

OHIO GENERAL ASSEMBLY
JOINT COMMITTEE ON AGENCY RULE REVIEW

Senate Members

THERESA GAVARONE
VICE CHAIR
STEPHANIE KUNZE ANDREW O. BRENNER
HEARCEL F. CRAIG BILL DeMORA



House Members

JAMIE CALLENDER
CHAIR
BRETT HUDSON HILLYER ADAM MATHEWS
MICHAEL J. SKINDELL TAVIA GALONSKI

IAN DOLLENMAYER
EXECUTIVE DIRECTOR

August 14, 2023

Chair Callender called the meeting to order at 1:31 p.m.

Deputy Director Fouche called the roll. Representatives Callender, Hillyer, Mathews, Skindell, and Galonski and Senator Craig were in attendance. Senator Hackett was substituting for Senator Gavarone, Senator Lang was substituting for Senator Brenner, and Senator Smith was substituting for Senator DeMora. Senator Kunze was excused from the meeting. Deputy Director Fouche stated a quorum was present.

Chair Callender asked the Committee members to review the July 20, 2023 minutes. The minutes were approved as presented.

Director Dollenmayer read the No Change Agenda. The Chair called for questions or comments on the No Change Agenda. There were no questions or comments from the Committee or public. Director Dollenmayer read the Regular Agenda. Rule 1301:6-3-09 of item 13 on the Regular Agenda was moved to the review portion of the agenda. The Chair called for questions or comments on the remaining items on the Regular Agenda. There were no questions or comments from the Committee or public.

Chair Callender noted that the Committee has become aware of a potential policy to rule issue regarding the Ohio Arts Council. The Council has a policy against awarding competitive grants to organizations that accept funding via line item or earmark in the state's operating budget during the fiscal year of the grant(s). The FY24-25 operating budget provides funding to certain entities that would make the recipients ineligible for grants under this policy. The Chair explained that the bulk of this funding, although contained in the operating budget, is intended to be used for capital projects. Chair Callender stated that the Council is aware of the issue and is working to allow the recipient entities to continue to be eligible for Council grants. This informal effort is intended to avoid formal action by the Committee to recommend that the Council supplant its policy by restatement in rules.

The Chair recognized Thomas Selman, the founder of Scopus Financial Group, to provide opponent testimony on rule 1301:6-3-09 of the Ohio Department of Commerce, Division of Securities. Mr. Selman was testifying on behalf of the Institute for Portfolio Alternatives. Rule 1301:6-3-09 is being amended pursuant to a vote by the Committee on December 12, 2022 to recommend to the Division that it supplant certain principles of law or policy by restatement in rules. Mr. Selman testified that the amendment violates each JCARR prong except for the prong related to incorporation by reference. Mr. Selman subsequently answered questions from Senators Lang and Hackett and Representative Hillyer.

The Chair recognized Andrea Seidt, the Ohio Securities Commissioner, to answer any questions on rule 1301:6-3-09 on behalf of the Division. None of the Committee members had questions for Ms. Seidt.

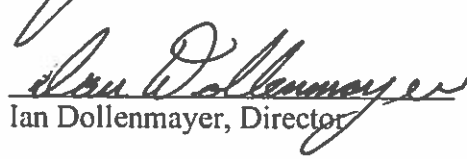
Senator Hackett moved to rerefer rule 1301:6-3-09 to the Common Sense Initiative Office. Representative Hillyer seconded the motion. The motion passed without objection.

Chair Callender adjourned the meeting at 2:09 p.m.

You may watch the August 14, 2023 JCARR meeting at <https://ohiochannel.org/video/ohio-joint-committee-on-agency-rule-review-8-14-2023>.



Rep. Jamie Callender, Chair



Ian Dollenmayer, Director