



**H.B. 523**

125th General Assembly  
(As Introduced)

Rep. Kilbane

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**BILL SUMMARY**

- Exempts rules adopted by community college districts and technical college districts from the R.C. 111.15 rule-making procedure, including the requirement that the rules be filed with the Secretary of State and the Director of the Legislative Service Commission.
- Requires that rules adopted by community college districts and technical college districts be made available to faculty, staff, students, and the general public by publication on the Internet and, upon request, in print form.
- Removes rules bearing agency-level designations 3354 and 3357 from the Administrative Code on the bill's effective date.

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**CONTENT AND OPERATION**

**Current law**

Current law requires all public institutions of higher education to adopt their rules according to an abbreviated version of the R.C. 111.15 rule-making procedure.<sup>1</sup> Under this abbreviated procedure, the institutions file their rules in final form with the Secretary of State and the Director of the Legislative Service Commission (LSC), whose offices must record and preserve the rules in an accessible manner. Unlike state agencies, state colleges and universities are not

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<sup>1</sup> There are two general statutory rule-making procedures: one in the Ohio Administrative Procedure Act, R.C. Chapter 119., and the other in R.C. 111.15. The major difference between the two procedures is that R.C. Chapter 119. requires an agency to give public notice of its intention to adopt a rule and then to conduct a public hearing on the proposed rule. R.C. 111.15 does not impose a similar public notice and hearing requirement.

required to file their rules in proposed form with the Joint Committee on Agency Rule Review and, therefore, their rules are not subject to the 65-day legislative review or to legislative invalidation.

Although filed with the two state offices, rules of state colleges and universities are not published in any commercial publications of the Ohio Administrative Code or on the *Register of Ohio*, an Internet web site maintained by LSC.<sup>2</sup> Copies of the rules are available only from LSC, the Secretary of State, or the school that adopted them.

**The bill removes community college and technical college districts from the R.C. 111.15 rule-making procedure**

(R.C. 111.15)

The bill removes community college districts and technical college districts from the R.C. 111.15 definition of "agency," thus exempting community college districts and technical college districts from the R.C. 111.15 rule-making procedure, except when adopting job classification rules under R.C. 124.14(F).<sup>3</sup> Under the bill, any rule adopted by a community college district or technical college district, unless adopted under R.C. 124.14(F), would no longer be filed with and maintained by the Secretary of State and the LSC Director. Rules of state universities, public medical colleges, and state community colleges would remain subject to the abbreviated R.C. 111.15 procedure.

**Rules must be made generally available**

(R.C. 3354.06, 3354.09, 3357.06, and 3357.09)

The bill requires that any rule adopted by the board of trustees of a community college district or the board of trustees of a technical college district be made available to faculty, staff, students, and the general public by publication on the Internet. Upon request, the community college or technical college must provide any person with a printed copy of the rules.

**Rules regarding interests in discoveries, inventions, and patents**

(R.C. 3345.14)

Current law allows the board of trustees of any state college or university to adopt rules pursuant to the R.C. 111.15 rule-making procedure that set forth

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<sup>2</sup> <http://www.registerofohio.state.oh.us>.

<sup>3</sup> *Not in the bill.*

circumstances under which a college or university employee may benefit financially from interests in discoveries, inventions, or patents. The bill exempts community college districts and technical college districts from having to adopt such rules pursuant to the R.C. 111.15 rule-making procedure, and instead requires that they make any such rules available to faculty, staff, students, and the general public by publication on the Internet and, upon request, by providing a printed copy of the rules.

**Existing community college and technical college rules removed from the Administrative Code**

(Section 3)

The bill declares that, on its effective date, existing community college district and technical college district rules are removed from the Administrative Code.<sup>4</sup> It further states that removal of the rules from the Administrative Code bears no effect on the validity of the rules.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	07-06-04	p. 2135

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<sup>4</sup> Rules bearing Administrative Code agency-level designations 3354 (community colleges) and 3357 (technical colleges).