



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 517
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Sweeney

Carla Napolitano, Attorney

SUMMARY

- Exempt building and fire codes from certain requirements regarding agency rulemaking.

DETAILED ANALYSIS

Under Ohio law, the Board of Building Standards is in charge of adopting by rule both the Residential and Nonresidential Building Codes. Similarly, the State Fire Marshal is required to adopt rules for the State Fire Code. Both the Board of Building Standards and the Division of State Fire Marshal are under the Ohio Department of Commerce. The bill provides an exemption for building and fire codes when it comes to certain existing law requirements regarding agency rulemaking.¹

The exemption in the bill relates to a particular law that requires state agencies² to review their existing rules in order to prepare a base inventory of regulatory restrictions. In the base inventory, the agency must provide information concerning each regulatory restriction. After completing the inventory, the agency must post it on its website and send a copy to the Joint Committee on Agency Rule Review (JCARR), which must review the inventory and send it to the Speaker of the House and the President of the Senate. In addition, through June 30, 2023, the law prohibits an agency from adopting any new regulatory restriction unless it simultaneously removes two or more existing regulatory restrictions.

¹ R.C. 3737.82 and 3781.10; R.C. 121.95, not in the bill.

² For purposes of the law, under R.C. 121.95, a “state agency” includes an administrative department created under R.C. 121.02, an administrative department head appointed under R.C. 121.03 (essentially all cabinet-level departments), a state agency organized under an administrative department or administrative department head, the Department of Education, the State Lottery Commission, the Ohio Casino Control Commission, the State Racing Commission, and the Public Utilities Commission of Ohio.

Under the law, rules adopted by an otherwise independent official or entity organized under an agency are attributed to the parent agency for the purposes of the provisions. This means that a parent agency must include rules containing regulatory restrictions adopted by those otherwise independent officials or entities as part of its total number of regulatory restrictions.³ Therefore, under the bill, it seems that the Department of Commerce can exclude the rules adopted by the Board of Building Standards and the State Fire Marshal for the Building and Fire Codes from the requirements described above.

HISTORY

Action	Date
Introduced	02-19-20

H0517-I-133/ar

³ R.C. 121.95, not in the bill.