

OHIO GENERAL ASSEMBLY
JOINT COMMITTEE ON AGENCY RULE REVIEW

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EXECUTIVE DIRECTOR

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DEPUTY DIRECTOR

March 29, 2021

Chairman Callender called the meeting to order at 1:30 p.m.

Senior Legal Counsel Ashley Frustaci called the roll. Representatives Callender, Stewart, Hillyer, Brown, and Skindell and Senators Kunze, Hottinger, Lang, Williams, and Craig were in attendance. Vice-Chair Gavarone, Senator Schuring, and Representative Boggs were excused from the meeting. Senior Legal Counsel Frustaci stated a quorum was present. Chairman Callender asked the Committee members to review the March 8, 2021 minutes. The minutes were approved as presented.

Director Wolpert read the No Change Agenda. Chairman Callender called for questions or comments on the No Change Agenda. There were no questions from the Committee or public. Director Wolpert read the Regular Agenda. Chairman Callender called for questions or comments on the Regular Agenda. There were no questions from the Committee or public.

Chairman Callender stated he would like to have a discussion on policy to rule. Chairman Callender stated Senate Bill 221 was passed during the 132nd General Assembly. Senate Bill 221 was vetoed by Governor Kasich. Both chambers overrode the veto. Senate Bill 221 created the implementation of O.R.C 101.352. This O.R.C section deals with situations where agencies have done things without going through the rule making process that the JCARR Committee believes should have gone through the rule making process.

Chairman Callender stated, for example an agency might implement a policy manual or change an audit manual. For the entity its working with, that administrative change has the effect of changing the law. An example Representative Hillyer brought to the Committee's attention last year was that the Ohio Environmental Protection Agency (OEPA) added esthetics to the list they used to monitor the local water supply. Chairman Callender stated the change was not in statute but it may be within the OEPA's authority to do. The change should have gone through the rule making process so the JCARR Committee has a chance to see whether that change in policy is consistent with the JCARR prongs.

Chairman Callender stated if the Committee feels there is a policy to rule issue the agency can be called to appear before the Committee. The agency would then explain their rationalization for not going through the rule making process. The Committee can agree with the agency or ask the agency to put the policy change through the rule making process.

Chairman Callender requested members of the public, media, or members of the General Assembly notify the Chair, Vice-Chair, and Director Wolpert by April 1, 2021 of an issue that falls under this classification. Those agencies will be asked to come justify their actions to the Committee. Director Wolpert will send out the agenda for the next meeting April 9, 2021. The agenda will contain the list of agencies that are being asked to come in before the Committee.

Chairman Callender stated the May 10, 2021 JCARR meeting will be the first round of presentations from agencies. This will be the first time implementing this procedure. Chairman Callender asked if there were any questions from the members. There were no questions from the members.

Chairman Callender reminded the public of the next JCARR meeting on Monday, April 19, 2021 at 1:30 p.m. in the William McKinley Hearing Room.

Chairman Callender adjourned the meeting at 1:40 p.m.



Jamie Callender, Chair



Larry Wolpert, Director