

Ohio Governor's Council on People with Disabilities
Guide to Public Participation in GCPD's Rule-Making Process

GCPD'S MISSION

The mission of the Ohio Governor's Council on People with Disabilities (GCPD) is to act as an advisory body to the governor and to the legislature on issues that concern Ohioans with disabilities.

GCPD'S ORGANIZATION TO ACHIEVE ITS MISSION

A twenty-one member council created by the Ohio General Assembly in 1982 governs GCPD. The governor appoints the council members for a three-year term, the majority of whom must be people with disabilities.

The GCPD is assigned to the Rehabilitation Services Commission (RSC) for administrative purposes. The RSC executive director assigns one professional staff person to the council to serve as executive secretary (administrator) and other personnel as determined advisable. GCPD members develop administrative rules that prescribe policies.

GCPD's statutory authority is found at Chapter 3303.41 of the Ohio Revised Code.

GCPD'S RULE-MAKING PROCESS WITH PUBLIC PARTICIPATION

When a state law is implemented as new, amended or rescinded that affects GCPD business, the bill or regulation is analyzed by the appropriate parties to determine what rule changes, if any, may be needed. The full council reviews the proposed changes and approves proceeding with the rule-making process.

Rule Filing

At a GCPD meeting, the council approves the original filing of the rule(s). At this meeting, the public has an opportunity to give comment on the proposed rule(s). When this approval is given, GCPD schedules a public hearing and electronically files the proposed rule(s) with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission and the Secretary of State. GCPD conducts a public hearing for all administrative rules filed in compliance with Chapter 119. of the Ohio Revised Code. At the public hearing, the public has a second opportunity to comment on the proposed rule(s).

Notice of Public Hearing

At least thirty days before the public hearing, GCPD prepares a notice of public hearing that includes all of the following:

1. a statement that it is GCPD's intention to propose as new, amended, or rescinded rules;
2. the date, time, and place of the hearing;
3. a general statement of the subject matter to which the proposed rule(s), amendment(s), or rescission(s) relate;
4. the reason for proposing, amending, or rescinding the rule(s);
5. a statement that the rule(s) shall be available for review, free of charge, at the office of the GCPD executive secretary;
6. a statement that the notice of the public hearing and/or the full text/s of the rule(s) is available from the office of the GCPD executive secretary by any person who requests it and pays a fee not to exceed the cost of copying and mailing; and
7. a statement that the public hearing shall be conducted in accordance with Chapter 119. of the Ohio Revised Code.

At least thirty days before the public hearing for administrative rules for Chapter 119. of the Ohio Revised Code, the GCPD mails, by first-class postal mail or electronic mail, a notice of public hearing, with the request to notify the groups they represent about the public hearing, to organizations such as the RSC Consumer Advisory Council, the Ohio Department of Mental Health, Radio Reading Services in Ohio, and to the Americans with Disabilities Act (ADA) Ohio.

The notice of public hearing is made available in appropriate modes of communication that enable a person with a disability to access and respond to the information that is being communicated. It is made available to citizens in regular and large print, Braille, on audio tape and computer disk (Word or WordPerfect 5.1 for MS-DOS). The notice of public hearing is posted on the GCPD website at <http://www.GCPD.Ohio.gov>.

The rules are filed with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

PUBLIC PARTICIPATION IN GCPD'S ADMINISTRATIVE RULE(S) PUBLIC HEARING

The notice of public hearing invites any person affected by the proposed rule-making agency to appear and be heard at the GCPD public hearing. The purpose of this hearing is to provide the opportunity for any interested person or group to give testimony for or against the proposal(s)/amendment(s)/rescission(s) of the Ohio Administrative Code rules. Testimony for the proposal(s) or against it/them may be made either at the public hearing or in writing to the executive secretary of the GCPD before the public hearing. Questions about the rule(s) are not entertained at the public hearing, but may be addressed to the executive secretary either before or after the public hearing.

GCPD permits persons affected by a proposed rule(s), amendment(s), or rescission(s) to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both before and after the hearing. A person who presents a position, argument, or contention in this manner is not required to appear at the GCPD public hearing. Testimony is recorded at the hearing at GCPD's expense. GCPD transcribes a record that is *not sight readable* only if a person requests transcription of all or part of the record and agrees to reimburse GCPD for the cost of the transcription. GCPD may require advance payment for all or part of the transcription costs.

GCPD's executive secretary and the council review testimony received in response to or during the public hearing. If appropriate, changes are made to the rule and it is refiled with JCARR.

JCARR Hearing and Final Filing

After the GCPD public hearing, the GCPD's executive secretary attends a JCARR hearing. The GCPD, at one of its public meetings, approves the final filing and adoption of the rule(s). At this meeting, the public has a final opportunity to give comment on the rule(s) before final filing. The rule(s) are filed for adoption with JCARR and become effective as soon as ten days later.

This Guide to Public Participation in GCPD's Rule-Making Process is available in pamphlet form to any person upon request. Please contact GCPD at (614) 438-1391 (voice/TTY) in Columbus, and at 1-(800)-282-4536 extension 1391 (voice/TTY) outside of the Columbus area. GCPD may charge a fee for the copy, not to exceed the per copy cost of producing the pamphlet guide and the actual cost of delivering it to the person. This information is available on tape or computer disk (Word or WordPerfect 5.1 for MS-DOS), in Braille, and in large print if needed as a reasonable accommodation.

GCPD does not discriminate on the basis of age, color, national origin, race, sex, or type of disability.

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