparent dereliction. Any person may offer and make comments to the joint committee concerning the agency's apparent dereliction.



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #309116

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