

Rule Summary and Fiscal Analysis (Part A)**Ohio Public Defender Commission**

Agency Name

Division

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Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

**Recoupment, contribution, partial payment, and marginally
indigent programs.****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: **111.15**

4. Statute(s) authorizing agency to adopt the rule: **120.03(B)**

5. Statute(s) the rule, as filed, amplifies or implements: **120.05(B)**

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

This rule is being rescinded as part of the update Chapter 120 of the Ohio Administrative Code. This rule will be replaced with a new rule due to changes in text that exceeded 50% of the current rule as it exists. The purpose of the update is clarify the rules approved by the Ohio Public Defender Commission in language that is more clear, accessible and hopefully lends itself to less confusion. The rules have not been updated since 2000, and both the Ohio Public Defender and the Ohio Public Defender Commission felt that revisions and updates were necessary both to bring our agency into compliance with the review process and to give better guidance to those who provide for representation of indigent defendants.

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:

The rule established permissive guidelines for recoupment of costs from defendants whose income exceeded 125% of the Federal Poverty Guidelines.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

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

The only change that has been made was to the section that identifies the rule as being subject to the five year review and that it is not subject to an exemption.

12. 119.032 Rule Review Date: **7/21/2009**

(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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Not applicable.

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:

Not applicable.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

There should be little to minimum cost of compliance with this rule because all of the resources to implement a recoupment program already exist at the county level. If anything some counties stand to gain from implementing a recoupment program and the fiscal effect on the counties should be a positive one of seeing increased revenues. However this rule is to be rescinded and replaced with a new one.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

There is no concrete way of coming up with a method for how much revenue this will bring to the counties.

(a) Personnel Costs

There should be no personnel cost to the counties associated with the rule change.

(b) New Equipment or Other Capital Costs

There should be no equipment or capital cost related to this rule.

(c) Operating Costs

There should be no increase in operating costs related to this rule.

(d) Any Indirect Central Service Costs

There should be no indirect costs related to this rule.

(e) Other Costs

There should be no other foreseeable cost related to this rule.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

This rule as it exists is to be rescinded consequently there is no impact on the agency's or counties ability to pay.

7. Please provide a statement on the proposed rule's impact on economic development.

There should be no economic impact as a result of this rule.