

**OHIO DEPARTMENT OF COMMERCE  
DIVISION OF INDUSTRIAL COMPLIANCE  
HISTORICAL BOILERS LICENSING BOARD**

**SPECIAL MEETING MINUTES  
June 13, 2012**

The Historical Boilers Licensing Board conducted a “Special Meeting”, on this date, at the offices of the Division of Industrial Compliance, 6606 Tussing Road, Reynoldsburg, Ohio 43068 for the sole purpose of reviewing the proposed Historical Boilers Rules (Chapter 1301:3-4) for five-year review filing.

**I. Call to Order**

The meeting was called to order by Chairman Jim Lashaway at 10:05 a.m.

**II. Roll Call**

**Board Members:**

Jim Lashaway, Chairman  
Dean Jagger  
Dan Rufener  
John McDowell  
Richard Oeder

**Also Present:**

Jim Turner, DIC Legal Counsel  
Nancy Duffee, Legal Administrative Assistant

**III. Review Proposed Rules for Five-year Review Filing**

Division Counsel Jim Turner led the discussion, noting that the Board did have a quorum and that the proper public hearing notice had gone out prior to the meeting. He further noted the purpose of this meeting would be to hold an official vote prior to sending these proposed rules to stakeholders for further review under the *Common Sense Initiative*, a directive from Lt. Governor Mary Taylor, and for presentation to the Joint Committee on Agency Rule Review (JCARR). Mr. Turner then began the discussion of each rule:

- Rules 1301:3-4-01 through 06 were “No Change” rules;
- Rule 1301:3-4-07(B)(2) is being amended, for clarification purposes only, to change the word ‘verbal’ to ‘oral’ and add the word “rule”;
- Rule 1301:3-4-08(A) is more of a substantive change because the term “safety committee” is used, however non-existent in application;
- Rule 1301:3-4-09 and 10 were, again, “No Change”;
- Rule 1301:3-4-11(D) has been shortened a great deal due to the fact that Chapter 119 of the Ohio Revised Code, or the “Administrative Procedures Act”, had previously been adopted within the first sentence of (D); it is widely understand and, therefore; it is unnecessary to restate the process within this rule; And finally,
- Rule 1301:3-4-20(A)(2), as proposed in Rule 07, the word ‘verbal’ is being changed to ‘oral’; **At this point, Mr. Turner discovered that one amendment had been overlooked: The word “rule” had not been added to this section, as it should have been, so Mr. Turner asked that this change become part of the vote today.**

In order to comply with the Rules of Order and Governance, Mr. Turner, respectfully requested that a motion be made by one of the Board Members to accept the change made in Rule 1301:3-4-20(A)(2) and to approve it and the others proposed for introduction into the legislative process.

#### IV. **Vote on Acceptance or Denial of Proposed Rules**

Richard Oeder moved to accept the changes as proposed with the documentation before the Board and John McDowell seconded that motion. The motion was passed unanimously by all Board Members present.

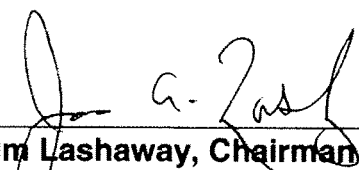
#### V. **Discussion on the Next Steps of the Process**

Board Member Richard Oeder asked Mr. Turner how long he anticipated the process would take and how the rules would be published. Mr. Turner stated that the rules would be available on the websites of both the Joint Committee and the Legislative Service Commission (LSC). Chairman Lashaway mentioned that it is also on the Board's website as well. Mr. Turner anticipates that the entire process could take as long as 5-months and he described the progression from this point forward:

- 1) Initially, will we be sending these rules out for a stakeholder's review and comment phase, in which we are allowing a 3-4 week return date;
- 2) Next, we will internally review these comments and consider making changes to the rules if the suggestions are numerous and widely-warranted. If any changes are made to any of these rules, the Board will again be solicited for its approval;
- 3) Then, the package will be submitted for review to a *Common Sense Initiative* staff member, housed within the Ohio Department of Commerce and appointed by the Lt. Governor. This new initiative may cause the process to take a little longer than normal but it causes the review to become more business-sensible due to the fact that the rules are being submitted for a more focused review earlier, rather than later, in the rules-making/legislative process. Jim noted that this stage in the process may take as long as a month;
- 4) And lastly, we will then digitally file the rules with JCARR. Jim anticipates this phase may take 2-3 months to complete because a public hearing must be arranged by the Agency, then a public hearing at JCARR and, if those hearings yield no further changes, the rules will finally be adopted at that point.

#### VI. **Adjourn**

Since there were no additional questions, Chairman Lashaway entertained a motion to adjourn the meeting. Mr. Jagger moved to adjourn and Mr. Rufener seconded the motion that passed unanimously.

  
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Jim Lashaway, Chairman

Oct. 24, 2012  
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Date