

**TESTIMONY ON HB 685**  
**House State Government Committee**  
**The Honorable Stephen Buehrer, Chair**  
**Tuesday, December 5, 2006**  
**Ann Henkener, State Government Specialist, League of Women Voters of Ohio**

Good afternoon, Chairman Buehrer and members of the State Government Committee. My name is Ann Henkener and I am a volunteer lobbyist for the League of Women Voters of Ohio.

The League of Women Voters has strong positions in favor of efficiency and economy in government, coordination among the different levels of government, and a dynamic balance between the executive and legislative branches. These positions lead us directly to our concerns with HB 685. First, it could have the effect of having the legislative branch intrude on the functions of the executive branch, and, secondly, it could introduce unnecessary delay in permitting an agency to adopt rules governing its functions.

The purpose of an administrative rule is to require the executive branch of government to amplify a law passed by the legislative branch and publicly indicate how it is going to administer that law. Rules are to give information to the public.

The law currently provides that administrative agencies must file a fiscal analysis along with filing a proposed rule. That fiscal analysis requires an estimate of the cost of compliance with the rule to all directly affected persons. If this is not filed, JCARR can invalidate the rule. HB 685 would require, in addition, an analysis of any increased or decreased regulatory burden on Ohio business, an analysis of the cost to Ohio businesses of regulatory compliance, and any other information needed to explain any significant economic impact the proposed rule is reasonably likely to have on Ohio businesses.

The League believes that it is important to consider the impact of a rule on the public, including businesses as well as individuals. However, to require an agency to make this analysis of private businesses seems to be counterproductive. This is not information an agency would necessarily retain. It would be expensive and time-consuming, imposing delay into the process. The reason for public hearings is to hear from the public, both individuals and businesses, about the impact on them. Who is in a better position to articulate the costs of regulation on a business, or the changes in the time required to obtain or license or permit, than the businesses themselves. Transcripts are made of the public hearings and that information is available to both the agency and JCARR as each performs its role in the rule-making process.

Our second concern is about the more intrusive role this would provide to JCARR. The rule would permit the legislature, by way of JCARR, to impose a 60 day delay in the already lengthy process of adopting rules if JCARR determined that the fiscal analysis was incomplete or inaccurate. Considering the subjective nature of a prospective fiscal impact analysis, this determination could be made frequently and arbitrarily. The legislature, through the use of JCARR, should not be permitted to interfere with the rule-making process in this manner.

There are other provisions with which the League does not agree. For example, the \$50 fee merely makes the process more cumbersome and adds an administrative burden with little if any purpose. Primarily, however, this legislation should not pass because it introduces additional burden and delay to a process intended on informing the public, and because it permits unwarranted intrusion by the legislative branch into functions belonging to the executive branch.

Thank you for this opportunity to express our concerns.

*The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.*