

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**To Be Rescinded**

**5122-1-02 Public hearings and method of notice.**

(A) Public hearings

- (1) The department shall conduct a public hearing for all administrative rules filed in compliance with Chapter 119. of the Revised Code.
  - (a) Any person affected by the proposed action of the department concerning such rules may appear and be heard in person. The person, the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful.

Persons unable to attend the hearing may present their positions, arguments, or contentions in writing. Such written materials must be received by the department no later than the day of the public hearing in order to be included in the hearing record.
  - (b) At the hearing, the testimony shall be recorded. The department will not routinely transcribe the recording unless a person requests transcription of all or part of the record and agrees to reimburse the department for the costs of the transcription. The department reserves the right to require the requesting person to pay in advance all or part of the cost of the transcription.

(B) Method of notice for public hearings

- (1) At least thirty days before the public hearing, the department shall prepare a notice of public hearing which includes all of the following:
  - (a) A statement of the department's intent to propose, amend, or rescind rules;
  - (b) A general statement of the subject matter to which the proposed rules, amendments, or rescissions relate;
  - (c) The reason or purpose for adopting, amending, or rescinding the rule(s);
  - (d) A statement that a copy of the rule(s) shall be available for review at the department's central office; and
  - (e) The date, time, and place of the hearing.
- (2) The department shall provide a copy of the public notice to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.
- (3) At least thirty days before the public hearing, the department shall submit the notice of public hearing to the legislative service commission for publication in the register of Ohio.