

# RULE DRAFTING MANUAL

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## OHIO LEGISLATIVE SERVICE COMMISSION

*Register of Ohio and Administrative Rules Unit*

Columbus, Ohio

(614) 387-2078

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## PREFACE

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The LSC Rule Drafting Manual explains for state agencies and state institutions of higher education how to draft administrative rules. This includes enacting, amending, or rescinding a rule. Useful primarily as a reference, this manual is especially helpful when first learning the rule drafting and filing process, as well as when further explanation is necessary regarding any technical errors found in agency rules.

This manual is official. It is based on existing statutes and rules governing the administrative rule-making process and is mandatory to the extent it reflects those statutes and rules. Under rules 103-3-01 and 103-3-02 of the Administrative Code, the manual represents the principles the Director of the Legislative Service Commission will apply in carrying out the Director's responsibilities as the codifier of administrative rules. In the absence of a change of policy, the Director will make exceptions only in particular circumstances, and then only to the extent the Director is convinced that the exception is appropriate for reasons of particular need.

Illustrations appear throughout this manual pertaining to whatever topic is under discussion. Examples of various drafting techniques appear in boxes. Tips for using the Rule Authoring System (RAS) software are designated by the  icon and tips for using the Electronic Rule-Filing (ERF) website are designated by the  icon.

The staff of the *Register of Ohio* and Administrative Rules Unit is available to help an agency, on a personal basis, with the drafting and filing of rules. The agency may call the Rules Unit at (614) 387-2078 to ask questions or to make an appointment to visit the LSC office and talk with its staff personally.

If any part of this manual is unclear or fails to cover a particular topic, an agency is encouraged to bring it to the Director's attention so LSC can improve upon the information provided.

Lisa Rodriguez

Rules Unit Administrator



# CHAPTER 1: INTRODUCTION

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## 1.1 What is a rule?

A rule is a formal written statement of the law that has been established by an administrative agency under the statutes that authorize the agency to adopt rules. In essence, a rule is a communication of the law established by an administrative agency.

To facilitate this communication, the General Assembly has established the Ohio Administrative Code.<sup>1</sup> The Administrative Code is a systematic compilation of the rules adopted by the administrative agencies of state government. LSC is designated as the codifier of the Administrative Code and among other requirements, LSC is expressly required to ensure that it is “a uniform administrative code.”<sup>2</sup> This means that the text of each rule, as compiled in the Administrative Code, must be presented in accordance with a standardized format and style. This standardization is achieved through the application of specific drafting requirements.

## 1.2 Proposed and adopted rules

A rule can be effective as part of the law only after its adopting agency has taken it through a statutorily prescribed rule-making procedure. While a rule is being taken through this procedure, it is called a “proposed rule.” A proposed rule is, therefore, a rule that an agency has under consideration for adoption as part of the law. It is analogous to a legislative bill in that it is not yet law, and will not be until all of the statutorily prescribed steps leading to its adoption have been taken. A proposed rule merely proposes a change in the law.

An adopted rule actually accomplishes such a change. When the rule-making procedure has been completed, and the rule is to become effective as part of the law, it is called an “adopted rule.” (Adopted rules are often referred to as the final filing.)

A rule, whether proposed or adopted, has four, and sometimes five, formal parts:

1. The rule number;
2. The tagline;
3. The principal text;
4. The supplemental information;
5. Any appendices.

All of these parts, except appendices, are present in each rule. A rule may or may not have appendices. A rule, with its formal parts labeled, is illustrated in [Figure 1 of Chapter 8](#).

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<sup>1</sup> Revised Code Chapter 119 and R.C. 111.15.

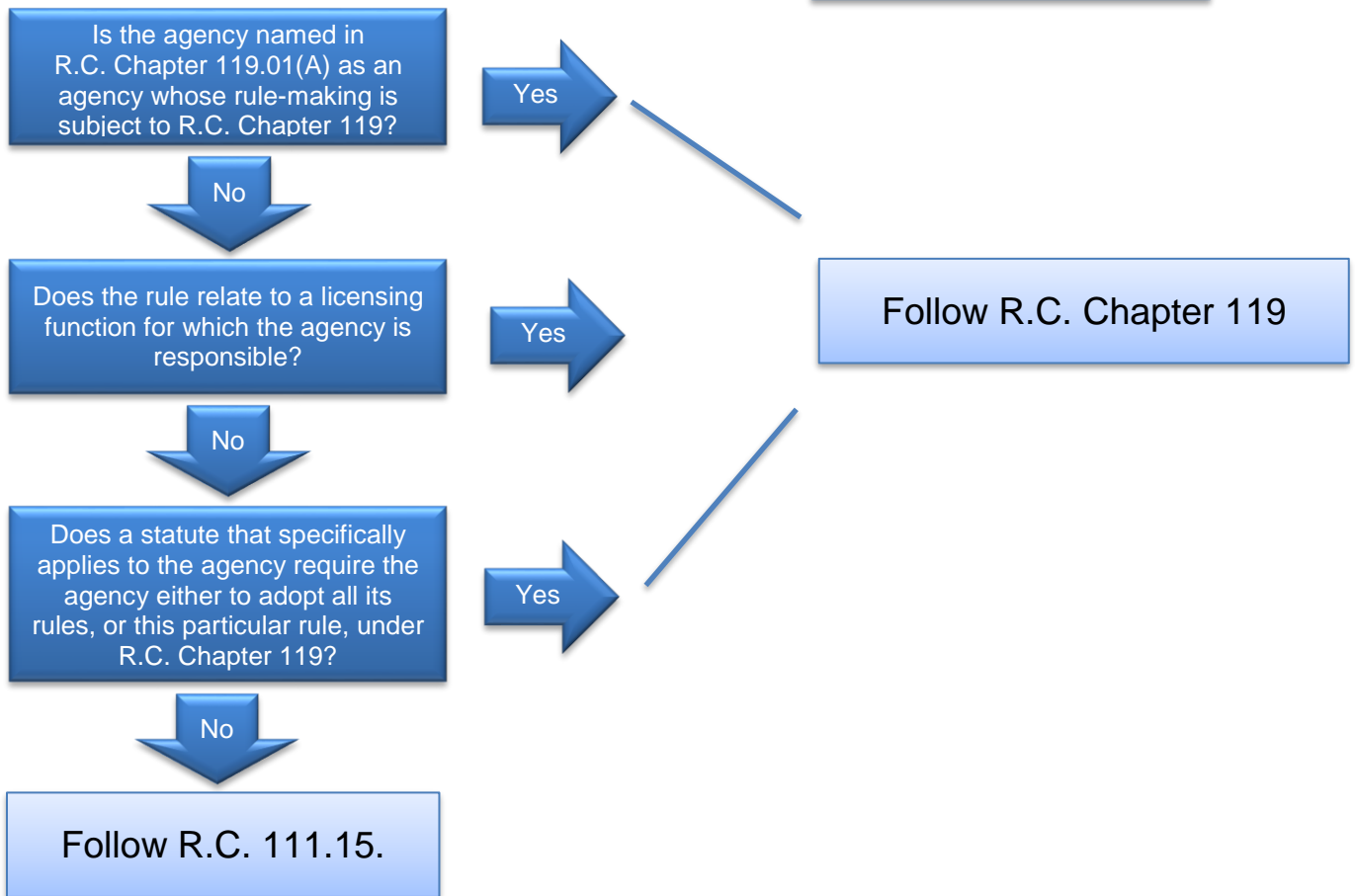
<sup>2</sup> R.C. 103.05(A).

### 1.3 Rule-making procedures: R.C. 111.15 or R.C. Chapter 119

There are two rule-making procedures prescribed in the Revised Code. Ordinarily, an agency follows the procedure set forth in either section 111.15 or Chapter 119 of the Revised Code.

To determine whether R.C. Chapter 119 or R.C. 111.15 applies, answer the questions below. If the answer is “yes” to any of the questions the agency must adopt the rule according to the R.C. Chapter 119 procedures. However, if the answer is “no” to **all** of these questions, the agency must adopt the rule according to the R.C. 111.15 procedures.

If an agency is not required to follow R.C. Chapter 119 Procedures, it must follow R.C. 111.15, generally.



If an agency concludes that it must follow R.C. Chapter 119 in adopting a rule, it is necessary to apply sections 119.02, 119.03, and 119.04 of the Revised Code, as well as any other statutes that specifically apply to rule-making by the agency.

If an agency concludes that it must follow R.C. 111.15 in adopting a rule, it is necessary to apply section 111.15, as well as any other statutes that specifically apply to rule-making by the agency.

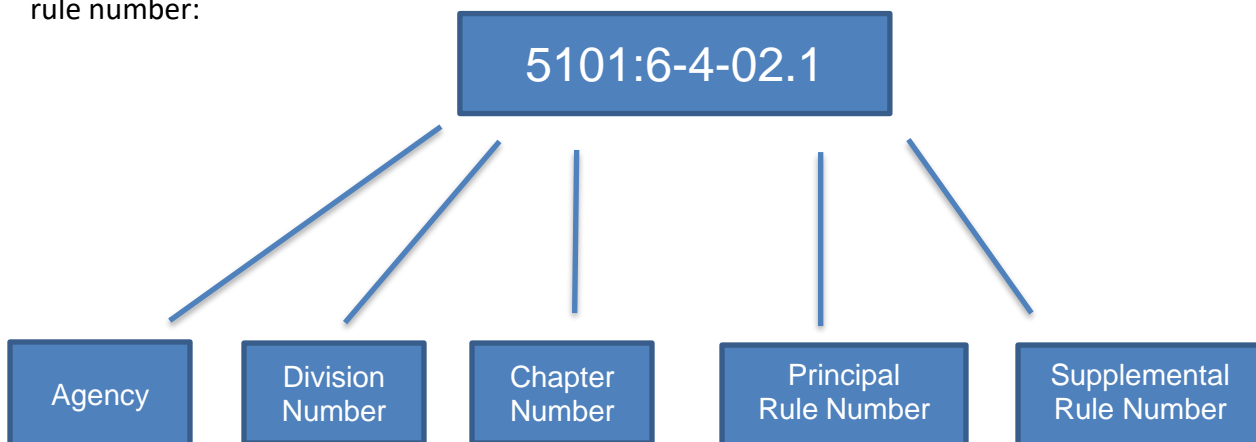


## 1.4 The rule-numbering system

The rule-numbering system is the practical means by which the Administrative Code is organized. All rules must be numbered in conformity with the numbering system. A rule number is comprised of the following parts:

1. Agency number;
2. Division number (when applicable);
3. Chapter number;
4. Rule number;
  - a. Principal rule number;
  - b. Supplemental rule number (when applicable).

Here is a typical rule number, one that includes a division number and a supplemental rule number:



### 1.4.1 Agency number

The agency number is the first tool for numerically organizing an agency's rules into the Administrative Code. When possible, it corresponds to the Revised Code chapter from which an agency principally derives its rule-making authority.

### 1.4.2 Division number

Some agencies have separate divisions within the agency that are vested with rule-making authority of their own. In this case, a division is assigned a division number for the purpose of organizing the division's rules into the Administrative Code. This number follows the agency number and is preceded by a colon.

Division numbers are assigned by LSC. An agency must contact the LSC Help Desk at (614) 387-2078 if you need to create a new division.

### **1.4.3 Chapter number**

A chapter contains the individual rules that pertain to a particular subject. Each chapter is assigned a number, typically a one- or two-digit number, which follows the agency or division number and is preceded by a hyphen. (Chapters one to nine are numbered as -1, -2, and so forth.)

Chapter numbers are assigned by an agency in a manner that makes good sense for the agency's purposes. When assigning a chapter number, the agency must be certain that the number chosen is not already in use. A rule is best located in the existing chapter that most logically corresponds to its subject matter. If the subject matter is new and therefore does not fit into an existing chapter, you may create a new chapter.

### **1.4.4 Rule number**

Individual rules contain the text of the law as drafted by an agency. Individual rules are assigned a two- and sometimes three- or higher-digit number following the chapter number and are preceded by a hyphen. (Unlike chapter numbers, rules one to nine are numbered as -01, -02, and so forth.)

#### **1.4.4.1 Principal rule numbers**

Two- and sometimes three-digit rules are called "principal rules."

#### **1.4.4.2 Supplemental rule numbers**

A rule is assigned an additional digit when it is a "supplemental rule," meaning the rule amplifies or elaborates upon the provisions of a principal rule. In this case, the supplemental rule is given the principal rule number plus an additional number preceded by a decimal. (For example, -01.1 would be a supplemental rule to -01.)

## CHAPTER 2: ELECTRONIC FILING

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### 2.1 The electronic rule filing act

The Electronic Rule Filing Act<sup>3</sup> was enacted in 1999 by S.B. 11 of the 123<sup>rd</sup> General Assembly. It requires the LSC Director to establish and maintain an electronic rule-filing system to connect LSC, the Joint Committee on Agency Rule Review (JCARR), the Secretary of State's office, and certain other offices with the rule-filing state agencies, colleges, and universities.

The system was inaugurated on October 1, 2001, and phased in over a six-month transitional and testing period. Agencies now use the RAS software to draft rules and file the rules using the ERF website (<https://erf.registerofohio.state.oh.us/login>).

### 2.2 Getting started

Before an agency, college, or university may begin to electronically file rules, the following steps must be taken.

#### 2.2.1 Designating an authorized contact

The Director or President of each rule-filing agency, college, and university must designate, in writing, an authorized contact. The authorized contact will receive an ERF username and password, which will allow that person to create accounts for other agency staff to stage and file rules electronically. An example of a letter designating an authorized contact may be viewed here: <http://filers.registerofohio.state.oh.us/PDFs/ERFauth.PDF>. Please contact the ERF Help Desk if you have any questions.

#### 2.2.2 Designating a PIN

The Director or President must select a personal identification number (PIN) that will be used to execute electronically all of the following rule-filing actions on the ERF website:

- Final filings of all types of rules;
- Emergency rules;
- Five-year review (no change) filings;
- Withdrawals of proposed or final-filed rules.

The PIN takes the place of the executive's signature on paper copies of rules. Its use certifies that electronically filed rules are true and accurate copies of the rules adopted by the executive's agency, college, or university. A copy of the PIN Selection Form is available at: <http://filers.registerofohio.state.oh.us/PDFs/ERFPINForm.PDF>. The executive personally must sign the PIN Selection Form for the PIN to be activated.

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<sup>3</sup> R.C. 103.0511 and 103.0512.

## PIN Security

LSC takes the following steps to protect an agency Director's PIN:

After the PIN is entered into the ERF system, it will be encrypted so that LSC staff cannot decipher it and the paper PIN Selection Form will be destroyed. LSC, therefore, will not be able to provide an agency Director's PIN to anyone, including employees of the agency, even if the Director authorizes it. Should an agency lose track of its Director's PIN, the Director must submit another PIN Selection Form so that a new PIN may be activated.

LSC encourages each agency Director to take measures internally to ensure the PIN's security. The offices of LSC, JCARR, and the Secretary of State assume that all electronic filings for which a PIN has been supplied are official and have received the Director's approval. A Director may choose to provide the Director's PIN to the Director's successor. If so, the PIN will carry over to the successor until the successor submits a PIN Selection Form to change it. If a Director elects not to provide the Director's PIN to the Director's successor, the successor must select a new PIN by submitting a PIN Selection Form.

## 2.3 Agency responsibilities

Filers must take responsibility for assuring the accuracy of the documents they intend to file. LSC, JCARR, and the Secretary of State's office operate on the premise that a filer has viewed each filed document for accuracy. Errors in documents are rarely the result of technical problems in the system though system glitches occasionally occur. If the system experiences an error in recording an uploaded document, that error will cause a flawed version to display from the ERF website, and that flawed version is what will be filed. However, such errors are visible before filing. Thus, it is imperative that filers view all documents after uploading them but before pushing the red File button to execute a formal filing action.



Examples of things to check when examining documents from the website include:

- Prior to executing revised and refiled filings, are all the changes in the rule text, Rule Summary and Fiscal Analysis (RSFA), and other documents displaying?
- Prior to executing any filing, is information such as the rule number, tagline, division name when applicable, and contact information displaying properly on the RSFA?
- Prior to executing any filing, is the rule body displaying correctly? This includes any graphics or tables that may have been inserted into the rule as well as any default language used by RAS, such as "{Enter paragraph text here}."
- Prior to executing any filing, are all Common Sense Initiative documents, if applicable, displaying properly?

## **2.4 Correcting electronic proposed rules prior to adoption**

LSC maintains an electronic repository, within the ERF system, of all rules in the Administrative Code. When an agency plans to amend or rescind a rule, or to file a rule as a no change filing, the agency goes to the “Rule Download” tab when logged into the ERF website, find the rule number and click on the “Download” button. The downloaded rule will be the most current version of the rule in XML or ZIP format. If the “Download” button is not available for a rule, request the rule to be prepared by using the request box at the top of the “Rule Download” page or contact the ERF Help Desk. (See [4.2.1: Obtaining an LSC prepared rule for amendment](#) below)

Rules downloaded from the ERF website may occasionally contain an error. Please contact the ERF Help Desk to allow LSC to correct the error.

After a rule has been originally filed, the only way to make changes, whether it be correcting language or typographical errors, is to formally execute a revised or refiled filing. The security features of the ERF website bar users from changing filed packages except through formal revised or refiled filings. Moreover, the ERF website provides no way to revise documents at the time of final filing. A rule is final filed exactly as it appears in the latest proposed version. If the latest proposed version contains errors, the errors will carry over to the final filing. An agency discovering minor errors shortly before final filing therefore must decide whether to let the errors stand or to postpone the final filing and make a refiled filing to correct the errors.

The inability to change a filed package, thereby precluding agencies from making informal changes, is by design and is intended to protect the integrity and reliability of electronically filed documents.

## **2.5 Electronic filing tools and resources**

### **2.5.1 Rule Authoring System (RAS) software**

The RAS software is a software tool used to create or edit a rule body in a format that can be transmitted via the Internet and viewed by other authorized users who have access to the ERF website. All state agencies use RAS to draft rules. Colleges and universities have the option to use this software to draft rules or submit rules in PDF format.

RAS uses XML, a reliable and universal language for sending and receiving documents online. XML allows a user to view documents via the Internet regardless of the type of computer, operating system, or software installed on that computer. RAS uses Microsoft Word as a base and then adds a layer of code that “marks-up” the document with tags that create a document structure that is XML compatible.



Text can be copied and pasted from other documents, such as a Word file, into RAS. If you have been working on a rule in Word and do not want to retype the entire rule when it is time to work in RAS, you can copy and paste paragraphs or tables. However, you cannot copy and paste the outline structure. This means you can only copy and paste one lettered or numbered paragraph at a time. You must create the new level in RAS and then paste the copied text at the “Enter new paragraph here” prompt in RAS.



An RAS document can be saved as a PDF or an RTF document. This is particularly helpful if you have saved a rule in RAS but someone else in your office needs to review the rule and that person does not have access to RAS. Open the rule in RAS, select “PDF Preview” or “Export RTF” from the “File” dropdown menu and a PDF or an RTF document will be created. The PDF and RTF can now be opened for review. However, any changes requested by the reviewer must be made in RAS.



To verify that you have the most recent version of RAS installed on your computer, or if the ERF Help Desk asks you what version of RAS you are using, open RAS and click on “About RAS” in the Help dropdown menu.

### **2.5.2 Electronic Rule-Filing (ERF) website**

The ERF website, <https://erf.registerofohio.state.oh.us>, is the website a state agency, college, or university must use to electronically file rules. To gain access to the ERF website, a user must provide a username and password. Once a user is logged in, the website is used to create packages, upload documents into those packages, answer rule detail, RSFA, CSI, and various other questions, and file rules. Though a user can access the ERF website to work on a package at any time, packages may only be filed during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state holidays.



The ERF website auto saves your work when a document (rule body, appendix, CSI document) is uploaded. When typing in answers for the RSFA and other sections found on the “Rule Management” page, click on the save button frequently to ensure work is not lost.

The ERF website will only permit the following types of files to be uploaded:

**.XML** –Rules created in RAS.

**.ZIP** – Files created in RAS that contain graphics.

**.PDF** – Files created in Word and exported in the .PDF file format. Documents that must be uploaded in the .PDF format are public hearing notices, any additional communication (only one per package), and appendices. (See [Appendix B: Guidelines for preparing PDF files.](#))

## 2.5.3 LSC resources

### 2.5.3.1 ERF help desk



LSC has established a Help Desk to receive and answer questions about electronic rule filing. The ERF Help Desk is staffed during normal business hours with the exception of state holidays. Be prepared to describe the question or concern in detail. Matters to refer to the Help Desk include:

- Questions about or problems with the RAS software
- Questions about acquiring RAS
- Questions or problems with the ERF website
- Scheduling of software training
- Scheduling of the LSC Rule-filing kiosk

The Help Desk may be contacted by telephone at (614) 387-2078 or by email at [erfhelpdesk@lsc.ohio.gov](mailto:erfhelpdesk@lsc.ohio.gov).

### 2.5.3.2 Rule-filing kiosk

The LSC rule-filing kiosk is located within the LSC office on the 8<sup>th</sup> floor at the Vern Riffe Center. The kiosk houses workstations with the necessary software and is available free of charge for use by agency personnel. Workstations are available for use during normal business hours, with the exception of state holidays.

Agency personnel must reserve time in the kiosk in advance by contacting the ERF Help Desk and providing the date and time the agency needs to use the kiosk in addition to how many workstations will be required.

### 2.5.3.3 Training courses

Training courses are offered periodically to the rule-filing staff of state agencies, colleges, and universities. Available courses include:

- Introduction to RAS 2.0
- ERF website
- ERF website for Colleges and Universities

Contact the ERF Help Desk for more details about the courses offered or to register for a training course.

### 2.5.3.4 Email listserv

LSC operates an email listserv designed to facilitate communications between the rule-filing agencies and the recipients of the filings, meaning, LSC, JCARR, and the Secretary of State. The listserv serves as a communication forum between the agencies on matters such as processes and procedures and provides timely dissemination of pertinent information to all affected parties.

Contact the ERF Help Desk to subscribe to the email listserv.

### 2.5.4 Other administrative rule websites

The following table includes information about websites that will be helpful to a rule-filing state agency, college, or university.

Table 1. Helpful Websites for Rule Filers	
Website	Description
<b>ERF website:</b> <a href="https://erf.registerofohio.state.oh.us">https://erf.registerofohio.state.oh.us</a>	See <b>2.5.2: Electronic Rule-Filing (ERF) website.</b>
<b>Rule Filers website:</b> <a href="https://erf.registerofohio.state.oh.us/filerInformation">https://erf.registerofohio.state.oh.us/filerInformation</a>	This website contains valuable information for rule filers including general information about electronic rule filing, links to resources such as, RAS information, training information, authorized contact letter and PIN form information, and other helpful information.



Table 1. Helpful Websites for Rule Filers	
Website	Description
<b>Register of Ohio</b> <a href="http://www.registerofohio.state.oh.us">http://www.registerofohio.state.oh.us</a>	The <i>Register of Ohio</i> is published by LSC and is intended to be “an electronic publication that functions as a gazette to which members of the public may readily resort for notice of and information about rule-making processes.” For a description of the documents published on the <i>Register</i> , please review the “About the Register” and “Purgation Schedule” links.
<b>Lawriter® Ohio Laws and Rules</b> <a href="http://codes.ohio.gov/oac/">http://codes.ohio.gov/oac/</a>	This website provides free access to the official Ohio Administrative Code.

### 2.6 Register of Ohio

The *Register of Ohio*, <http://www.registerofohio.state.oh.us/>, is an “electronic publication that functions as a gazette to which members of the public may readily resort for notice of and information about rule-making processes.” The *Register* was first published by LSC on July 3, 2000. Rule-making documents filed with LSC, JCARR, and the Secretary of State’s office are published, with few exceptions, in the *Register*. Executive orders and documents filed as additional communications are not published in the *Register*. Appendices and attachments are published in the *Register*.

**Table 2. Documents published in the *Register* include:**

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>▪ Text of proposed rules</li><li>▪ Text of adopted rules, including internal management rules and rules of public colleges and universities</li><li>▪ Text of emergency rules</li><li>▪ Text of no-change rules</li><li>▪ Public notices of state agencies' intent to adopt rules under R.C. Chapter 119 and of public hearings being conducted on the proposed rules</li><li>▪ RSFAs submitted for proposed and no-change rules</li><li>▪ The weekly "No-Change Rule Filings" report from JCARR</li></ul> | <ul style="list-style-type: none"><li>▪ Text and RSFAs of withdrawn proposed rules, withdrawn final rules, and rules placed in "To Be Refiled" status</li><li>▪ Guides to Administrative Rule-Making published by state agencies under R.C. 119.0311, filed with LSC, and made available to the public</li><li>▪ Agricultural Commodity Marketing Program notices filed by the Ohio Department of Agriculture under R.C. 924.12 (for 60 days)</li><li>▪ Public notices of Ohio Environmental Protection Agency final filings (for 60 days)</li><li>▪ Public notices of Medicaid final filings (for 60 days)</li><li>▪ Hearing Summary Reports for rules proposed under Ohio Revised Code Chapter 119</li><li>▪ Liability Insurance Certifications</li></ul> |
|--|---|

## CHAPTER 3: FORMAL PARTS OF A RULE

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### 3.1 Tagline

The tagline is a topic heading of a rule that consists of a word or phrase that clearly describes the rule’s subject matter. It appears on the first page only, and follows on the same line as the rule number, separated from it by at least two spaces with no punctuation in between. The tagline always appears in boldface Roman type, begins with an initial capital letter, and ends with a period. Capitalization within a tagline should comply with rule drafting capitalization standards. (See [5.3: Capitalization](#).) If the tagline is long enough to require more than one line of text, the second line starts directly below the beginning of the first line. Taglines are not underlined in rules unless they are in a new rule or matter is being inserted into an existing tagline. For example:

New Rule:	<b><u>3770-4-01</u></b>	<b><u>Scope of regulations: director to provide management instructions.</u></b>
Amended Rule:	<b>3770-4-01</b>	<b>Scope of regulations: director <u>may</u> provide management instructions.</b>
Adopted Rule:	<b>3770-4-01</b>	<b>Scope of regulations: director may provide management instructions.</b>



RAS will perform this formatting for you. When creating a new rule, you will be prompted to enter the tagline. RAS will align the rule number and tagline, place the period at the end of the tagline, and apply a bold font style. The same is true for amended taglines.

(See [4.1.2: Tagline](#) and [4.2.8: Amending taglines](#).)

### 3.2 Principal text

The principal text of a rule is the statement of the law expressed by the rule. The statement must be substantively complete in and of itself and not dependent upon an appendix.

When a rule is being newly enacted, principal text is shown as it is to appear in the published Administrative Code and is underlined. (See [4.1: Enacting a new rule](#).)

When a rule is being amended, existing principal text to be removed is stricken and proposed new text is underlined. (See [4.2: Amending an existing rule](#).)

### 3.3 Supplemental information

Supplemental information appears on its own page, after the principal text and before any appendices. In general, the supplemental information consists of a series of notations that provide information about the history of the rule, including a replacement line (when applicable), an effective date, five year review dates, certification and date lines, and a history trail.

(end of principal text)

Replaces: (appears only if applicable)

Effective:

Five Year Review (FYR) review dates:

---

Certification

---

Date:

Promulgated Under:

Statutory Authority:

Rule Amplifies:

Prior Effective Dates:

(appendix or appendices, if included)



The ERF System will generate the supplemental information page. You will enter all the necessary information when answering the questions in the “Rule Detail” section under “Rule Management” for each rule. The ERF System will compile this information and create a page that follows the rule body but precedes any appendices.

#### 3.3.1 Replacement line

The replacement line references any rule that is being incorporated, in whole or in part, into a newly enacted or amended rule. The replacement line tracks the movement of text or the same general subject matter from rule to rule. When an agency rescinds a rule and reuses the rule number for a different subject matter, there is no replacement line.

The replacement line is entered into the ERF System when the rule is prepared for original filing, and appears directly above the effective date line. When a replacement line is used, the

prior effective dates of the rule(s) listed on the replacement line must be carried over onto the newly enacted or amended rule. (See [3.3.5.4: Prior effective dates line](#).)



If a rule has a replacement line, you must enter the rule number being replaced when completing the questions in the “Rule Detail” section under “Rule Management” for the rule. If you are not sure whether or not a rule should have a replacement line, please contact the ERF Help Desk.

#### Examples:

If a rule (5101:3-10-05) is rescinded and the text is moved into a new rule, the replacement line on the new rule looks like this:

Replaces: 5101:3-10-05

If only part of the text is moving into another rule, the replacement line also looks like this:

Replaces: 5101:3-10-05

### 3.3.2 Effective date line

The effective date is the date on which a rule becomes effective. For a proposed rule, the word “Effective” appears but the date will not appear until entered into the ERF System upon final filing. Except for an emergency rule, the rule must be assigned an effective date that is at least ten days from the date the rule is final filed with LSC. If an invalid effective date is entered into the ERF System, an on-screen warning will appear notifying a filer that the effective date entered may be incorrect and giving the filer the opportunity to correct the date before proceeding with the filing.



The system prompts for the effective date of rules in Typical packages at the time of final filing. Until final filing, the effective date line is left blank. In Emergency, Internal Management, and Special packages, you will enter the effective date at the time of filing.

You may specify different effective dates for different rules in the same Typical package by final filing the rules in separate batches. If you have a package containing ten rules and you want five to have one effective date and the other five to have another effective date, final file the first five and then final file the other five giving each group of five the desired effective date. To specify different effective dates for Emergency, Internal Management, or Special rules, the rules must be filed in separate packages.

### 3.3.3 R.C. 106.031 review date line

Pursuant to R.C. 106.031, state agencies are required to review each of their rules every five years and determine whether to continue them without change, to amend them, or to

rescind them. Two review dates must be listed in the supplemental information — the newly assigned date and the previous date. Any questions regarding the R.C. 106.031 review date should be directed to JCARR at (614) 466-4086.



In the ERF System the five-year rule review question can be found in the “RSFA Part A – General Questions” section under “Rule Management.” If a rule is being filed pursuant to R.C. 106.031 review or if the rule is a new rule, a next five-year review (FYR) date must be entered upon final filing that is no more than five years from the effective date of the rule. If the rule is not being filed pursuant to R.C. 106.031, the current five-year review date should be entered in the box provided in the “RSFA Part A – General Questions” section. In a No Change package, the file date automatically becomes the current review date and a next FYR date must be entered upon filing that is no more than five years from the date of the No Change filing. An “Exempt” option is provided. If you have questions as to whether the rule is exempt or not, please contact JCARR.

### **3.3.4 Certification**

The certification is an electronic representation by an agency that the text of a rule is a true and accurate copy of the rule as adopted by the agency. Although the certification line appears on proposed rules, the words “CERTIFIED ELECTRONICALLY” (or “WITHDRAWN ELECTRONICALLY” in the case of a withdrawal) will only appear on the final filing. When executing a final filing, the filer must provide the agency director’s PIN in order to certify the rule. (See [2.2.2: Designating a PIN.](#))

### **3.3.5 History trail**

The history trail appears on both proposed and adopted rules, and provides information about the statutes that prescribe the process for adopting the rule, the statutes that will be amplified by the rule, and the history of the rule. As illustrated in [Figure 1 of Chapter 8](#), the history trail consists of the following:

#### **3.3.5.1 Promulgated under line**

This line cites the section or chapter of the Revised Code that prescribes the rule-making procedure in accordance with which an agency is required to file the rule. Most often, this cite will be R.C. 119.03 or R.C. 111.15. (Note: The Department of Taxation or the Board of Tax Appeals may cite R.C. 5703.14 and the Auditor of State may cite R.C. 117.20.)



After selecting “Create a New Package,” the promulgated under statute (meaning, R.C. 119.03 and 111.15) is selected from the pop-up box next to “Prescribed Statute.” For R.C. 119.03 and 111.15 Typical packages, the prescribed statute can be edited from one to the other in the “Package Management” page. However, for all other package types and prescribing statutes, once selected, the statutory reference cannot be changed. Therefore, if you select the wrong promulgated under statute in error, the only way to correct the error is to start over and create a new package.

### **3.3.5.2 Statutory authority line**



This line indicates the Revised Code section(s) that grants the agency to adopt the rule.



Enter the statutory authority citation in the “Rule Detail” section under the “Rule Management” page for a rule.

### **3.3.5.3 Rule amplifies line**



This line cites the Revised Code section(s) that the rule expands upon, further details, or clarifies (meaning, amplifies or implements).



Enter the amplified statutory citation in the “Rule Detail” section under the “Rule Management” page for a rule.

### **3.3.5.4 Prior effective dates line**

This line shows the effective dates of all the previous versions of the rule. It also shows the effective dates of any rules referenced in a replacement line. If a previous effective date applied to an emergency rule, “(Emer)” must appear immediately after that effective date. If a previous effective date applied to a temporary rule, “(Temp)” must appear immediately after that effective date. When citing the prior effective dates of more than one rule, as in the case of a replacement line, it is not necessary to identify which date goes with which rule. Dates must appear in successive order, listing duplicate dates only once, unless one involves an (Emer) or (Temp) rule; then the date must appear twice (meaning, 2/3/85, 4/13/96, 4/13/96 (Emer), 1/21/97).



In ERF, click on the “Manage Prior Effective Dates” button in the “Rule Detail” section of the “Rule Management” page to obtain the rule’s LSC verified prior effective dates. If the agency’s record of the rules’ prior effective dates does not match with LSC’s, please contact the ERF Help Desk.

### **3.4 Appendices**

An appendix is information that is supplemental to the rule and not essential to its substantive completeness. When an appendix is being newly enacted, its text is not subject to the underlining requirement that applies to principal text. When an agency is amending an existing appendix, the text is amended as if it were principal text. (See [4.4: Appendices](#).)



## CHAPTER 4: RULE-MAKING PROCEDURES

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### 4.1 Enacting a new rule

The following guidelines pertain to the proposal of a new rule. (See [Figures 2 and 3 of Chapter 8](#) for illustrations of a new rule.)

#### 4.1.1 Rule number

The rule number of a new rule is shown in boldface and is underlined.



When creating a new rule in RAS, the Rule Number dialog box will prompt you to enter the agency number, division number (if applicable), chapter number, rule number, and supplemental rule number (if applicable).

#### 4.1.2 Tagline

The tagline of a new rule is shown in boldface Roman type and is underlined. It should always begin with an initial capital letter and end with a period. Capitalization within a tagline should comply with rule drafting capitalization standards. (See [5.3: Capitalization](#).)

#### 4.1.3 Text

The text should begin at least two lines below the tagline. New rules are presented as they are to appear in the published Administrative Code and are underlined.



RAS will perform the above formatting for you. RAS will automatically underline any new text that you type. In RAS, new text appears in a blue colored font, but it will turn to black when electronically filed.

### 4.2 Amending an existing rule

The following guidelines pertain to the proposal of an amended rule. (See [Figures 4 and 5 of Chapter 8](#) for illustrations of an amended rule.)

#### 4.2.1 Obtaining an LSC prepared rule for amendment

The ERF system reviews and codifies all filed rules upon final filing and then releases the rules back to the filer after non-compliance review is complete.



In ERF, the “Rule Download” tab will load a new page that includes an inventory of all effective rule numbers that belong to the filer’s agency. This inventory of effective rules will include the rule number, effective date, and, when applicable, a download button. The download button will allow a filer to download the prepared XML of that effective version of the rule. Only currently effective rule numbers will appear on this page. Once a rule number is filed in a package and is in a proposed state, the rule number and effective date will remain on the page but the download button will be removed. When the rule has completed the rule-making process, the effective date will be updated and the download button will return, this time allowing the filer to download the newly effective version.



To open a rule that you have downloaded from the ERF website, open RAS, and, in the File dropdown menu, select “Open XML Document.”

#### **4.2.2 Deleting existing text**

To delete existing text, strike through the text with a solid horizontal line.

To delete punctuation, strike through it the same as is done in the case of text. The horizontal line may, and often does, appear above the punctuation mark.



To delete text using RAS, select the word or words to be stricken and use the “Strike” function. This will strike the text you wish to delete. In RAS, stricken text will appear in a red colored font, but it will turn to black when electronically filed.

#### **4.2.3 Inserting new text**

To add text into an existing rule, simply insert the underlined text in the appropriate place in the rule as it is to appear in the published Administrative Code. When striking through old text and inserting new, the new text should appear after the stricken text.

(Note: It is imperative that an agency show every change being made to the principal text of a rule, no matter how seemingly insignificant.)



To insert new text when amending an existing rule in RAS, place the cursor where you want to insert the new text and begin typing. RAS will underline the new text for you. New text will appear in a blue colored font, but it will turn to black when electronically filed.

#### 4.2.4 Preserving existing text

An agency should preserve as much of the existing text as possible when amending rules without sacrificing clarity. For example, when inserting a new phrase at the end of an existing sentence, do not strike through the original period and reinsert a new period at the end. Rather, insert the phrase before the original period. For example:

Original text: (1) Open-end agreements have no specific termination date.  
Amended text: (1) Open-end agreements have no specific termination date and continue to be in force as long as agreeable to both parties.

#### 4.2.5 Illustration of amended text

The following box presents illustrations of the various forms of deleting and inserting old and new text. Notes of explanation follow each illustration.

(E) It shall be unlawful for any person to buy or sell bullfrogs or greenfrogs taken from Ohio. However, bullfrogs or greenfrogs that have been shipped from outside Ohio that are accompanied by a bill of lading may be bought and sold, persons possessing a permit issued under authority of section ~~1533.39~~1533.71 of the Revised Code may sell ~~native frogs~~bullfrogs or greenfrogs taken from ponds ~~or~~for lakes they own or lease as a wholly enclosed preserve.

Notes of explanation:

Lines 4 & 5 Text is stricken through in order to delete it.

Lines 4-6 Text is inserted as it is to appear in the published Administrative Code and is underlined to show that it is new text being inserted.

#### 4.2.6 Amending a word in a rule

When amending text, always treat words in “whole units.” Do not add or delete single letters to or from an existing word. Changes could include:

- Making a lower case letter upper case
- Making an upper case letter lower case
- Making a singular word plural
- Making a plural word singular



RAS will not allow you to strike a single letter within a word or part of a word. You are only able to strike the entire word.

Examples:

To change a **lower case letter to upper case**, strike through the entire word and reinsert the entire word with the upper case letter, and underline the reinserted word.

in the ~~united states~~ United States

To change an **upper case letter to lower case**, strike through the entire word and reinsert the entire word with the lower case letter, and underline the reinserted word.

in the ~~State~~ state of Ohio

To make a **singular word plural or vice versa**, strike through the entire word and reinsert the entire word with the change in number, and underline the reinserted word.

right: ~~paragraph~~ paragraphs

wrong: paragraphs

When a **word within a sentence becomes the first word** due to changes in structuring, it is necessary to strike out the entire word and reinsert the entire word, underlined, with an initial capital to gain the capital letter needed as the first word of the sentence.

For example, consider the word “calculated”:

right: (a) ~~All calculated~~ Calculated costs will be . . .

wrong: (a) ~~All~~ Calculated costs will be . . .

#### 4.2.7 Amending the outline of a rule

To delete an existing paragraph’s number, strike through the letter and its surrounding parentheses with a solid horizontal line.

~~(A)~~

To add a new letter to the outline of an existing rule, insert the new letter surrounded by parentheses and underline both the letter and its parentheses.

(A)

To replace an existing outline letter with a new letter, strike through the old letter first, including the parentheses, and insert the new letter and parentheses beside it with an underline.

~~(B)~~(C)



To strike an existing level in RAS, place the cursor directly above the first line of the level. The cursor will jump to the left of the level. Use the “Strike” function to delete the level but be aware that this action will also delete all the text of the level as well as any sublevels associated with it.



To insert a new level in RAS, place the cursor where you would like to insert the new level and use the “Insert Level” function, selecting the appropriate level.



When you amend the outline of a rule, RAS will take care of the necessary renumbering. For example, if you have paragraphs (A), (B), (C), and (D) and you delete existing paragraph (C), RAS will reletter existing paragraph (D) to be paragraph (C). However, RAS will not correct internal cross-references. This means that, if paragraph (A) contains a reference to existing paragraph (D), you must manually amend the reference so that it refers to paragraph (C).

#### 4.2.8 Amending taglines

When amending the tagline, follow the same guidelines for deleting and inserting text: strike through old text, and insert new in underlined boldface as it is to appear in the published Administrative Code.

Existing tagline:

**5101:2-14-24 Parent/provider responsibilities for professional certification.**

Amended tagline:

**5101:2-14-24 ~~Parent~~Caretaker/provider responsibilities for professional certification as a type B home provider or in-home aide.**

#### 4.2.9 Amending a rule number

If an agency wants to renumber a rule in the Administrative Code, it has only one option. The agency must rescind the old rule and enact a new rule with the new number.

The option of striking the rule number and inserting a new, underlined rule number is no longer available.



To prepare the rescission, download the rule from the electronic rule repository and upload it to your package, designated as a rescission. To prepare the new rule, open the rule you downloaded from the electronic rule repository in RAS, and select “Transform to New” in the Tools dropdown menu. Then select “Edit Rule Number” from the Tools dropdown menu and enter the new rule number when prompted. Save the new rule as an .XML file. The new rule with the new rule number can then be uploaded to your package.

When changing a rule number (in which the agency essentially is moving text from one rule to another), the agency must use a replacement line and carry over any prior effective dates to the newly enacted or amended rule. (See [3.3: Supplemental information](#).)

### 4.3 Rescinding a rule

Rescinding a rule means to remove the rule from the law.

To rescind a rule, an agency must go to the “Rule Download” tab in the ERF website to download the prepared XML file of the effective version of the rule. (See [4.2.1: Obtaining an LSC prepared rule for amendment](#).) The agency must open the rule in RAS to verify that the file downloaded is the version of the rule that the agency intends to rescind. The rule is then uploaded to the ERF website for electronic filing.

Rescissions can and should be filed with any other type of rule, such as new and amended rules. They do not have to be filed separately.

#### 4.3.1 Rescind and new; fifty per cent guideline

When amending approximately more than fifty per cent of a rule, the agency should rescind the existing rule and enact a new rule bearing the same rule number as well as revisions to the text. If this guideline is not adhered to, LSC will ask the agency to withdraw the filing of the amended rule and submit a new filing that rescinds the existing rule and submits the rule incorporating the changes as a new rule. The LSC staff determines whether the “fifty per cent guideline” applies by examining the existing text being stricken combined with the amount of new text being added. If half or more of the existing text is being stricken *and* a comparable amount of new text is added, that rule should be rescinded and a new one enacted.

The purpose of the fifty per cent guideline is to make rules that have been substantially revised easier to read and to facilitate timely publication of amended rules in the Ohio Administrative Code. Therefore, amended rules that consist solely or primarily of stricken language, or solely or primarily of new language being added, usually would not invoke the fifty per cent guideline, because they do not pose substantial challenges to readers and publishers.



A special feature of RAS eases preparation of rescind-and-new filings. If you know that more than fifty per cent of the existing text of a rule will be amended, open the existing rule you downloaded from the electronic rule repository in RAS and select “Transform to New” in the Tools dropdown menu. This will create a rule with all of the existing text designated as new text. You then may make the necessary changes to the text of this new rule. Be sure to save this new file as an .XML file.

If, in the process of amending a rule, you realize that you have amended more than fifty per cent of the existing text, use the “Transform to New” function to save time. With the amended rule open in RAS, select “Transform to New” in the Tools dropdown menu. This function will create a new document, deleting any text you had stricken and including any new text that you had inserted. All text will be underlined, designating new language. Be sure to save this new rule as an .XML file.

When using the rescind-and-new procedure, the agency must include a replacement line (see [3.3.1: Replacement line](#) and [Figure 1 of Chapter 8](#)), as well as all prior effective dates, with the new rule. When an agency rescinds a rule and reuses the rule number for a different subject matter, there is no replacement line and no prior effective dates are listed in the new rule.

## 4.4 Appendices

An appendix may be adopted in one of two ways: (1) it may be attached to a rule, or (2) it may be adopted as a rule itself, with a rule number assigned.

### 4.4.1 An appendix attached to a rule

More often, an appendix is filed as an attachment to a rule. The text of the appendix appears after the supplemental information. An appendix is headed by the word “Appendix” and, if more than one appendix is attached, each appendix should be assigned a letter, for example, “Appendix A,” “Appendix B,” etc. Cite the rule number and page number at the top left and right margins as on previous pages. Leave at least 1½” margins on all four sides of the page. (See [Figure 7 of Chapter 8](#) for an illustration of a properly formatted appendix.)



Appendices must be prepared in .PDF file format, generated with Adobe software, and uploaded to the ERF website. The ERF website will not accept an appendix of any type other than .PDF. Follow the above formatting guidelines when creating the appendix and convert the document to .PDF format. (See [Appendix B: Guidelines for preparing .PDF Files](#).)

#### 4.4.1.1 A newly enacted appendix

A newly enacted appendix is not subject to the formatting requirements that apply to the principal text. However, it may *not* use underlining, italics, or bold, and it must follow the guidelines for cross-references.

The text of the new appendix may appear without underlining and may be legibly copied from another source. If an agency copies material into an appendix from another source, and the material is copyrighted, the agency should obtain the copyright owner’s permission to use the material before incorporating it into the appendix. When the agency first files the rule and the appendix, it should also file a copy of the letter or document by which the copyright owner has given the agency permission to incorporate the copyrighted material into the appendix.



To upload an appendix to a package, go to the “Rule Detail” section of the “Rule Management” page and click on the “Add Appendix” button. You will be prompted to answer two questions regarding the copyright status of the appendix to be uploaded. If you have permission to use copyrighted information, upload the letter granting permission as an additional communication. Only one additional communication can be uploaded per package.

The next box prompts you to enter the Appendix Sequence Index. If you are uploading only one appendix, Appendix A, you should enter “1” in the box. If you are uploading a second appendix, Appendix B, you should enter a “2” in the box. Continue in this manner for all additional appendices.

Each new appendix must also be designated as “enacted” by clicking the appropriate button.

#### **4.4.1.2 Amending an appendix**

When amending an appendix, an agency has two options. The existing appendix can be amended as if it were principal text, meaning, remove matter by striking through it; insert new matter by showing it as it is to appear in the published Administrative Code and underline it. The agency may also choose to rescind the existing appendix and enact a new appendix that includes the changes. (See [4.4.1.1: A newly enacted appendix.](#))



If you choose to amend the appendix, designate the appendix as “amend” at the prompt when uploading the appendix to your package on the ERF website. If you choose to rescind the existing appendix and enact a new appendix, designate the appendix to be rescinded as “rescind” and the appendix to be enacted as “enacted.”

#### **4.4.1.3 Reformatting an appendix**

When the agency is simply reformatting an appendix (such as changing the software application) without changing its content, the agency is not required to go through the amendment process. The agency should, however, file the newly formatted appendix with the rule the next time the rule is filed.





When you next file the rule and upload the newly reformatted appendix, designate the appendix as “existing” when prompted.

#### **4.4.1.4 Rescinding an appendix**

When rescinding an appendix, prepare a .PDF document of the existing appendix. Do not strike through the text.



When you upload the appendix to be rescinded to your package, designate the appendix as “rescind” when prompted.

#### **4.4.1.5 Amending a rule but not the appendix**

When amending the text of a rule with its appendix remaining unchanged, the appendix must accompany the rule. If a rule has more than one appendix and none of the appendices are being amended, all appendices must still be filed with the rule.



When you upload an appendix that is to remain unchanged, designate the appendix as “existing” when prompted.

#### **4.4.1.6 Amending an appendix but not the rule**

When amending the text of one or more appendices with the text of the rule remaining unchanged, the rule should be filed as an amendment with the appendices given the appropriate designation.



If a rule has three appendices, A, B, and C, and you need to amend Appendix B and rescind Appendix C, but do not need to amend the rule body or Appendix A, file the rule as an amendment and designate the appendices as follows: A – existing, B – amend, C – rescind.

#### **4.4.1.7 Appendices and five-year review no change filings**

When an agency reviews a rule pursuant to five-year review and determines the rule should be continued without change, any existing appendices associated with the rule must be included in the No Change filing.



When you upload an appendix that is to remain unchanged because you are filing the rule as a No Change filing, designate the appendix as “existing” when prompted.

#### 4.4.2 Filing an appendix as a separate rule

This is a relatively uncommon procedure. An appendix filed as a rule is enacted, amended, and rescinded in the same manner as any other rule, and is subject to the same formatting requirements.

### 4.5 Creating packages

Rules are electronically filed in packages assembled by the filer. To create a new package, log in to the ERF website and select “Create a New Package.” The recommended package size is no more than 50 rules per package. Only one additional communication and one public hearing notice can be uploaded per package. Rules uploaded to the same package must have the same division number.

Examples:

- 901:1 rules cannot be filed in the same package with 901:2 rules.
- 901-1 rules cannot be filed in the same package with 901:1 rules.
- 901:1-3 rules may be filed in the same package with 901:1-5 rules.



When a package is ready for original filing, all rules in the package must be “original filed” at the same time. You cannot create a package and original file half the rules in one action and half the rules in another action. If you decide you do not want to file a rule that you have uploaded to a package, and you have not yet original filed the package, you can remove the rule by selecting the “remove” button associated with that rule on the Package Management screen.

What follows are brief descriptions of the different package types that can be created.

#### 4.5.1 Typical

A Typical package is created to file an original proposed filing of a new, amended, or rescinded rule. Typical packages are used for rules promulgated under R.C. Chapter 119 and R.C. section 111.15.

#### 4.5.2 No change

A No Change package is a package of rules that an agency has reviewed pursuant to the five-year review process and has determined that no changes are to be made, that the rules should continue in effect.

If an agency or JCARR determines that a change should be made to the promulgating statute, the authorizing statute, or the amplifying statute, this change is considered an amendment to the rule and the rule cannot be filed as a No Change rule.



Only one next five-year review date can be assigned per No Change package. If you have determined that ten rules need to be filed as no change rules but you want to assign one next five-year review date to five of the rules and another next five-year review date to the other five rules, you must create two No Change packages.

If a No Change package is filed and errors are later discovered, the only option to correct the errors is to withdraw the package and file the rules in a new No Change package. No Change packages cannot be revise filed or refiled.

### **4.5.3 Emergency**

An Emergency package is created to file either R.C. Chapter 119 or R.C. 111.15 emergency rules. A 119 emergency rule becomes effective immediately upon filing (R.C. 119.03(F)). A 111.15 emergency rule becomes effective immediately upon filing or on a later date specified by the filing agency (R.C. 111.15(B)(2)). An emergency rule becomes invalid at the end of the 120<sup>th</sup> day it is in effect unless the agency has adopted such rules as “non-emergency” rules through the regular rule-making procedures.

### **4.5.4 Internal management**

An Internal Management package contains internal management rules as defined in R.C. Chapter 119 and R.C. section 111.15.

If an Internal Management package is filed and errors are later discovered, the only option to correct the errors is to withdraw the package and file the rules in a new Internal Management package. Internal Management packages cannot be revise filed or refiled.

### **4.5.5 Special**

This type of package should only be used by agencies that have special filing circumstances that fall outside of R.C. Chapter 119 and R.C. 111.15. Contact the ERF Help Desk if there is any uncertainty about using this type of package.

## **4.6 Filing packages**

After a package is created and ready for filing, a user with filing privileges must log in to the ERF website and electronically file the package. When a filing has been executed, LSC, JCARR, and the Secretary of State (also Small Business and the Department of Aging if specified) will be notified of the filing. The agency will receive confirmation of the filing.



On the ERF website, you can view the status of each rule in a package by opening the package and looking at the “Status” column on the Package Management screen. The “Status” column will always display the action (original file, revise, refile, to be refiled, withdraw proposed, no change, withdraw final, final file, executive order request, and emergency) and the status of that action (pending or filed). For example, a rule that has been uploaded into a Typical package but not yet filed will display “Original File – pending.” After that package is filed, the rule will display “Original File – filed.”

What follows are brief descriptions of the actions that may be taken on a Typical package, or other package type as noted. Questions regarding filing procedures should be directed to JCARR at (614) 466-4086.

#### **4.6.1 Original file**

An original filing (OF) is the initial filing of a proposed new, amended, or rescinded rule promulgated under R.C. Chapter 119 or R.C. 111.15.

#### **4.6.2 Revised file**

A revised rule (RV) is a proposed rule that is modified no more than 35 days after the rule has been original filed. A revision may be necessary to correct errors, or make other changes to the original filing, discovered by LSC, JCARR, or the filing agency. A RV does not incur any additional JCARR jurisdiction.

If a change or amendment has been made to the public hearing notice, all rules associated with the public hearing notice should be revise filed along with the updated notice. For example: if the hearing date has been changed, each rule in the package should be included in the revised filing of the public hearing notice.



When preparing a rule for a revised filing, you must answer an additional question on in the “RSFA Part A – General Questions” section of the “Rule Management” page, asking you to identify the changes made from the previously filed version of the rule. You will also need to answer the “Common Sense Initiative” question when revise filing a rule.

#### **4.6.3 To be refiled**

A proposed rule that is placed in “to be refiled” (TBR) status is temporarily removed from JCARR consideration. Contact JCARR for further information about placing a proposed rule in TBR status.

#### **4.6.4 Refile**

A refiled rule (RF) is a proposed rule that is modified more than 35 days after the original filing. An RF will incur an additional 30 days of JCARR jurisdiction from the date of the refiled filing. A rule that has been placed in TBR status must be refiled to proceed through the rule-making process.

If a change or amendment has been made to the public hearing notice or an additional public hearing has been added for the rules in the package, all rules associated with the public hearing notice should be refiled along with the updated notice.



When preparing a rule for refile, you must answer an additional question on in the “RSFA Part A – General Questions” section of the “Rule Management” page, asking you to identify the changes made from the previously filed version of the rule. You will also need to answer the “Common Sense Initiative” question when refile a rule.

#### 4.6.5 Withdraw proposed filing

A rule-making agency can withdraw a proposed rule (WDP), thus removing the rule from JCARR jurisdiction. Withdrawal of a revised or refiled rule withdraws all previous filings of that rule number in the package. Once a rule has been withdrawn, an agency may propose the rule again as an original rule filing.



Withdrawals are irreversible. Do not withdraw to make corrections to a rule; that is done through a revision or refile. After a withdraw proposed action, a rule filing ceases to exist. The only way to revive a filing after a withdraw proposed is to start over by creating a new package. If you have any questions or are at all unsure about withdrawing a rule, contact the ERF Help Desk.

#### 4.6.6 Final file

A final filed (FF) rule is the filing of a rule in adopted form. Upon final filing, the rule will be assigned an effective date that must be at least ten days from the date of final filing. (See [3.3.2: Effective date line](#).)



There can be no corrections made to a rule during final filing. This means you are barred from correcting typos, prior effective dates, and taglines, for example. Only the effective date and the next five-year review date can be corrected by withdrawing the final filing and final filing the rule again with the correct information. Any other necessary corrections must be made with a refile following the withdrawn final filed rule, which will incur an additional 30 days of JCARR jurisdiction.

#### 4.6.7 Withdraw final filing

A rule-making agency can withdraw a final filed rule (WDF) as long as the rule has not yet become effective. Once its effective date has arrived, a rule can no longer be withdrawn.



If you do not need to make any substantive changes to the rule, but need to correct an effective date or next FYR date, the withdrawn rule can be filed again in final form. However, if you need to make more substantive changes to the rule, the withdrawn rule can be refiled, thereby incurring an additional 30 days of JCARR jurisdiction.

In a Typical package, withdrawing a final filing returns the rule to its status immediately prior to the WDF. If an agency wishes to completely remove the rule from the rule-making process, as if the original filing had never taken place, the WDF must be followed by a WDP.

If an agency discovers errors in a No Change, Internal Management, or Special package after it has been filed, including an invalid effective date, the only option to correct those errors is to withdraw the No Change, Internal Management, or Special filing. As with Typical packages,

however, an Internal Management or Special filing cannot be withdrawn once the effective date has arrived.



A withdraw final action on a No Change, Internal Management, or Special package removes the rule from the rule-making process. To withdraw a No Change, Internal Management, or Special package, log in to the ERF website and open the package containing the rule or rules to be withdrawn. Select the “Prepare Final Withdrawal” button and mark the checkbox for each rule to be withdrawn.

# CHAPTER 5: GENERAL DRAFTING GUIDELINES

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## 5.1 Lettering and numbering of paragraphs

<u>Paragraphs of the:</u>	<u>Appear as:</u>	
First rank	(A), (B), (C), etc.	
Second rank	(1), (2), (3), etc.	
Third rank	(a), (b), (c), etc.	
Fourth rank	(i), (ii), (iii), etc.	
Fifth rank	<i>(a), (b), (c), etc.</i>	(lower case italics)
Sixth rank	<i>(i), (ii), (iii), etc.</i>	(lower case italics)
Seventh rank	<i>(A), (B), (C), etc.</i>	(upper case italics)
Eighth rank	<i>(1), (2), (3), etc.</i>	(italic numbers)

### 5.1.1 Applying outline letters and numbers

Paragraph letters and numbers are always surrounded by parentheses.

The first paragraph to be lettered should always be lettered with an (A). If a rule has an unlettered introductory paragraph with two subordinate paragraphs to follow, the subordinate paragraphs should be designated as (A) and (B), not (1) and (2).

When lettering and numbering paragraphs, do not letter a paragraph as (A) if it is not followed by a paragraph (B). Likewise, do not number a paragraph as (1) if it is not followed by a paragraph (2).

Paragraph designations beyond the fourth rank should be shown in italics.



RAS will perform the above formatting for you. RAS always surrounds outline letters and numbers with parentheses and will also use italics when proper.

### 5.1.2 Paragraphs in excess of 26

Paragraphs in excess of 26 in the first, third, fifth, and seventh ranks will have double-letter designations, for example: (AA), (aa), (*aa*), and (*AA*). Paragraphs in excess of 52 will have triple-letter designations, for example: (AAA), (aaa), (*aaa*), and (*AAA*). Paragraphs in excess of 78 have four-letter designations, and so on.

## 5.2 Cross-references

Rules frequently refer to themselves or to their parts (internal cross-references), to other rules or their parts (external cross-references), or to primary sources of law.

### 5.2.1 External cross-references

The following table gives examples of the most common external cross-references. The left-hand column shows the external reference to be made.

Table 3. Common External Cross-References	
Material to be cross referenced	Form of cross reference
A rule of the Administrative Code	rule 5101-6-08 of the Administrative Code
A lettered paragraph of a rule of the Administrative Code	paragraph (A) of rule 5101-6-08 of the Administrative Code
An unlettered paragraph of a rule of the Administrative Code	the second paragraph of rule 5101-6-08 of the Administrative Code
An agency number of the Administrative Code	agency 5101 of the Administrative Code
A division number of the Administrative Code	division 5101:3 of the Administrative Code
The chapter of the Administrative Code in which the reference is made	this chapter
A chapter of the Administrative Code other than the one in which the reference is made	Chapter 5101-6 of the Administrative Code
An appendix to a rule having only one appendix	the appendix to rule 5101-6-08 of the Administrative Code
An appendix to a rule having more than one appendix	appendix B to rule 5101-6-10 of the Administrative Code
A paragraph or other division of an appendix	paragraph (S) of appendix B to rule 5101-6-10 of the Administrative Code
The descriptive title of an appendix	the appendix to rule 103-5-07 of the Administrative Code, "Placement of History Trail,"
A section of the Revised Code	section 111.15 of the Revised Code, section 119.03 of the Revised Code
A lettered or numbered paragraph of a section of the Revised Code	division (C) of section 111.15 of the Revised Code
An unlettered or unnumbered paragraph of a section of the Revised Code	the third paragraph of section 5749.81 of the Revised Code



**Table 3. Common External Cross-References**

<b>Material to be cross referenced</b>	<b>Form of cross reference</b>
A chapter of the Revised Code	Chapter 3311 of the Revised Code
A title of the Revised Code	Title VI of the Revised Code
A section of the Ohio Constitution	Section 13 of Article VII, Ohio Constitution,
An uncodified statute of the Revised Code	Section 5 of Amended Substitute House Bill 307 of the 121 <sup>st</sup> General Assembly
The Laws of Ohio	volume 87, Ohio Laws, page 456 <i>(page cited is where act begins)</i>

### **5.2.2 Federal statutes**

**Table 4. How to Cite Federal Statues**

<b>Feral law being referenced</b>	<b>Form of cross reference</b>
In general -year of enactment not part of popular name	Anadromous Fish Conservation Act, 79 Stat. 1125 (1965), 16 U.S.C. 757a,
In general -year of enactment part of popular name	Home Owners' Loan Act of 1933, 48 Stat. 128, 12 U.S.C. 1461,
A federal act's Public Law Number	Anadromous Fish Conservation Act, Pub. L. No. 89-304, 79 Stat. 1125 (1965), 16 U.S.C. 757a,
A particular section of a federal act (Section 2 of act, codified as 16 U.S.C. 757b)	Section 2 of the Anadromous Fish Conservation Act, 79 Stat. 1125 (1965), 16 U.S.C. 757b,
A federal regulation in the Code of Federal Regulations	46 C.F.R. 73.608
A federal regulation, not yet codified, that appears in the Federal Register	40 Fed. Reg. 56,895 (1975). <i>(56,895 is the first page number of the Federal Register on which the regulation appears)</i>

### 5.2.3 Internal cross-references

The following columns give examples of the internal cross-references that are most commonly made, within the text of a rule, to the rule's own constituent parts.

Table 5. Internal Cross References	
Material being cross referenced	Form of cross reference
Referring to the rule itself	this rule
Referring to a paragraph within the rule itself	paragraph (A) of this rule
Referring to the paragraph itself	this paragraph
Referring to an unlettered paragraph within the rule itself	the second paragraph of this rule
Referring to the only appendix within the rule itself	the appendix to this rule
Referring to one of several appendices within the rule itself	appendix D to this rule
Referring to a paragraph of an appendix within the rule itself	paragraph (F) of appendix C to this rule
Referring to the appendix itself	this appendix



Although RAS will correct the outline lettering and numbering when a rule outline is amended, it will not correct internal cross-references. It is your responsibility to identify any internal cross-references that may be affected by a change in outline lettering and numbering and manually correct the internal cross-reference.

### 5.2.4 Completeness of cross-references

When more than one paragraph of the Administrative Code or division of the Revised Code is referred to in a cross-reference, each must be identified separately. For example:

right: paragraphs (A)(1) to (A)(5) of rule 5101-6-08 of the Administrative Code

wrong: paragraphs (A)(1) to (5) of rule 5101-6-08 of the Administrative Code

right:	divisions (C)(2)(a) and (C)(2)(b) of section 119.81 of the Revised Code
wrong:	divisions (C)(2)(a) and (b) of section 119.81 of the Revised Code

### 5.3 Capitalization

The Administrative Code is written in the lower case. The first letter of the first word of a sentence and a paragraph is always capitalized. This is so even when the first word of a paragraph does not lead into a complete sentence.

The initial letters of words within the tagline and text of a rule are capitalized in *only* the following instances:

- **Proper names of people** (meaning, Abraham Lincoln)
- **Names of primary sources of law and popular names of federal enactments** (meaning, Administrative Code, Revised Code, United States Code, Code of Federal Regulations, Ohio Constitution, Social Security Act, Internal Revenue Code)
- **Certain code terms** (meaning, Chapter and Title when they are followed by a specific number: Chapter 119 of the Revised Code. The terms are lower case when not followed by a specific number: this chapter. The terms “rule,” “paragraph,” “division,” “section,” and “appendix” are always lower case.)
- **References to court rules and rules of parliamentary procedure** (meaning, Rules of Civil Procedure, Criminal Rule 45, Ohio Rules of Evidence, Rules for the Government of the Bar of Ohio, Roberts Rules of Order)
- **References to specific General Assemblies** (meaning, the 117<sup>th</sup> General Assembly. General references to the General Assembly are not capitalized)
- **References to geographic and geopolitical entities** (meaning, Ohio, the state of Indiana, the city of Columbus. The names of government agencies, offices, and programs are not capitalized. “Congress” is in lower case.)
- **National and racial appellations** (meaning, Caucasian, African-American, Indian, American)
- **References to the deity**
- **Days of the week and months of the year**
- **Temperature terms** (meaning, Fahrenheit, Celsius)

Other capitalization rules include:

- **Government officers and agencies:** The titles of government officers and agencies are not capitalized (meaning, the governor, president of the United States, department of liquor control, supreme court).

- **References to wars:** References to World War I and World War II are capitalized. In references to other wars, declared or undeclared, in which the United States has participated, only words that are always proper nouns are capitalized (meaning, World War II, Korean conflict, war in Vietnam, Spanish-American war).
- **Holidays:** The given name of a holiday is capitalized, but the word “day” is not (meaning, New Year’s day, Columbus day, Christmas day).
- **State institutions of higher education:** When referring to state institutions of higher education, only words that are always proper nouns are capitalized (meaning, the Ohio state university, the university of Toledo, Stark state college of technology).
- **State enactments:** When referring to the popular name of state enactments, only words that are always proper nouns are capitalized (meaning, the Ohio anatomical gift act, the register of Ohio act).
- **Technological terms:** Terms such as internet, website, and world wide web are not capitalized. When referring to a website, the website address should appear in its entirety (meaning, <http://www.registerofohio.state.oh.us>). When referring to the *Register of Ohio*, the word register should not be capitalized (meaning, register of Ohio).

**Exception:** The initial letters of words may be capitalized in forms or if the word or phrase is surrounded by quotation marks. Examples include: titles of publications; names of businesses, organizations, and agencies; wording on signs; and mailing addresses.

## 5.4 Inclusive references

When citing a series of rules or laws, use the term “to” rather than “through.” Do not use “et seq.” The first and last rule numbers cited are included without further specification. For example:

right:	paragraphs (A)(1) to (A)(5) of rule 5101-6-08 of the Administrative Code
wrong:	paragraphs (A)(1) through (A)(5) of rule 5101-6-08 of the Administrative Code

## 5.5 Administrative code terms differ from revised code terms

Terms used in the Administrative Code differ from terms used in the Revised Code, and should be carefully chosen depending on what is being cross-referenced. (Note: although the term “chapter” is used in both codes, it refers to different parts of each code. See examples below.)

The **Administrative Code** uses the terms “chapter,” “rule,” and “paragraph.” Examples include:

- Chapter 5101-1 of the Administrative Code
- rule 5101-1-01 of the Administrative Code
- paragraph (A) of rule 5101-1-01 of the Administrative Code

The **Revised Code** uses the terms “chapter,” “section,” and “division.” Examples include:

- Chapter 5101 of the Revised Code
- section 5101.01 of the Revised Code
- division (A) of section 5101.01 of the Revised Code

## 5.6 Abbreviations and acronyms

An abbreviation, acronym, or initialism may be used only if its meaning is fully defined within or by reference to the rule in which it is used.

An abbreviation, acronym, or initialism may be used without definition if it is extremely well known and virtually always used to the exclusion of the spelled-out form.

Do not abbreviate references to the Administrative Code, Revised Code, Laws of Ohio, or Ohio Constitution, or references to the words “appendix,” “chapter,” “division,” “paragraph,” “rule,” or “section.”

References to federal statutory and regulatory compilations are abbreviated as summarized in the following table. (See [5.2.2: Federal statutes.](#))

<b><u>Federal material</u></b>	<b><u>Abbreviation</u></b>
Statutes at Large	Stat.
United States Code	U.S.C.
United States Code Annotated	U.S.C.A.
Public Law Number	Pub. L. No.
Federal Register	Fed. Reg.
Code of Federal Regulations	C.F.R.

## 5.7 Numbers, dates, and times

### 5.7.1 Numerical expression

Except when the use of Arabic numerals is specifically required, references to numbers are spelled out in words. Numbers are set forth in Arabic numerals in only the following cases:

- **Numbers in specific dates** (meaning, October 10, 1995. References to general or nonspecific dates are spelled out in words: October tenth of each year.)
- **Numbers in tables, charts, and specifications**
- **Numbers in addresses and telephone numbers**
- **Numbers that include a decimal point**
- **Citations of primary sources of law**

When a number is spelled out in words, it is not followed by a parenthetical repetition of the same number in Arabic form. For example, use only “seven years.” Do not use “seven (7) years.”

Spell out “per cent” as two words. The % symbol may be used only in tables and charts.

Compound numbers from twenty-one to ninety-nine are hyphenated when they are spelled out.

Spell out numbers greater than one hundred in the form “one hundred twenty-five” rather than “one hundred and twenty-five.”

Numbers in the thousands may be spelled out in the form of “twenty-five hundred” or “two thousand five hundred.”

Dollars and cents are spelled out.

### **5.7.2 Dates**

To express specific dates, use Arabic numerals. For example, “October 10, 1996.” When a date is not followed by a specific year, it is spelled out in words. For example, “October tenth of each year.”

### **5.7.3 Time**

In referring to the time of day, the hours and parts of hours are spelled out in words, and forenoon (a.m.) or afternoon (p.m.) is specified (meaning, nine a.m.). References to parts of an hour are hyphenated (meaning, nine-thirty a.m.; six forty-five p.m.).

A reference to “4:01 p.m.” is spelled out as “one minute after four p.m.”

Do not say “o’clock” in referring to the time of day. Always abbreviate “a.m.” and “p.m.”

Do not specify “E.S.T.” or “E.D.T.” Ohio is in the Eastern Time Zone as a matter of law.

## **5.8 Matters of form and style**

### **5.8.1 Definitions**

In definitions, the word or phrase being defined is surrounded by quotation marks.

### **5.8.2 Gender**

Gender neutral language is required.

### **5.8.3 Mood**

Use “shall” to require a person to take an action. “Shall” denotes a command, a mandatory duty. Use “may” to authorize, but not require, a person to take an action. “May” denotes a discretionary action, one that may or may not be taken at the actor’s initiative.

### **5.8.4 Number**

The singular includes the plural and the plural includes the singular. It is generally preferable to draft in the singular, unless the plural is more appropriate to the context.

### **5.8.5 Tense**

Use present tense. The majority of rules have a continuing effect in that they apply over time. They speak at the time of reading, not merely at the time of their adoption. The present tense therefore includes the future tense. Use tenses other than present only when the context necessitates their use.

### **5.8.6 Voice**

Use the active voice in preference to the passive voice because it clearly identifies who is responsible for doing what the rule requires and eliminates uncertainty.

### **5.8.7 Title and court case names**

Titles and court case names appear in ordinary Roman type, without italicization or underlining. “Et. als” are not permitted.

### **5.8.8 Italics prohibited**

Use of italics, except for, or with reference to, paragraphs below the fourth rank, is prohibited. Present text in conventional Roman type.



RAS will not allow you to use italics. Though RAS will use italics for paragraph designations below the fourth rank, if you include an internal cross-reference to a paragraph below the fourth rank, you will not be able to use italics. For example, an internal cross-reference to paragraph (A)(1)(a)(i)(a) will appear as (A)(1)(a)(i)(a).

### **5.8.9 Underlining prohibited**

Use of underlining, except to show insertion or enactment of new matter, is prohibited.

## **5.9 Quotation Marks**

Legal writing prefers using double quotation marks around terms, phrases and paragraphs which are easier to see in online publications. Use single quotation marks around a quotation within a quotation.

Quotation marks need to be used if using capitals outside of the LSC drafting manual guidelines.

Quotation marks should not be overused in rules.

# CHAPTER 6: DRAFTING REQUIREMENTS FOR COLLEGES AND UNIVERSITIES

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## 6.1 Formatting a rule

Colleges and universities may draft rules using the RAS or a word processing software (meaning, Microsoft Word). The following guidelines apply when drafting a rule in a word processing software. RAS is programed to create an XML file that follows the guidelines below.

### 6.1.1 Text size

Text must be approximately 12 to 14 characters per inch.

### 6.1.2 Margins

Leave at least 1½-inch margins on all four sides of the page.

### 6.1.3 Outline format

Rules should be indented to reflect paragraph ranking. (See [5.1: Lettering and numbering of paragraphs](#).) Outline letters and numbers are always surrounded by parentheses. Paragraphs should be single-spaced with double-spacing in between each paragraph. Paragraphs should be blocked in order to clearly distinguish the outline letter from the text. See example below:

- (A) Provostal searches: establishment and composition of a provostal search committee.
  - (1) The action necessary to establish a search committee for a provost shall be taken by the president.
  - (2) The search committee for a provost shall consist of the following:
    - (a) Four presidential appointments (one of whom shall chair the committee) to include the following:
      - (i) Two faculty members, one of whom shall be from the provostal area and one of whom shall be a member of the bargaining unit.
      - (ii) One dean.
    - (b) Three faculty elected by the faculty senate.

When lettering and numbering paragraphs, do not letter a paragraph as (A) if it is not followed by a paragraph (B). Likewise, do not number a paragraph as (1) if it is not followed by a paragraph (2).

### 6.1.4 Rule numbers

In addition to appearing before the tagline on the first page of a rule, the rule number should appear in boldface on the top left margin of all subsequent pages of the rule. Note: only the rule number gets repeated. The tagline of the rule does not get repeated.



### **6.1.5 Page numbers**

Do not show the page number on the first page of the rule. On page two and subsequent pages, the page number should be in the top right margin, on the same line as the rule number.

### **6.1.6 PDF files**

Colleges and universities have the option to file rules in .PDF file format. After a rule is drafted in a word processing program, the document is then converted to a .PDF file using Adobe software. (See [Appendix B: Guidelines for creating .PDF files.](#))

## **6.2 Rule-making procedures**

### **6.2.1 Enacting a new rule**

When enacting a new rule, follow the formatting requirements above. The rule number should appear in boldface and is underlined. The tagline of a new rule is shown in boldface Roman type and is underlined. Capitalization within a tagline should comply with rule drafting capitalization standards. (See [5.3: Capitalization.](#)) The tagline should always end with a period. The text comprising the body of the rule should begin at least two lines below the tagline. All text should be underlined.

### **6.2.2 Amending a rule**

When amending a rule, a college or university must use its file copy, first verifying that it is the most recent effective version of the rule. If there is any question as to whether the copy is the most recent effective version of the rule, please contact the ERF Help Desk for verification.

Prior to amending the rule, all prior stricken text and underlining must be removed.

To delete existing text, strike through it with a solid horizontal line. To delete punctuation, strike through it the same as is done in the case of text. The horizontal line may, and often does, appear above the punctuation mark. When a college or university strikes fifty per cent or more of the existing text of a rule and *adds* a comparable amount of new text, the rule should be rescinded and enacted as a new rule. (See [4.3.1: Rescind and new; fifty per cent guideline.](#))

To add text into an existing rule, simply insert the text in the appropriate place in the rule and underline it. Keep in mind that the Administrative Code prefers the lower case. When striking out old text and inserting new, the new text should appear after the stricken text.

An agency should preserve as much of the original text as possible when amending rules without sacrificing clarity. (See [4.2.4: Preserving existing text.](#)) When amending the tagline of a rule by inserting text at the end of a tagline, do not strike through the period and insert a new period at the end of the new language. Rather, insert the language in front of the existing period.

For an illustration of how to amend a word in a rule, see [4.2.6: Amending a word in a rule.](#)

When amending the outline of a rule, an existing paragraph’s number or letter can be deleted by striking through the letter and its surrounding parentheses with a solid horizontal line.

~~(A)~~

To add a new letter to the outline of an existing rule, insert the new letter surrounded by parentheses and underline both the letter and its parentheses.

(A)

To replace an existing outline letter with a new letter, strike through the old letter first, including the parentheses, and insert the new letter and parentheses beside it with an underline.

~~(B)~~(C)

Do not include two letters within one set of parentheses.

~~(DE)~~

### 6.2.3 Rescinding a rule

When rescinding a rule, a college or university must use its file copy, first verifying that it is the most recent effective version of the rule. If there is any question as to whether the copy is the most recent effective version of the rule, please contact the ERF Help Desk for verification.

Prior to rescinding the rule, all prior stricken text and underlining must be removed.

Type or otherwise print the words “TO BE RESCINDED” at the top of the first page.

### 6.2.4 Appendices

An appendix is information that is supplemental to the rule and not essential to the substantive completeness of the rule. Appendices should be created as a separate .PDF document. (See [4.4: Appendices](#).)

## 6.3 Supplemental information

College and university filers should not include the rule supplemental information (effective date, prior effective dates, authorizing statute, etc.) on the .PDF version of the rule they prepare. This information is compiled by the ERF System and is included on the last page of the rule, a page generated by the ERF System. Including this information in the rule body itself may result in a discrepancy between the information that appears at the end of the rule body and the information that appears on the supplemental page.



Enter the rule supplemental information in the “Rule Detail” section in the “Rule Management” page for each rule. In a University/Community College package, you will respond to the following questions:

- Authorizing statute
- Amplified statute
- Prior effective dates
- Replacement line (if applicable)

## 6.4 Electronic filing

Colleges and universities use the ERF website to file rules electronically. (See [2.5.2: Electronic Rule-Filing \(ERF\) website](#).) A PIN is required to execute any college or university filing. (See [2.2.2: Designating a PIN](#).)

### 6.4.1 Selection of package type

Colleges and universities typically file rules pursuant to Revised Code section 111.15. Rules are electronically filed in packages assembled by the filer. A special package type has been created in the ERF System for the use of colleges and universities. This package is labeled a “University/Community College” package type and is sometimes referred to as a “school” package. After logging in to the ERF website and selecting “Create a New Package,” a college or university will select the “University/Community College” button.

If a college or university does not believe that rules should be filed pursuant to Revised Code section 111.15 or are not sure that their rules should be filed in a “University/Community College” package, please contact the ERF Help Desk.



After you select “Create a New Package:”

1. Select the promulgated under statute;
2. Select the package type; and
3. Click the “Create” button.

(Note: you cannot change this information. This means that if you select the wrong promulgated under statute or package type in error and click “Create,” you can only correct your mistake by creating another new package.)

### 6.4.2 Procedure

After a package has been created, rules must be assigned to the package. The recommended package size is no more than 50 rules per package. Only one additional communication, if necessary, can be uploaded per package.



To assign a rule to a package, select “Assign rule,” enter the rule number, and select the type of rule you are uploading (new, amend, rescind).

Rules uploaded to the same package must have the same division number or no division number at all.

Examples:

- 3361:30 rules cannot be filed in the same package with 3361:40 rules.
- 3361-1 rules cannot be filed in the same package with 3361:30 rules.
- 3361:30-16 rules can be filed in the same package with 3361:30-29 rules.

All rules in a University/Community College package must be filed at the same time and will receive the same effective date.



If you need to file 10 rules but you want 5 to have one effective date and the other 5 to have another effective date, you must create 2 different University/Community College packages.

After a rule is uploaded to the ERF website, the filer must enter the existing tagline and, if the tagline is being amended, the proposed new tagline.

When all rules and any appendices or additional communications have been uploaded and the package is ready to file, it is the responsibility of the filer to view every document that will be filed for accuracy. (See [2.3: Agency responsibilities](#).)

After a filing has been successfully executed electronically, the filer will receive confirmation of the filing.

### 6.4.3 Effective dates

The effective date assigned to a college or university rule must be at least ten days after the filing date. For example, if a college or university rule is filed on November 12, the earliest possible effective date for the new, amended, or rescinded rule is November 22. If an invalid effective date is entered into the ERF System, an on-screen warning will appear notifying a filer that the effective date entered may be incorrect and giving the filer the opportunity to correct the date before proceeding with the filing.



After you click the red “File” button, you will be prompted to enter the President’s PIN and the effective date of the rules filed. You can only assign one effective date per package.

### 6.4.4 Withdrawing a filing

When an error is made in a college or university filing, the only option to correct the error is to withdraw the filing. Examples of such errors include an invalid effective date, an invalid rule number, or any other drafting or technical mistakes. Withdrawing the rule removes the rule from the rule-filing process. After a rule is withdrawn, the college or university must then make the necessary corrections to the document, convert the corrected document to a .PDF file, and create and file a new package on the ERF website.



A rule can be withdrawn only if it has not yet gone into effect. If a rule is filed on November 12 with an effective date of November 22, you can withdraw the rule any time before November 22. If you do not notice the error until November 25, the only option is to create a new package and file the rule as an amended rule with the corrected information showing as amendments.

## **CHAPTER 7: LSC’S REVIEW OF RULES**

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### **7.1 Purpose of review**

The LSC Administrative Rules Unit is statutorily required to review each adopted rule that is filed with LSC. In addition, while not statutorily required to do so, the Rules Unit will review proposed rules on request.

The review serves three purposes:

- The primary purpose is to identify and initiate the correction of nonsubstantive, rule-drafting errors in the drafting of rules. These errors generally do not affect the meaning or operation that the agency intends for the rule to have and commonly are known as “technical” or “formatting” errors. All rule drafters should be well-versed on the guidelines laid out in this manual in order to avoid non-compliance errors.
- The second purpose of the review is to provide publishers of the Administrative Code with the errors and corrections so the Code can be published with accurate information.
- The third purpose is that of identifying and initiating the correction of substantive errors. Errors of this type affect the meaning or operation that an agency intends the rule to have. Substantive errors, when found by LSC, are forwarded to JCARR for review and further determination of corrective action.

### **7.2 Review of proposed rules**

LSC is not required by statute to review proposed rules for compliance with this manual, however, LSC will perform a complimentary review of proposed rules on request. Please contact the ERF help desk to have your proposed rules reviewed

When an error is discovered in review, the error is marked and the correction is made directly to the rule with red ink using standard proofreading marks. A check mark appears in the margin to show each line that contains an error.

When the agency receives proposed corrections via email from LSC, it should review the changes and incorporate them into the rule. The corrected rule must then be revise filed or refiled depending on the time frame.

If an agency has questions regarding an error or correction, it should refer to this manual for further information regarding drafting requirements, or contact LSC at (614) 387-2078.

### **7.3 Review of adopted rules**

LSC is required by statute to review rules filed for adoption to determine if they have been drafted in compliance with this manual. LSC will review rules following final filing via the ERF system. After an agency final files a rule, the agency’s authorized contact person should check for non-compliance corrections by clicking on the “Non-Compliance” tab when logged into ERF. This will allow the authorized contact person to view the corrected rule(s) and communicate with LSC whether the agency agrees or disagrees with the compliance correction(s). The agency has 30 days to respond regarding corrections. If LSC does not get a response from the agency, it will be assumed the agency is in agreement with the correction(s).

Errors found in adopted rules are corrected in the same manner as proposed rules: when an error is discovered in review, the error is marked and the correction is made directly to the rule with red ink using standard proofreading marks. A check mark appears in the margin to show each line that contains an error.

When the agency agrees to the non-compliance corrections, LSC makes the changes to the agency's rules and sends the publishers a copy of the corrections to ensure proper publication. (Note: publishing deadlines sometimes make it impossible to incorporate corrections until future updates of the Code.)

If an agency has questions regarding an error or correction, it should refer to this manual for further information regarding drafting requirements, or contact LSC at (614) 387-2078.



After an agency agrees with non-compliance corrections, LSC will make the corrections to the electronic copy of the rule. This means that the next time LSC prepares this rule, the compliance corrections will be incorporated into the rule you download.

## 7.4 Publication of rules

The published Administrative Code contains the full text of each rule filed with LSC, except for those that fall into the category of "internal management" or "by reference only."

**Internal management:** rules that govern day-to-day staff procedures and operations, and that do not affect the rights of private individuals.

**By reference only:** rules that are not published since they affect a small group of citizens.

These rules may be obtained by contacting LSC.

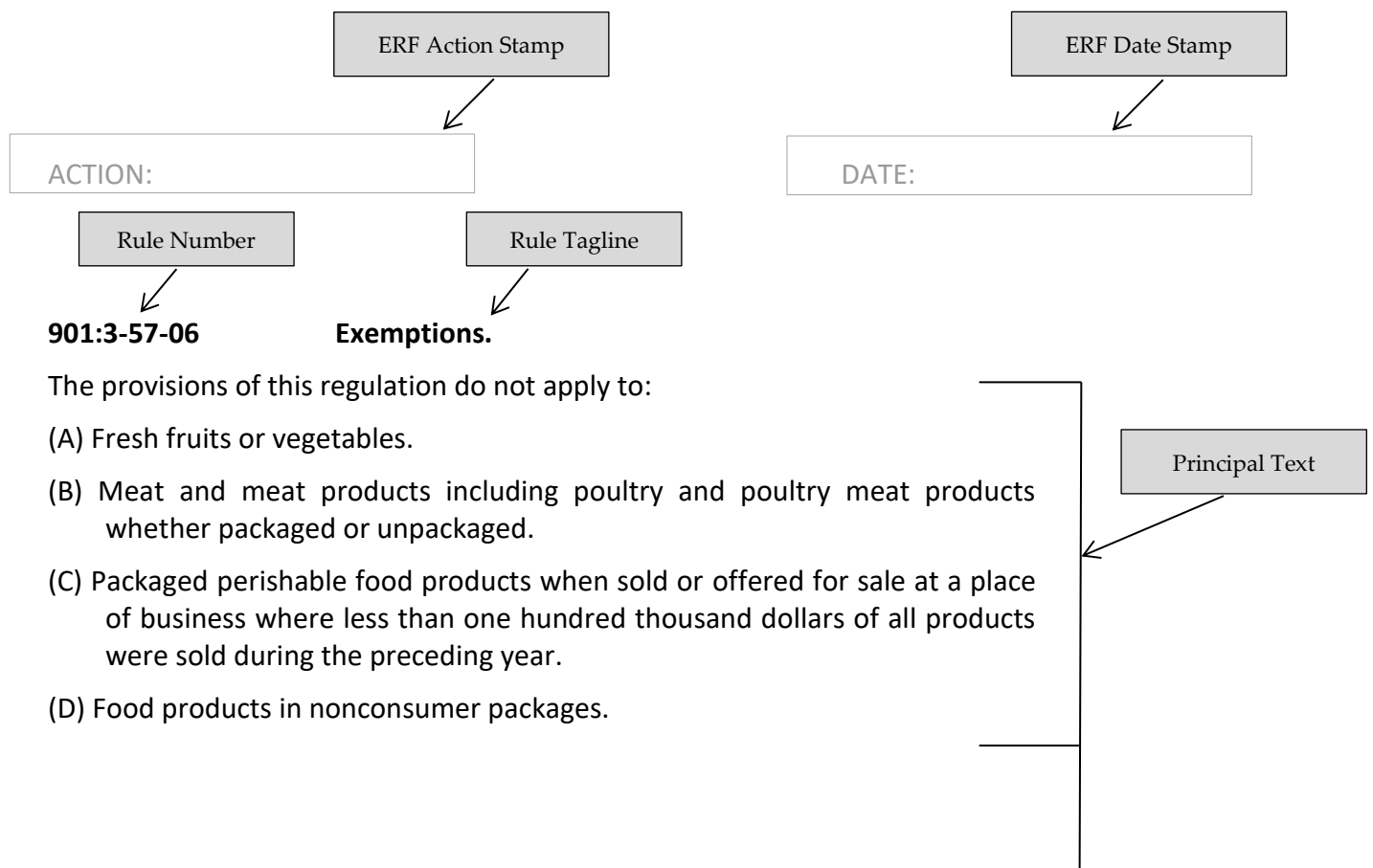
## CHAPTER 8: ILLUSTRATIONS

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- FIGURE 1 Identifying the Formal Parts of a Rule
- FIGURE 2 Example of a New Rule Drafted in RAS
- FIGURE 3 Example of a New Rule Final Filed Electronically
- FIGURE 4 Example of an Amended Rule Drafted in RAS
- FIGURE 5 Example of an Amended Rule Final Filed Electronically
- FIGURE 6 Example of a Rescinded Rule Final Filed Electronically
- FIGURE 7 Example of a Properly Formatted Appendix Filed Electronically

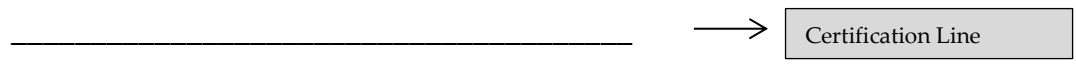
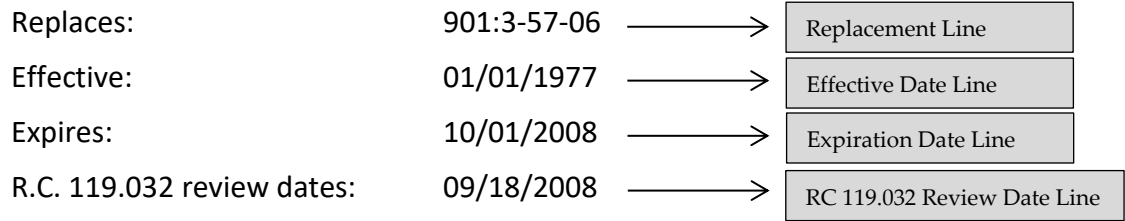
**Figure 1 – Identifying the formal parts of a rule**

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# Figure 1 – continued

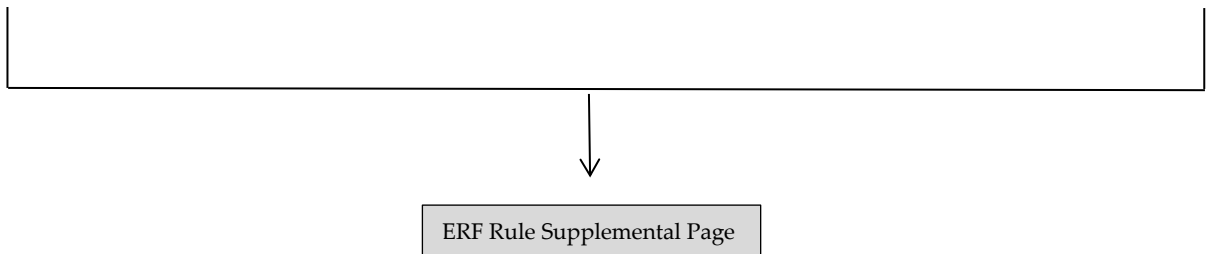
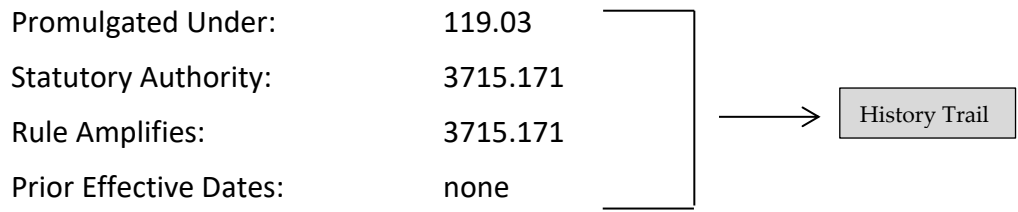
901:3-57-06 2



Certification



Date





## Figure 2 – Example of a new rule drafted in RAS

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\*\*\* DRAFT - NOT YET FILED \*\*\*

5101:12-50-65.1      Child support enforcement agency poster program.

- (A) Pursuant to section 3123.96 of the Revised Code, a child support enforcement agency (CSEA) may establish a program to increase child support collections by publishing and distributing a series of posters displaying child support obligors who are delinquent in their support payments. CSEA posters may be printed and displayed electronically.
- (B) If a CSEA chooses to establish a CSEA poster program, each CSEA poster shall include:
- (1) Photographs of and information about ten obligors who meet the submittal criteria outlined in paragraph (C)(1) of rule 5101:12-50-65 of the Administrative Code as confirmed by the CSEA;
  - (2) The CSEA's toll-free telephone number that the public may use to report information regarding the whereabouts of any of the obligors displayed on the CSEA poster; and
  - (3) Any other information that the CSEA considers appropriate.
- (C) The CSEA shall send a notice to each obligor who is being considered for display on a CSEA poster by ordinary, first class mail to the obligor's last known address. The CSEA may use the JFS 07022, "Notice to Obligor: Inclusion on Poster" (04/92) for this purpose. The notice shall state that the obligor may avoid being included on the poster by doing all of the following within ninety days after receipt of the notice:
- (1) Making a payment that is at least equal to the monthly support obligation;
  - (2) Providing the CSEA with a current address;
  - (3) Providing the CSEA with evidence from each current employer of current wages, salary, and other compensation; and
  - (4) Providing the CSEA with evidence that arrangements have been made for withholding from the obligor's wages, salary, or other compensation to pay support and arrears.

## Figure 3 – Example of a new rule final filed electronically

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ACTION: Final

DATE: 12/19/2005 11:40 AM

### 5101:12-50-65.1      Child support enforcement agency poster program.

(A) Pursuant to section 3123.96 of the Revised Code, a child support enforcement agency (CSEA) may establish a program to increase child support collections by publishing and distributing a series of posters displaying child support obligors who are delinquent in their support payments. CSEA posters may be printed and displayed electronically.

(B) If a CSEA chooses to establish a CSEA poster program, each CSEA poster shall include:

(1) Photographs of and information about ten obligors who meet the submittal criteria outlined in paragraph (C)(1) of rule 5101:12-50-65 of the Administrative Code as confirmed by the CSEA;

(2) The CSEA's toll-free telephone number that the public may use to report information regarding the whereabouts of any of the obligors displayed on the CSEA poster; and

(3) Any other information that the CSEA considers appropriate.

(C) The CSEA shall send a notice to each obligor who is being considered for display on a CSEA poster by ordinary, first class mail to the obligor's last known address. The CSEA may use the JFS 07022, "Notice to Obligor: Inclusion on Poster" (04/92) for this purpose. The notice shall state that the obligor may avoid being included on the poster by doing all of the following within ninety days after receipt of the notice:

(1) Making a payment that is at least equal to the monthly support obligation;

(2) Providing the CSEA with a current address;

(3) Providing the CSEA with evidence from each current employer of current wages, salary, and other compensation; and

(4) Providing the CSEA with evidence that arrangements have been made for withholding from the obligor's wages, salary, or other compensation to pay support and arrears.

## Rule Supplemental Page

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5101:12-50-65.1

2

Effective: 01/01/2006

R.C. 119.032 review dates: 03/01/2007

### CERTIFIED ELECTRONICALLY

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Certification

12/19/2005

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Date

Promulgated Under: 119.03  
Statutory Authority: 3125.25  
Rule Amplifies: 3123.96 to 3123.962



## Figure 4 – Example of an amended rule drafted in RAS

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\*\*\* DRAFT - NOT YET FILED \*\*\*

4723-9-07 **Certificate Renewal of certificate to prescribe-renewal.**

- (A) To renew a certificate to prescribe, a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist who meets the qualifications set forth in sections ~~4723.482 and~~ 4723.24 and 4723.485 of the Revised Code shall submit:
- (1) A completed renewal application on a form specified by the board;
  - (2) Evidence of having completed during the previous two years at least twelve hours of additional continuing education in advanced pharmacology as provided in section 4723.485 of the Revised Code, or, if the certificate has been held for less than a full renewal period, at least six hours of approved continuing education in pharmacology as provided in section 4723.485 of the Revised Code; and
  - (3) A renewal fee of fifty dollars and all other applicable fees.
- (B) A renewed certificate to prescribe shall be current until the next scheduled renewal period for registered nurse licensure.
- (C) ~~Concurrent with registered nurse licensure renewal, the~~ The board shall ~~send or cause to be sent~~ provide to each holder of a current, valid certificate to prescribe who is eligible to renew that certificate, an application for renewal of a certificate to prescribe. Failure of the holder to receive an application for renewal from the board does not excuse the holder from the requirements of Chapter 4723. of the Revised Code and this chapter.
- ~~(D) The board shall send a renewed certificate to prescribe to each renewal applicant who complies with paragraph (A) of this rule and who demonstrates compliance with Chapter 4723. of the Revised Code and the rules of the board.~~
- ~~(E) A renewed certificate to prescribe shall not be reproduced, duplicated, or imaged onto paper or any electronic media except in accordance with rule 4723-1-03 of the Administrative Code.~~

## Figure 5 – Example of an amended rule final filed electronically

ACTION: Final

DATE: 01/19/2006 4:24 PM

4723-9-07

### Renewal of certificate ~~Certificate to prescribe renewal.~~

- (A) To renew a certificate to prescribe, a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist who meets the qualifications set forth in sections ~~4723.482 and 4723.24~~ and 4723.485 of the Revised Code shall submit:
- (1) A completed renewal application on a form specified by the board;
  - (2) Evidence of having completed during the previous two years at least twelve hours of additional continuing education in advanced pharmacology as provided in section 4723.485 of the Revised Code, or, if the certificate has been held for less than a full renewal period, at least six hours of approved continuing education in pharmacology as provided in section 4723.485 of the Revised Code; and
  - (3) A renewal fee of fifty dollars and all other applicable fees.
- (B) A renewed certificate to prescribe shall be current until the next scheduled renewal period for registered nurse licensure.
- (C) ~~Concurrent with registered nurse licensure renewal, the~~ The board shall ~~send or cause to be sent~~ provide to each holder of a current, valid certificate to prescribe who is eligible to renew that certificate, an application for renewal of a certificate to prescribe. Failure of the holder to receive an application for renewal from the board does not excuse the holder from the requirements of Chapter 4723. of the Revised Code and this chapter.
- (D) ~~The board shall send a renewed certificate to prescribe to each renewal applicant who complies with paragraph (A) of this rule and who demonstrates compliance with Chapter 4723. of the Revised Code and the rules of the board.~~
- (E) ~~A renewed certificate to prescribe shall not be reproduced, duplicated, or imaged onto paper or any electronic media except in accordance with rule 4723-1-03 of the Administrative Code.~~

## Rule Supplemental Page

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4723-9-07

2

Effective: 02/01/2006

R.C. 119.032 review dates: 10/14/2005 and 10/01/2010

CERTIFIED ELECTRONICALLY

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Certification

01/19/2006

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Date

Promulgated Under: 119.03  
Statutory Authority: 4723.50  
Rule Amplifies: 4723.485  
Prior Effective Dates: 2/1/2002





## Figure 7 – Example of a properly formatted appendix filed electronically

ACTION: Final

AMENDED  
APPENDIX  
3701:1-38-12

DATE: 06/10/2003 2:17 PM

3701:1-38-12

1

### APPENDIX A

#### EXPLANATION OF ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC) OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS; CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE

##### Introduction

For each radionuclide, Table I indicates the chemical form which is to be used for selecting the appropriate ALI or DAC value. The ALIs and DACs for inhalation are given for an aerosol with an activity median aerodynamic diameter (AMAD) of 1  $\mu\text{m}$ , micron, and for three classes (D,W,Y) of radioactive material, which refer to their retention (approximately days, weeks or years) in the pulmonary region of the lung. This classification applies to a range of clearance half-times for D of  $\neq$  less than 10 days, for W from 10 to 100 days, and for Y greater than 100 days. The class (D, W, or Y) given in the column headed "Class" applies only to the inhalation ALIs and DACs given in Table I, columns 2 and 3. Table II provides concentration limits for airborne and liquid effluents released to the general environment. Table III provides concentration limits for discharges to sanitary sewerage.

Note: The values in Tables I, II, and III are presented in the computer "E" notation. In this notation a value of 6E-02 represents a value of  $6 \times 10^{-2}$  or 0.06, 6E+2 represents  $6 \times 10^2$  or 600, and 6E+0 represents  $6 \times 10^0$  or 6.

##### Table I "Occupational Values"

Note that the columns in Table I of this appendix captioned "Oral Ingestion ALI," "Inhalation ALI," and "DAC," are applicable to occupational exposure to radioactive material.

The ALIs in this appendix are the annual intakes of given radionuclide by "reference man" which would result in either (1) a committed effective dose equivalent of 0.05 Sv (5 rem), stochastic ALI, or (2) a committed dose equivalent of 0.5 Sv (50 rem) to an organ or tissue, non-stochastic ALI. The stochastic ALIs were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep dose equivalent to the whole body of 0.05 Sv (5 rem). The derivation includes multiplying the committed dose equivalent to an organ or tissue by a weighting factor,  $w_T$ . This weighting factor is the proportion of the risk of stochastic effects resulting from irradiation of the organ or tissue, T, to the total risk of stochastic effects when the whole body is irradiated uniformly. The values of  $w_T$  are listed under the definition of weighting factor in 3701:1-38-01. The non-stochastic ALIs were derived to avoid non-stochastic effects, such as prompt damage to tissue or reduction in organ function.

A value of  $w_T = 0.06$  is applicable to each of the 5 organs or tissues in the "remainder" category receiving the highest dose equivalents, and the dose equivalents of all other remaining tissues may be disregarded. The following portions of the GI tract -- stomach, small intestine, upper large intestine, and lower large intestine -- are to be treated as 4 separate organs.



## Appendix A: Top eight electronic filing tips

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- 1. THE RECOMMENDED MAXIMUM PACKAGE SIZE IS 50 RULES.** While the ERF website does not prevent you from including more than 50 rules in a package, please bear in mind that, for a number of technical reasons, smaller packages are better.
- 2. KNOW HOW YOU WANT TO ANSWER THE REQUIRED QUESTIONS BEFORE YOU LOG IN TO THE ERF WEBSITE.** Prepare in advance to answer the various questions found on the Rule Management page. If you put temporary answers (“filler”) into a form, do not forget to modify the form and supply correct answers; otherwise, you may find it necessary to prepare a revised or a refiled filing. You can copy and paste text into online forms from a word processing document, email, or other electronic document.
- 3. NEVER WITHDRAW A RULE UNLESS YOU ARE 100% SURE THAT IS WHAT YOU WANT TO DO.** Withdrawals are irreversible. If someone tells you to withdraw a rule, be absolutely sure that is really what the person intends. Once withdrawn, a rule filing ceases to exist. The only way to revive a filing after withdrawal is to start over by creating a brand new package. Do not withdraw to make corrections to a rule – that is done through a revised or refiled filing.
- 4. WHEN INSERTING A GRAPHIC INTO A RULE, BE SURE IT MEETS THE RECOMMENDED GUIDELINES.** Only insert graphic files that have been saved in either the Graphics Interchange Format (GIF) or Joint Photographic Experts Group (JPG) file format. The benefit of saving the graphic file in the .gif or .jpg file format is that these file types use maximum compression, ensuring a small file size. The height of an image should not exceed the width of the image. When you need to amend, rescind, or file as no change a rule that contains graphics, and therefore must request that LSC prepare the rule, please contact the ERF Help Desk to make the request. Graphics are not included with rules that are downloaded from the electronic rule repository. Finally, when inserting a graphic into a rule, RAS will create a folder labeled “Figures” in the same directory as the .XML document – do not delete this folder.
- 5. YOU CAN ONLY SPELL CHECK A NEW DOCUMENT CREATED IN RAS.** You can spell check a new document that you create in RAS by selecting “Spelling” from the Tools dropdown menu. You cannot, however, spell check an amended document in RAS. Follow these steps for a work-around that allows you to spell check an amended document that you have worked on in RAS. With the .XML document open in RAS, click on File, Export to RTF to create a Word document. Open the Word document (RTF) you just saved and run spell check in Word. Make a note of any necessary corrections and make those edits in the RAS XML document. Save your changes.
- 6. BEFORE FILING, CAREFULLY REVIEW HOW THE WEBSITE DISPLAYS YOUR DOCUMENTS.** Always print or view all documents from your workspace on the ERF website, and examine them with great care, BEFORE pushing the red “File” button. System errors manifest themselves before filing. If the system experiences an error in recording an uploaded document, it will cause a flawed version to display, and that flawed version is what will be filed. System errors can be caught before filing if you take care to examine how your

documents display on the website. What you see from the ERF website before filing is exactly what LSC, JCARR, and the Secretary of State will receive after filing. If you fail to catch a system error prior to filing, it generally must be corrected through a formal revision or refiling.

- 7. TYPOS, DATES, AND OTHER DATA CANNOT BE CORRECTED IN FINAL FILING.** A security feature of the ERF website prevents filers from revising documents and data at the time of final filing. In typical packages, a rule is final filed exactly as it appears in the latest-filed proposed version. If the latest-filed proposed version contains errors, the errors will carry over to the final filing. An agency discovering minor errors shortly before final filing therefore must decide whether to let the errors stand or to postpone the final filing and make a refiled filing to correct them. Be careful to discover errors prior to original filing, but also take advantage of the first 35 days following original filing to reproof your documents for errors. Revisions during the first 35 days do not prolong JCARR jurisdiction.
- 8. TAKE ADVANTAGE OF TRAINING, THE ERF HELP DESK, THE RULE-FILING KIOSK, AND JCARR FOR ASSISTANCE.** Electronic rule filing is a complicated and still evolving process. Feel free to attend the Intro to RAS and ERF website classes more than once. Classes are updated continually to incorporate new filing procedures and improvements to the website. Contact the ERF Help Desk to sign up for classes. You can get individualized assistance with actual filings at LSC's rule-filing kiosk on the 8<sup>th</sup> floor of the Riffe Center. To sign up to use the kiosk, call the ERF Help Desk. And always feel free to call JCARR ((614) 466-4086) before or after filing with questions about JCARR procedures, timing your filings and public hearings, or answering RSFA questions.

## **Appendix B: Guidelines for preparing PDF files**

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### **What is a PDF File?**

- Adobe PDF (Portable Document Format) is a standard for electronic documentation distribution worldwide.
- PDF is a universal file format that, if properly prepared, preserves all of the fonts, formatting, colors, and graphics of any source document, regardless of the application and platform used to create it. If properly prepared, PDF documents can be displayed and printed the same on every computer.
- PDF files are compact and can be shared, viewed, navigated, and printed with Adobe Reader, which is available free of charge at <http://www.adobe.com>.

### **Reading PDFs**

Adobe Acrobat Reader is Adobe's free product for displaying and printing PDF files. Adobe Reader lets you view and print PDF files, but it cannot be used to create PDFs or edit existing ones.

### **The smaller the better**

Regardless of how you create a PDF, it is essential to keep the file size as small as possible. Here are some tips on how to achieve this without impairing its readability.

#### **Creating a PDF by scanning**

The lower the resolution, the smaller the resulting file. And remember, the smaller the better. So how do you achieve a good quality PDF with the smallest file size possible?

It is suggested that you begin by scanning one or two pages of the rule or appendix at a resolution of 72 dpi and then convert the scan to a PDF. Open the PDF and examine it. Can you read all the characters both large and small? Is it grainy? What is the file size?

If you feel the quality is poor, increase the resolution, rescan and convert to PDF. Once again, examine the resulting file. If the quality remains poor, increase the resolution and try again. As you do this, make a note of the file size. It should increase every time the resolution setting is increased.

When you achieve a resolution that gives the quality you want with as small a file size as possible, use this setting for scanning the entire document.

It might be necessary to use this test on each document that will be scanned. Why? Each paper document is different. Variations can be found in the type quality, damage from age or mistreatment, fading of the type, etc., and all will be affected by the resolution used when scanned.

#### **Creating a PDF from an electronic source**

If you will be creating a PDF from a word processing document or other electronic application, there are some things to keep in mind.

1. **Embed the fonts.** For assistance with embedding fonts, please contact the ERF Help Desk. Embedding fonts will ensure that the reader of the PDF can see the text exactly as it appeared on your computer. If you are using a less commonplace font (meaning, something other than Arial or Times Roman) and fail to embed the fonts, the reader's system will make the best substitution possible. However, this substitution may not look anything like the original. Embedding fonts is the best way to ensure this does not happen. For assistance with embedding fonts, please contact the ERF Help Desk.
2. **Explore all setting options you encounter while making the PDF.** Sometimes you will find options if you click the printer properties button. Preferred settings include:
  - a. Select screen-optimized or print-optimized instead of press-optimized
  - b. Adjusting the down-sampling of images to a lower resolution can decrease file size

## **Tutorials**

*Reducing PDF File Size* – from Planet PDF <https://planetpdf.com/?s=reduce+file+size>

*Adobe Acrobat Tutorial: Understand and Make the Most of PDF* – <https://helpx.adobe.com/acrobat/tutorials.html>