

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-1-02

Rule Type: New

Rule Title/Tagline: Public hearing notices for rule proposals.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 121.07, 173.01, 173.02
5. What statute(s) does the rule implement or amplify? 119.03
6. What are the reasons for proposing the rule?

As part of a project with the Common Sense Initiative and Innovation Ohio, ODA has reviewed this rule to remove requirements for outdated modes of communication from rules.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This proposed new rule will point towards the requirements for notices of public hearings on rule proposals in Section 119.03 of the Revised Code.

ODA proposes to adopt this new rule to replace the current version of rule 173-1-02 of the Administrative Code, which ODA simultaneously proposes to rescind to comply with the 50% guideline in 4.3.1 of the Legislative Service Commission's (LSC's) "Rule Drafting Manual," 5th ed. (June, 2020).

The following is a list of differences between the proposed new rule and the rule being proposed for rescission:

1. Rather than unnecessarily repeating requirements in section 119.03 of the Revised Code for the content and provision of notices, ODA proposes to indicate that the requirements are in section 119.03 of the Revised Code. In doing so, ODA removes the following from this rule: (A) words that indicate outdated modes of communication ("copy," "paper copy," "copying," "mailing," and "postmarked"), and (B) 6 of the rule's 7 regulatory restrictions.

2. ODA proposes to indicate in paragraph (A) of this rule that it is not required to give public notice in the Register of Ohio for a public hearing for an emergency rule, because section 119.03 of the Revised Code does not require a public hearing before adopting an emergency rule.

3. ODA proposes to inform the public that any person may subscribe to receive email announcements of public-comment periods and public hearings on rules on <https://aging.ohio.gov/subscribe>.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

The proposed adoption of this new rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th General Assembly), especially because ODA proposes for this rule to replace a substantially similar rule of the same number.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There are no costs of compliance to any person or organization associated with the proposed adoption of this new rule.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No

17. Does this rule have an adverse impact on business? No

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

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? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 6

(A) "In the notice, ODA shall include the following...."

(A)(4) "..., which ODA shall set no earlier than the thirty-first more later than the fortieth day after...."

(B) "ODA shall promptly provide an electronic copy...."

(B) "ODA shall promptly provide a paper copy...."

(B) "ODA shall provide the paper copy...."

(B) "Although ODA shall respond to all requests for a paper copy promptly,...."