

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4112-3-13
Rule Type: Amendment
Rule Title/Tagline: Subpoenas.
Agency Name: Ohio Civil Rights Commission
Division:
Address: 30 East Broad Street Fifth floor Columbus OH 43215
Contact: Stephanie Demers
Email: stephanie.demers@civ.ohio.gov **Phone:** 614-466-6255

I. Rule Summary

1. **Is this a five year rule review? Yes**
 - A. **What is the rule's five year review date? 10/18/2018**
2. **Is this rule the result of recent legislation? No**
3. **What statute is this rule being promulgated under? 119.03**
4. **What statute(s) grant rule writing authority? 4112.04**
5. **What statute(s) does the rule implement or amplify? 4112.04, 4112.05**
6. **What are the reasons for proposing the rule?**

Five-year review cycle.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule addresses issuance of subpoenas by and on behalf of the commission and provides respondents guidance in seeking issuance of subpoenas upon request. Further, the rule addresses witness and mileage fees, as well as the consequences for failure to obey an agency issued subpoena. The agency seeks to make the following amendments:

â€ Remove the quotation marks around Ohio Rules of Civil Procedure in paragraphs (A) and (B) as unnecessary.

â€ Remove the word "such" in paragraphs (C) and (D) y for grammatical purposes.

â€ Add section 2335.06 of the Revised Code (entitled Witness Fees in Civil Cases) when referencing witness fees shall be the same as paid by the common pleas courts to clarify the authority and payment of witness fees and mileage for witnesses.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**

Rule Summary and Fiscal Analysis

(Part A – General Questions)

4112-3-13
Rule Number

Existing – Five-year review (Amended)
TYPE of rule filing

Rule Title/Tag Line

Subpoenas.

Ohio Civil Rights Commission
Agency Name

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RULE SUMMARY

1. Is this a five-year rule review?

Yes.

a. If so, what is the rule's five-year review date?

10/21/2018

2. Is this rule the result of recent legislation?

No.

a. If so, what is the bill number, General Assembly and Sponsor?

Bill Number: **N/A**

General Assembly: **N/A**

Sponsor: **N/A**

3. What statute is this rule being promulgated under?

R.C. 4112.04.

4. What statute (s) grant the rule writing authority?

R.C. 119.03.

5. What statute(s) does the rule implement or amplify?

Sections 4112.04 and 4112.05 of the Revised Code.

6. What are the reasons for proposing (i.e., why are you filing,) the rule?

Five-year review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule addresses issuance of subpoenas by and on behalf of the commission and provides respondents guidance in seeking issuance of subpoenas upon request. Further, the rule addresses witness and mileage fees, as well as the consequences for failure to obey an agency issued subpoena.

The agency seeks to make the following amendments:

- **Remove the quotation marks around Ohio Rules of Civil Procedure in paragraphs (A) and (B) as they are unnecessary.**
- **Remove the word "such" in paragraphs (C) and (D) for grammatical purposes.**
- **Add section 2335.06 of the Ohio Revised Code (entitled Witness Fees in Civil Cases) when referencing witness fees shall be the same as paid by the common pleas courts to clarify the authority and payment of witness fees and mileage for witnesses.**

8. Does the rule incorporate material by reference?

Yes. Chapter 4112 of the Revised Code generally and 4112.04(B)(3) specifically; rule 4112-3-12 of the Administrative code; the Ohio Rules of Civil Procedure; and if amended, R.C. 2335.06.

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not applicable.

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed rule.

Not applicable.

Fiscal Analysis

11. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

Not applicable.

12. What are the estimated costs of compliance of all persons and/or organizations directly affected by the rule?

None.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).

No.

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA, Part C).

No.

Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common-Sense Initiative Office?

Not applicable.

16. Does this rule have an adverse impact on business?

No.

- a. Does this rule require a license, permit or any other prior authorization to engage in or operate a line of business?
- b. Does this rule impose a criminal penalty, a civil penalty or another sanction, or create a cause of action for failure to comply with its terms?
- c. Does this rule require specific expenditures or the report of information as a condition of compliance?

No to all.