



H.B. 592

124th General Assembly
(As Introduced)

Reps. Raga, Metzger

BILL SUMMARY

- Prohibits the Ohio Historical Society from acquiring historical and archaeological sites except by action of the General Assembly.
- Requires the Ohio Historical Society to adopt "section 111.15" rules pertaining to its policies for the acquisition of, and the sale, mortgage, lease, transfer, or disposition of, historical and archaeological sites.
- Requires all of those rules to be adopted in close cooperation and consultation with the Ohio Historical Site Preservation Advisory Board and, with the exception of the acquisition rules, the Ohio Arts and Sports Facilities Commission.

CONTENT AND OPERATION

Under current law, the Ohio Historical Society (Society) is prohibited from selling, mortgaging, transferring, or disposing of historical or archaeological sites to which the Society has title and in which the state has a monetary interest except by action of the General Assembly. Under the bill, the Society also is prohibited from *acquiring* an interest in a historical or archaeological site except by action of the General Assembly; for purposes of this prohibition, the state apparently is not required to have "a monetary interest" in the proposed acquisition. (Sec. 149.30.)

The bill requires the Society, as one of its "public functions," to adopt rules in accordance with section 111.15 of the Revised Code (see **COMMENT**) establishing policies governing (1) its acquisition of any interest in a historical or archaeological site and (2) the selling, mortgaging, leasing, transferring, or disposing of a historical or archaeological site to which the Society has title.¹ In

¹ *The bill does not require that a historical or archaeological site be both one to which the Society has title and one "in which the state has a monetary interest," to be subject to*

adopting both of these types of rules, the Society must work in close cooperation and consultation with the Ohio Historical Site Preservation Advisory Board. Furthermore, in adopting the *sale, mortgage, lease, transfer, or disposition* of historical or archeological sites rules, the Society also must consult with the Ohio Arts and Sports Facilities Commission. (Secs. 111.15(A)(2), (D), (E), and (G) and 149.30(R).)

COMMENT

Under Ohio law, an agency's rule is effective only after the agency has followed a statutorily prescribed rule-making procedure. There are two general statutory rule-making procedures: one in Chapter 119. of the Revised Code (the Administrative Code) and the other in section 111.15 of the Revised Code, each of which has unique requirements. Under section 111.15, agencies are not required to give public notice of proposed rules, and the proposed rules are not subject to a public hearing requirement. Agency rules adopted under section 111.15, however, must be electronically filed with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule and Review, and are subject to legislative review and invalidation.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-30-02	p. 1893

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the rules prescribing a policy governing the site's sale, mortgage, lease, transfer, or disposition.

