



# JOINT LEGISLATIVE ETHICS COMMITTEE 129<sup>th</sup> OHIO GENERAL ASSEMBLY

## **Lobbying Efforts in the Rule Making Process**

### Committee

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Tony Bledsoe  
Executive Director

With the passage of Senate Bill 2 from the 129<sup>th</sup> General Assembly, beginning January 01, 2012 the review of rules by the Joint Committee on Agency Rule Review (JCARR) has expanded. JCARR will now review rules to see if it has an “adverse impact” on business and if that impact is “justifiable”. JCARR is a standing committee of the General Assembly, created in 1977 to provide legislative review of executive agency rules that are adopted, amended, modified or rescinded by an agency in carrying out the agency’s statutory duty of implementing legislation. JCARR is bipartisan and consists of five Senators and five Representatives with the Chair of the Committee rotating between the two Chambers on an annual basis.

Lobbying on behalf of a client with respect to administrative rules can involve both executive agency lobbying as well as legislative lobbying. Advocacy before a state agency regarding the adoption, amendment or revocation of rules is governed by §121.60 - §121.69 of the Ohio Revised Code. Although much lobbying activity in the rule making process occurs before the agency proposing the adoption, modification or rescission of a rule, and is reported as executive agency lobbying activity, some efforts may involve communications with legislative officials.

It is true that the vast majority of legislative lobbying involves the introduction and passage or defeat of legislation. However, legislative lobbying also involves advocacy on appropriation matters coming before the Controlling Board, Senate confirmation of gubernatorial nominations, the adoption of resolutions, the executive approval or veto of legislation and “any other matter pending before the General Assembly”. It is this last provision found in the definition of “Legislation” in O.R.C. §101.70 that encompasses contacts with legislators regarding administrative rules and other matters not fitting within the defined parameters of bills, resolutions, nominations, or any matter pending before the Controlling Board.

If one’s lobbying efforts involve advocacy communications with legislators or the staff of JCARR, other than testimony at a public hearing, regarding proposed rules before JCARR then lobbyist registration and reporting is required.

A field has been added to the **Legislative** Activity and Expenditure Reports for both Agents and Employers to report JCARR activity in

OLAC. The new field is labeled **JCARR** with a type in box next to the title. Those agents and employers that have legislative rule making activity to report should provide the Agency, Rule Number and Title that corresponds to the activity. For example, if Lobbyist spoke with JCARR staff and/or Members of the JCARR Committee, outside of the public hearing process, regarding a proposed rule change being sought by the Department of Aging, Lobbyist should type in the JCARR field in OLAC:

Aging Rule No. 173-40-02 Eligibility for the PASSPORT grandparented home care program.

Anyone with questions regarding the reporting of lobbying efforts in the rule making process should call the OLIG at 614-728-5100.