

Rule Summary and Fiscal Analysis (Part A)**Department of Public Safety**

Agency Name

Division

Tammy Little

Contact

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4501:3-1-01

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Public hearing notice.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **R.C. 5502.25**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 5502.25**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This filing is based on a R.C. 119.032, five-year review of Rule 4501:3-1-01 of the Ohio Administrative Code. To update the rule and improve Department rule organization, this rule is being proposed for rescission and simultaneously a new amended version of the rule (similar title and number) is being proposed for adoption.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule entitled "Public notice" sets forth the procedure for the Ohio emergency management agency to give public notice of, and the agenda of meetings when required by section 121.22 of the Revised Code. The proposed new version of the rule removes existing rule provisions regarding public notice of hearings on rulemaking because concurrent with this filing, the Department is proposing relocation of a rule (on this topic) to a location more readily apparent as applicable to all divisions of the Department of Public Safety. That proposed rule (4501-3-01) provides requirements for notice of public hearings regarding the proposed adoption, amendment or rescission of an administrative rule, making part of this rule unnecessary. Ohio EMA will retain the notice of public meetings portion of this rule.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

While this rule references the Revised Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C. 121.71 to R.C. 121.75.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

While this rule references the Revised Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C. 121.71 to R.C. 121.75.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

While this rule references the Revised Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C. 121.71 to R.C. 121.75.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: 8/30/2006

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. 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.

This will decrease expenditures.

\$536 (approximately)

In the event the Ohio Emergency Management Agency proposes future administrative rule changes, then rescission of this rule's requirement to publish notices of public hearings on proposed rulemaking in a newspaper in Franklin County will result in a decrease in agency expenditures (approximately \$536, the cost of placing a newspaper advertisement).

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

We do not expect this rule filing to increase the cost of compliance.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**