

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

Agency Name

Division

Tom Simmons

Contact

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173-1-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Public hearing notices for rule proposals.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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:

ODA recently proposed to rescind rule 173-1-01 of the Administrative Code because it was preempted by section 119.03 of the Revised Code and, for the most part, it restated that statute. Since that proposed rescission, ODA has decided to file a proposed new rule in its place that is substantially similar to the current rule, but under number "173-1-02," not "173-1-01."

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 proposed new rule restates division (A) of section 119.03 of the Revised Code and 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.

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:

On April 15, 2009, ODA revised this proposed new rule to:

1. Restate a portion of division (A) of section 119.03 of the Revised Code, instead of merely citing the statute, and numbering that as paragraph (A) of this proposed new rule.

2. Add a paragraph (B) to this rule that 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. The proposed new rule now 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 may require such a person to pay for the costs of distributing a hard copy of the notice.

These two changes make the proposed new rule similar to the rule that ODA is proposing to replace and similar to comparable rules at 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.

In addition to the above two changes, ODA revised this proposed new rule to revise this RSFA.

12. 119.032 Rule Review Date:

(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 estimates that the proposed adoption of this new rule will have no impact upon the biennial budget the Ohio General Assembly has 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:

ODA estimates that no directly-affected persons will be affected by the proposed

adoption of this new 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**