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Am. Sub. H. B. No. 166

Representative Oelslager

Cosponsors: Representatives Butler, Carfagna, Carruthers, DeVitis,

Ghanbari, Holmes, A., Jones, Lanese, Lepore-Hagan, Lipps, Miller, A.,

Perales, Smith, K., Sobecki, Stein

Senators Hottinger, Antonio, Brenner, Burke, Craig, Dolan, Eklund, Fedor,

Hackett, Hoagland, Huffman, M., Huffman, S., Kunze, Lehner, Maharath,

Obhof, O'Brien, Peterson, Rulli, Schaffer, Sykes, Terhar, Thomas, Uecker,

Williams, Wilson, Yuko

A B I L L

To amend sections 9.54, 102.02, 102.021, 103.41, 1
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Sec. 121.95. (A) As used in this section, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of this section.

(B) Not later than December 31, 2019, a state agency shall review its existing rules to identify rules having one or more regulatory restrictions that require or prohibit an action and prepare a base inventory of the regulatory restrictions in its existing rules. Rules that include the words "shall," "must," "require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions.

(C) In the base inventory, the state agency shall indicate all of the following concerning each regulatory restriction:

(1) A description of the regulatory restriction;

(2) The rule number of the rule in which the regulatory restriction appears;

(3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;

(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law; 4727
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(6) Any other information the joint committee on agency rule review considers necessary. 4732
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(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate. 4734
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(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions: 4741
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(1) An internal management rule; 4744

(2) An emergency rule; 4745

(3) A rule that state or federal law requires the state agency to adopt verbatim; 4746
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(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code; 4748
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(5) A rule adopted pursuant to section 1347.15 of the Revised Code; 4751
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(6) A rule concerning instant lottery games; 4753

(7) Any other rule that is not subject to review under Chapter 106. of the Revised Code. 4754
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(F) Beginning on the effective date of this section and 4756

ending on June 30, 2023, a the state agency may not adopt a new 4757
regulatory restriction unless it simultaneously removes two or 4758
more other existing regulatory restrictions. The state agency may 4759
not satisfy this section by merging two or more existing 4760
regulatory restrictions into a single surviving regulatory 4761
restriction. 4762

Sec. 122.075. (A) As used in this section: 4763

(1) "Alternative fuel" has the same meaning as in section 4764
125.831 of the Revised Code. 4765

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 4766
fuel that is derived from vegetable oils or animal fats, or any 4767
combination of those reagents, and that meets American society for 4768
testing and materials specification D6751-03a for biodiesel fuel 4769
(B100) blend stock distillate fuels. 4770

(3) "Diesel fuel" and "gasoline" have the same meanings as in 4771
section 5735.01 of the Revised Code. 4772

(4) "Ethanol" has the same meaning as in section 5733.46 of 4773
the Revised Code. 4774

(5) "Blended biodiesel" means diesel fuel containing at least 4775
twenty per cent biodiesel by volume. 4776

(6) "Blended gasoline" means gasoline containing at least 4777
eighty-five per cent ethanol by volume. 4778

(7) "Incremental cost" means either of the following: 4779

(a) The difference in cost between blended gasoline and 4780
gasoline containing ten per cent or less ethanol at the time that 4781
the blended gasoline is purchased; 4782

(b) The difference in cost between blended biodiesel and 4783
diesel fuel containing two per cent or less biodiesel at the time 4784
that the blended biodiesel is purchased. 4785