

Rule Summary and Fiscal Analysis (Part A)**State Board of Emergency Medical, Fire, and Transportation Services**

Agency Name

Division

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4765-20-04

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Application for a certificate of fire training.**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: **4765.55**

5. Statute(s) the rule, as filed, amplifies or implements: **4765.55**

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

This rule is being filed pursuant to a completed R.C. 119.032 five-year rule review. This rule is being proposed for rescission due to LSC's fifty percent guideline. It is estimated that changes to the rule strike approximately half of the existing text while adding a comparable amount of new text. This rule is simultaneously being proposed as a new rule under the same rule number.

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 sets forth the application process for firefighter, fire safety inspector, and instructor.

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:

The material incorporated by reference in this rule includes agency applications. While these forms are commonly known and made generally available to affected persons, this rule did not originally address these materials in compliance with sections 121.71 to 121.74 of the Revised Code. This rule is simultaneously proposed for rescission and adoption under this same rule number, in part, to address these materials. The new rule, under this same rule number, will refer readers to rule 4765-11-01(N) (See filing package 114977) where all materials incorporated by reference in Chapter 4765-11 and Chapters 4765-20 to 4765-23 are addressed.

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:

In compliance with R.C. 121.73, the agency forms, correctly entitled "Firefighter or Fire Safety Inspector Initial Application" and "Fire, Assistant Fire and/or Fire Safety Inspector Instructor Initial Application," are being filed as part of new rule 4765-11-01 (See filing package 114977), which addresses the version/date of incorporated materials, as well as where they may be accessed.

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:

In compliance with R.C. 121.73, the agency forms, correctly entitled "Firefighter or Fire Safety Inspector Initial Application" and "Fire, Assistant Fire and/or Fire Safety Inspector Instructor Initial Application," are being filed as part of new rule 4765-11-01 (See filing package 114977), which addresses the version/date of

incorporated materials, as well as where they may be accessed.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **1/16/2014**

(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 have no impact on revenues or expenditures.

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The rescission of this rule is not expected to impact the agency's budget in the current biennium.

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

N/A

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:

It is estimated that the rescission of this rule will not result in any costs of compliance for stakeholders.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

This rule is being rescinded and simultaneously proposed for adoption under this same rule number. This rule, in and of itself, does not require prior authorization to engage in business. However, it is part of a filing package that does, as some provisions in Chapter 4765-20 require firefighters and fire safety inspectors to apply for the appropriate certificate issued by the EMS executive director prior to engaging in fire services.

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? **Yes**

This rule is being rescinded and simultaneously proposed for adoption under this same rule number. However, this rule provided that failure to comply with the terms set forth in this rule may result in an application for firefighter/instructor or fire safety inspector/instructor to be deemed incomplete.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule is being rescinded and simultaneously proposed for adoption under this same rule number. However, this rule required applicants who had been convicted of specific offenses to submit a certified copy of the police report, judgment entry and BCI&I background check within sixty days of the final sentencing. The individual may have incurred fees up to \$60.00 which includes \$35.00 for the background check, \$15.00 for the police report and \$15.00 for the judgment entry as a condition of compliance. Costs were obtained from the "Frequently Asked Questions" page on the Ohio Attorney General web site which can be found at <http://www.ohioattorneygeneral.gov/FAQ>.

