

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

Agency Name

Division

Tom Simmons

Contact

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173-1-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Adoption, amendment, and rescission of administrative rules.**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: **173.02**

5. Statute(s) the rule, as filed, amplifies or implements: **119.03**

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

The Department of Aging is proposing this amended rule pursuant to Sub. H. B. No. 473 of the 121st General Assembly (R.C. 119.032), which requires state agencies to review each of their rules every five years and determine whether to continue without change, amend, or rescind them. When the rule was posted on the agency's web site for a two-week public comment period beginning on February 7, 2007, it received only one comment, which was a comment that thanked the agency for amending the rule. Thus, the Department of Aging is proceeding with this proposed amended rule.

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 governs the requirements of the Department of Aging when notifying the public of its intention to adopt, amend, or rescind an administrative rule. The proposed amended rule contains the following changes: (1) The current rule exclusively requires ODA to post a notice to the twelve area agencies on aging (AAAs) when it files a rule with the Joint Committee on Agency Rule Review (JCARR). This is in disagreement with section 119.03 of the Revised Code, which requires the notice to be a "reasonable public notice...given in the register of Ohio." Therefore, this proposed amended rule requires ODA to post a "public" notice in the Register of Ohio whenever it files a rule with JCARR. (2) The proposed new rule clarifies that when a person who is affected by the proposed rule requests a copy of the public notice, ODA shall provide the notice free of charge, whether electronically or by hard copy. (3) The proposed new rule makes other changes that bring the language of the rule into compliance with the Rule Drafting Manual ("Rule Drafting Manual." Ohio legislative Service Commission. 4th Ed. May, 2006) and that provide the consistent use of terms without changing the intent, function, or meaning of the 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:

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:

Not Applicable.

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: **2/26/2007**

(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.

\$0.00

The Department of Aging does not anticipate any increase nor decrease in expenditures appropriated to the Department in the current biennium.

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

GRF-490-321 (Operating Expenses)

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:

There is no cost of compliance to directly affected persons because the rule states that a directly affected person will receive a copy of a public notice free of charge.

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**