

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

Agency Name

Division

Tom Simmons

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173-1-01

Rule Number

RESCISSION

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:

In its original filing, ODA is proposed to rescind this rule because it seemed redundant and unnecessary. ODA first adopted the rule adopted in 1979. Later, after the enactment of Am. Sub. S.B. No. 11 (123rd G.A.) in 2002, the rule language was preempted by division (A) of section 119.03 of the Revised Code. For the most part, the rule restated division (A) of section 119.03 of the Revised Code.

Later, ODA decided to maintain such a rule, although under rule number "173-1-02," because the rule also says what request by a person for a copy of the notice ODA considers reasonable under division (A) of section 119.03 of the Revised Code. Thus, while ODA is proposing to rescind the rule language about

hearing notices under this rule number, it is simultaneously proposing to adopt similar language under rule number "173-1-02."

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 that ODA is proposing for rescission restates division (A) of section 119.03 of the Revised Code and says what request by a person for a copy of the notice it considers reasonable under division (A) of section 119.03 of the Revised Code. The rule says that ODA shall provide a copy of the notice to a person who is affected by rule proposal free of charge, whether electronically or by hard copy. It also says that ODA shall provide an electronic copy of the notice, free of charge, to any person not affected by the rule, but requires such a person to pay for the costs of distributing a hard copy of the notice.

The rule language is comparable to rules adopted by other agencies, such as the Ohio Attorney General's rule 109-1-01 of the Administrative Code, the Ohio Secretary of State's rule 111-7-01 of the Administrative Code, and the Ohio Department of Development's rule 122-1-01 of the Administrative Code.

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:

On April 15, 2009, ODA refiled this rule proposed for rescission to revise this RSFA.

12. 119.032 Rule Review Date: **2/18/2009**

(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.

\$0.00

ODA does not estimate that the proposed rescission of this rule would have any impact upon the biennial budget that the General Assembly established for ODA.

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:

Because the rule-filing process will not be changed by the proposed rescission of

this rule, ODA estimates that there will be no cost of compliance to any directly-affected person as a result of the proposed rescission of this rule.

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**