

**As Introduced**

**128th General Assembly  
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**H. B. No. 230**

**Representatives Moran, Zehringer**

**Cosponsors: Representatives Blair, Book, DeGeeter, Domenick, Gardner,  
Garland, Goyal, Murray, Sayre, Slesnick, Stewart, Williams, B.**

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**A B I L L**

To amend sections 103.051, 103.0511, 121.24, 122.08, 1  
122.081, and 127.18 and to enact sections 121.81, 2  
121.811, 121.812, 121.813, 121.814, 121.815, 3  
121.82, 122.084, and 3745.016 of the Revised Code 4  
to enact the Common Sense Regulation Act to 5  
improve state agency regulatory processes, 6  
especially as they relate to small businesses, to 7  
require state departments to develop customer 8  
service training programs, and to require the 9  
director of environmental protection to provide 10  
environmental regulatory compliance assistance to 11  
small businesses. 12

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 103.051, 103.0511, 121.24, 122.08, 13  
122.081, and 127.18 be amended and that sections 121.81, 121.811, 14  
121.812, 121.813, 121.814, 121.815, 121.82, 122.084, and 3745.016 15  
of the Revised Code be enacted to read as follows: 16

**Sec. 103.051.** The "Register of Ohio" is an electronic 17  
publication that functions as a gazette to which members of the 18

public may readily resort for notice of and information about 19  
rule-making processes. The director of the legislative service 20  
commission shall publish the register. The register is to include 21  
all rule-making documents that are required by statute to be 22  
published in the register and a link to the centralized electronic 23  
system for regulatory notification. The director shall display the 24  
register free of charge on the internet, and shall ensure that 25  
printed copies of all or part of a document published in the 26  
register can be easily produced by users of the internet. 27

The director, taking into consideration the public notice and 28  
information functions performed by the register, shall update the 29  
register at reasonable intervals, but not less often than weekly. 30  
The director shall establish a reasonable deadline before each 31  
updating. A document received by the director on or before a 32  
deadline is to be published in the register upon the register's 33  
next updating. The director shall purge a document from the 34  
register when its display no longer serves the public notice and 35  
information functions performed by the register. 36

The director upon request of any person shall provide the 37  
person with a printed copy of all or part of a document published 38  
in the register. The director may charge and collect a fee for 39  
this service. Any such fee is not to exceed the actual cost of 40  
printing and delivering the printed copy to the person requesting 41  
it. The director shall deposit the fees into the state treasury to 42  
the credit of the register of Ohio fund. 43

**Sec. 103.0511.** The director of the legislative service 44  
commission shall establish and maintain, and enhance and improve, 45  
an electronic rule-filing system connecting: 46

(A) The legislative service commission, the joint committee 47  
on agency rule review, the secretary of state, and the ~~office of~~ 48  
entrepreneurship and small business division; 49

(B) The governor, the senate and house of representatives, 50  
and the clerks of the senate and house of representatives; 51

(C) Each agency that files rules and other rule-making and 52  
rule-related documents with the legislative service commission, 53  
the joint committee on agency rule review, the governor, the 54  
secretary of state, the ~~office of~~ entrepreneurship and small 55  
business division, the general assembly, or a committee of the 56  
senate or house of representatives under section 111.15, 117.20, 57  
119.03, 119.031, 119.032, 119.0311, 119.04, 121.24, 121.39, 58  
127.18, 4141.14, 5117.02, or 5703.14 of the Revised Code or any 59  
other statute; 60

(D) The several publishers of the Administrative Code; and 61

(E) Any other person or governmental officer or entity whose 62  
inclusion in the system is required for the system to be a 63  
complete electronic rule-filing system. 64

The electronic rule-filing system is to enable rules and 65  
rule-making and rule-related documents to be filed, and official 66  
responses to these filings to be made, exclusively by electronic 67  
means. 68

**Sec. 121.24.** (A) As used in this section: 69

(1) "Agency" means any agency as defined in division (A)(2) 70  
of section 111.15 or division (A) of section 119.01 of the Revised 71  
Code. 72

(2) "Employee" means a person who is employed by a small 73  
business or small organization for at least one thousand eight 74  
hundred hours per year. 75

(3) A rule is "filed in final form" when it is filed with the 76  
secretary of state, the director of the legislative service 77  
commission, and the joint committee on agency rule review under 78  
division (B)(1) of section 111.15, division (A)(1) of section 79

119.04, division (B)(1) of section 4141.14, or division (A) of 80  
section 5703.14 of the Revised Code. 81

(4) "History trail" means the supplementary information 82  
required to be provided on each copy of a proposed rule, which 83  
information is not part of the text of the rule, and sets forth 84  
the statute prescribing the procedure in accordance with which the 85  
proposed rule is required to be adopted, the statute that 86  
authorizes the agency to adopt the proposed rule, the statute that 87  
the agency intends to amplify or implement by adopting the 88  
proposed rule, the effective dates of any previous versions of the 89  
rule that is the subject of the proposal, and other similar 90  
information as prescribed in rules of the legislative service 91  
commission. 92

(5) "Individual" means any individual who is affected by a 93  
rule in the individual's capacity as an officer or employee of a 94  
small business or small organization. 95

(6) "Rule summary and fiscal analysis" means a rule summary 96  
and fiscal analysis of a proposed rule that provides the 97  
information required by division (B) of section 127.18 of the 98  
Revised Code, and that has been prepared in the form prescribed by 99  
the joint committee on agency rule review under division (E) of 100  
that section. 101

(7) "Rate" means any rate, classification, fare, toll, 102  
rental, or charge of a public utility. 103

(8) "Rule" means any rule, regulation, or standard having a 104  
general and uniform operation, including any appendix thereto, 105  
that is adopted, promulgated, and enforced by an agency under the 106  
authority of the laws governing the agency. "Rule" includes the 107  
adoption of a new rule or the amendment or rescission of an 108  
existing rule. "Rule" does not include any of the following: 109

(a) A rule proposed under section 1121.05, 1121.06, 1155.18, 110

1163.22, or 1349.33 of the Revised Code;	111
(b) A rule governing the internal management of an agency that does not affect private rights;	112 113
(c) A rule authorized by law to be issued as a temporary written order;	114 115
(d) Except as otherwise provided in division (A)(8)(d) of this section, a rule or order, whether of a quasi-legislative or quasi-judicial nature, proposed by the public utilities commission. Any rule or order, whether of a quasi-legislative or quasi-judicial nature, proposed by the public utilities commission that determines a rate of a public utility to be just and reasonable is a "rule" for purposes of this section, unless the rule or order contains findings that the public utility, in applying for approval of the rate under section 4909.18 of the Revised Code, stated facts and grounds sufficient for the commission to determine that the proposed rate was just and reasonable.	116 117 118 119 120 121 122 123 124 125 126 127
(e) A proposed rule, the adoption of which is mandated by a federal law or rule, and which must be adopted substantially as prescribed by federal law or rule, to become effective within one hundred twenty days of adoption, so long as the history trail of the proposed rule contains a statement that it is proposed for the purpose of complying with a federal law or rule and a citation to the federal law or rule that mandates substantial compliance;	128 129 130 131 132 133 134
(9) "Small business" means an independently owned and operated business having fewer than four hundred employees.	135 136
(10) "Small organization" means an unincorporated association, sheltered workshop, or nonprofit enterprise having fewer than four hundred employees. This definition is not limited to the types of small organizations expressly mentioned, and includes all other types of small organizations, so long as such	137 138 139 140 141

organizations have fewer than four hundred employees. 142

(B) If an agency intends to adopt a rule, and reasonably 143  
believes that the proposed rule, if adopted, will be likely to 144  
affect individuals, small businesses, or small organizations, the 145  
agency shall comply with the following procedure in adopting the 146  
rule, in addition to any other procedure required by section 147  
111.15, 119.03, 119.032, 119.04, 127.18, 4141.14, or 5117.02 of 148  
the Revised Code or any other statute of this state: 149

(1) The agency shall prepare a complete and accurate rule 150  
summary and fiscal analysis of the original version of the 151  
proposed rule. 152

(2) After complying with division (B)(1) of this section, and 153  
at least sixty days before the agency files the proposed rule in 154  
final form, the agency shall file with the ~~office of~~ 155  
entrepreneurship and small business division, in electronic form, 156  
the full text of the original version of the proposed rule and the 157  
rule summary and fiscal analysis of such proposed rule. 158

(3) During a period commencing on the date the original 159  
version of the proposed rule is filed pursuant to division (B)(2) 160  
of this section and ending forty days thereafter: 161

(a) The chairperson of the standing committee of the senate 162  
or house of representatives having jurisdiction over individuals, 163  
small businesses, or small organizations, or any other person 164  
having an interest in the proposed rule, may submit comments in 165  
electronic form to the agency, to the joint committee on agency 166  
rule review, or to both, concerning the expected effect of the 167  
proposed rule, if adopted, upon individuals, small businesses, and 168  
small organizations. The agency and joint committee shall accept 169  
all such timely submitted written comments. 170

(b) The chairperson of the standing committee of the senate 171  
or house of representatives having jurisdiction over individuals, 172

small businesses, or small organizations, in electronic form, may 173  
request the agency to appear before the committee and testify, 174  
answer questions asked by members of the committee, and produce 175  
information in the possession of the agency as requested by the 176  
committee, concerning the expected effect of the proposed rule, if 177  
adopted, upon individuals, small businesses, or small 178  
organizations. Upon receipt of a request from the chairperson of 179  
the appropriate standing committee of the senate or house of 180  
representatives under division (B)(3)(b) of this section, the 181  
agency shall designate an officer or employee of the agency to 182  
appear before the committee, and shall otherwise comply with the 183  
request, in the manner directed by the request. 184

(4) The agency shall not proceed to file the proposed rule in 185  
final form until it has considered any comments timely submitted 186  
to it under division (B)(3)(a) of this section, has identified the 187  
issues raised by the comments, has assessed the proposed rule in 188  
light of the issues raised by the comments, and has made such 189  
revisions in the proposed rule as it considers advisable in light 190  
of its assessment. 191

An agency is not required to put any revised version of a 192  
proposed rule through the procedure of divisions (B)(1) to (4) of 193  
this section. 194

(C) Any original version of a proposed rule, rule summary and 195  
fiscal analysis, or written comment filed or submitted under 196  
division (B) of this section shall be preserved by the agency with 197  
which it is filed or to which it is submitted, and is a public 198  
record open to public inspection. 199

(D) Each agency shall prepare a plan that provides for the 200  
periodic review, at least once every five years, of each rule of 201  
the agency that is not otherwise subject to review under section 202  
119.032 of the Revised Code and that affects individuals, small 203  
businesses, or small organizations. The purpose of each periodic 204

review shall be to determine whether the rule that is being 205  
reviewed should be continued without change or amended or 206  
rescinded, consistent with the purpose, scope, and intent of the 207  
applicable statute authorizing adoption of the rule, so as to 208  
minimize the economic impact of the rule upon individuals, small 209  
businesses, or small organizations. Accordingly, in making each 210  
periodic review of a rule, the agency shall consider the continued 211  
need for the rule, the nature of any written complaints or 212  
comments that the agency has received with regard to the rule, the 213  
extent to which the rule duplicates, overlaps, or conflicts with 214  
other currently effective rules, and the degree to which 215  
technology, economic conditions, and other relevant factors have 216  
changed in the area affected by the rule. 217

Each agency shall annually report to the governor and general 218  
assembly, with regard to each of its rules that have been reviewed 219  
under this division during the preceding calendar year, the title 220  
and administrative code rule number of the rule, a brief summary 221  
of the content and operation of the rule, and a brief summary of 222  
the results of the review. If the agency is otherwise required to 223  
make an annual report to the governor and general assembly, the 224  
agency shall report this information in an appropriately 225  
designated section of its annual report, whether its annual report 226  
is in print or electronic form or both. If, however, the agency is 227  
not otherwise required to make an annual report to the governor 228  
and general assembly, the agency, on or before the first day of 229  
February, shall report this information in a separate report, in 230  
~~electonic~~ electronic form, to the governor and general assembly. 231  
In addition to the submissions required by section 101.68 of the 232  
Revised Code, and in addition to any requirement of that section 233  
to submit notice of the availability of a report instead of copies 234  
of the report, the agency shall submit its annual or separate 235  
report in electronic form, which provides the information required 236  
by this division, to the chairpersons of the standing committees 237



of the senate and house of representatives having jurisdiction 238  
over individuals, small businesses, and small organizations. 239

Each agency having rules in effect on January 1, 1985, that 240  
affect individuals, small businesses, or small organizations shall 241  
divide those rules into groups, so that at least one-fifth of 242  
those rules are reviewed during each year of a five-year period 243  
commencing on January 1, 1985. A rule that is newly adopted after 244  
January 1, 1985, shall be reviewed five years after its effective 245  
date. When a rule has once been reviewed, it shall thereafter be 246  
reviewed again at five-year intervals. 247

(E) Each agency shall designate an individual or office 248  
within the agency to be responsible for complying with this 249  
division. Each individual or office that has been so designated 250  
shall, within ten days after receiving a request therefor from any 251  
person: 252

(1) Provide the person with copies of any rule proposed by 253  
the agency that would affect individuals, small businesses, or 254  
small organizations; 255

(2) Provide the person with copies of the rule summary and 256  
fiscal analysis of any rule proposed by the agency that would 257  
affect individuals, small businesses, or small organizations; or 258

(3) Find, collate, and make available to the person any 259  
information in the possession of the agency regarding a rule 260  
proposed by the agency, which information would be of interest to 261  
individuals, small businesses, or small organizations. 262

The agency shall inform the ~~office of~~ entrepreneurship and 263  
small business division in writing of the name, address, and 264  
telephone number of each individual or office designated under 265  
this division. The agency shall promptly inform the ~~office of~~ 266  
entrepreneurship and small business division in writing of any 267  
change in the information thus provided. 268

(F) Division (B) of this section does not apply to any emergency rule adopted under division (B)(2) of section 111.15 or division (F) of section 119.03 of the Revised Code, except that the emergency rule becomes subject to such division when it is adopted pursuant to the procedure of section 111.15 or 119.03 of the Revised Code for the adoption of rules not of an emergency nature.

(G) The department of taxation shall provide a copy of the full text of any rule proposed by the department that may affect any business in electronic form to the ~~office of~~ entrepreneurship and small business division, and the department shall designate an office within the agency responsible for providing a copy of any such rule within ten days of receiving a request from any person.

Sec. 121.81. As used in sections 121.81 and 121.811 to 121.815 of the Revised Code:

(A) "Rule" means the adoption of a new rule or the amendment or rescission of an existing rule. "Rule" does not include an emergency rule, but does include a rule that is to replace an emergency rule upon its expiration.

(B) A "small business" is an independently owned and operated for-profit or nonprofit business entity, including affiliates, and regardless of legal form, that has fewer than four hundred employees.

(C) A "state agency" is a discrete unit that is organized as a part of, and that carries out one or more functions of, state government and that is authorized or required by statute to adopt rules. "State agency" does not include the elected state officers or their offices, the general assembly or any legislative agency, or the courts or any judicial agency.

Sec. 121.811. Sections 121.81 and 121.812 to 121.815 of the

Revised Code are the Common Sense Regulation Act. 299

Sec. 121.812. (A) On and after July 1, 2010, in the course of 300  
developing a rule for proposal and adoption, and in any event 301  
before proposing the rule by filing it under divisions (D) and (E) 302  
of section 111.15 or divisions (B) and (H) of section 119.03 of 303  
the Revised Code, a state agency shall evaluate the rule in light 304  
of each of the following considerations: 305

(1) Whether the rule is necessary to give effect to the 306  
statute that underlies the rule; 307

(2) Whether the rule unnecessarily duplicates a federal 308  
regulation or the rules of the state agency or of another state 309  
agency; 310

(3) Whether the state agency has notified all interested 311  
persons who have registered through the centralized electronic 312  
system for regulatory notification to receive notice that the 313  
agency is developing and drafting the rule for proposal and 314  
adoption, and whether the state agency has afforded those persons 315  
an opportunity to comment to the state agency concerning the 316  
substance and the drafting of the rule; 317

(4) Whether the rule is drafted so that its desired outcome 318  
will be achieved, and whether the desired outcome of the rule is 319  
based on the best information, including scientific and technical 320  
data, that reasonably can be obtained; 321

(5) Whether the rule will be understandable to the persons to 322  
whom the rule is addressed; 323

(6) Whether the rule can be applied consistently by the state 324  
agency to the persons who will be affected by the rule; 325

(7) Whether, when achieving its underlying regulatory 326  
objectives, the rule is a reasonable balance between its 327  
underlying regulatory objectives and the regulatory burden it 328

<u>imposes;</u>	329
<u>(8) Whether it would be advisable for the rule to expire on a specific future date.</u>	330 331
<u>(B) The state agency shall prepare a report of its evaluation of the rule. The director of administrative services shall prescribe the form of the report, designing the form so that it will elicit from a state agency when the form is completed whether the state agency has evaluated a rule in light of all the considerations listed in divisions (A)(1) to (8) of this section. The form in addition shall require the state agency to explain the following in particular:</u>	332 333 334 335 336 337 338 339
<u>(1) If the rule is duplicative, why the duplication is necessary;</u>	340 341
<u>(2) If the state agency has not notified all interested persons who have registered through the centralized electronic system for regulatory notification to receive notice that the agency is developing and drafting the rule for proposal and adoption, why this is the case; and</u>	342 343 344 345 346
<u>(3) If the rule, when achieving its regulatory objectives, is not a reasonable balance between its underlying regulatory objectives and the regulatory burden it imposes, why this is the case.</u>	347 348 349 350
<u>(C) The head of the state agency or the state agency's chief legal officer shall review the rule and the report for clarity to ensure the state agency has made a good faith effort to evaluate the rule in light of the considerations. The state agency's report shall indicate whether the head of the state agency or the state agency's chief legal officer has completed this review.</u>	351 352 353 354 355 356 357
<u>(D) The state agency shall transmit a copy of its report electronically to the director of administrative services or the</u>	358 359

director's designee. The director or the director's designee shall 360  
publish a summary of the report on the web site of the centralized 361  
electronic system for regulatory notification. 362

Sec. 121.813. The director of administrative services, not 363  
later than July 1, 2010, shall establish, and thereafter shall 364  
maintain and improve, a centralized electronic system for 365  
regulatory notification that: 366

(A) Enables interested persons to register to receive notices 367  
and other information from a state agency concerning a rule that 368  
the state agency is developing and drafting; 369

(B) Enables the director to publish on the system summaries 370  
of reports the director receives under section 121.812 of the 371  
Revised Code; and 372

(C) Enables interested persons to register to receive notices 373  
of semiannual meetings that are to be convened under section 374  
121.814 of the Revised Code. 375

The director may design the centralized electronic system for 376  
regulatory notification so that it enables interested persons to 377  
comment electronically on agency regulatory processes. 378

The centralized electronic system for regulatory notification 379  
is complementary to the register of Ohio. The director of the 380  
legislative service commission and the director of administrative 381  
services shall consult with each other and link the centralized 382  
electronic system for regulatory notification and the register of 383  
Ohio. 384

Sec. 121.814. (A) The director of administrative services or 385  
the director's designee shall convene semiannual meetings, at 386  
convenient times and locations, at which interested persons may 387  
comment on agency regulatory processes that are causing 388  
unreasonable impediments to the efficient and successful operation 389

of small businesses. The small business advocate shall attend and 390  
participate in each semiannual meeting. Comments at a semiannual 391  
meeting may be recorded. 392

The director or the director's designee shall transmit notice 393  
of a semiannual meeting, at least one month in advance of the 394  
meeting, to interested persons who have registered to receive 395  
notices of the meetings through the centralized electronic system 396  
for regulatory notification. 397

(B) Based on comments made at each semiannual meeting, the 398  
director or the director's designee shall prepare a priority 399  
schedule identifying agency processes that are causing 400  
unreasonable impediments to the efficient and successful operation 401  
of small businesses, and identifying innovative management tools, 402  
such as kaizen, value stream mapping, networking, and root cause 403  
analysis, that a state agency might bring to bear to reduce or 404  
eliminate these impediments. In identifying agency processes that 405  
are causing unreasonable impediments, the director or the 406  
director's designee particularly shall take account of state 407  
agency processes that derogate the considerations listed in 408  
section 121.812 of the Revised Code. 409

The director or the director's designee shall transmit a copy 410  
of the priority schedule to each state agency that is identified 411  
in the priority schedule, and shall monitor the efforts state 412  
agencies are making to reduce or eliminate impediments identified 413  
in the priority schedule. Each state agency identified in a 414  
priority schedule shall make efforts to reduce or eliminate the 415  
identified impediments and any other impediments it may discover. 416  
At each semiannual meeting after the first, the director or the 417  
director's designee shall report to those in attendance on the 418  
progress state agencies are making at reducing or eliminating 419  
previously identified impediments to the efficient and successful 420  
operation of small businesses. 421

The director or the director's designee shall post the 422  
priority schedule on the web site of the centralized electronic 423  
system for regulatory notification. 424

Sec. 121.815. The directors of each of the following state 425  
agencies shall appoint an ombudsperson: the departments of 426  
administrative services, agriculture, commerce, development, 427  
health, insurance, job and family services, natural resources, 428  
taxation, and transportation, the environmental protection agency, 429  
the industrial commission, and the bureau of workers' 430  
compensation. The ombudsperson shall report to, and is entitled to 431  
have regular direct access to and the attention of, the director 432  
or other head of the state agency. 433

An ombudsperson shall serve as a problem-solving liaison 434  
between the state agency and those who are affected by its rules 435  
and regulatory processes when normal state agency processes do not 436  
produce a satisfactory result. A small business also may request 437  
the small business advocate to assist when normal state agency 438  
processes do not produce a satisfactory result. The ombudsperson 439  
or small business advocate may not, however, become involved with 440  
resolving matters that are the subject of an on-going judicial or 441  
administrative enforcement action. 442

If the ombudsperson, with or without the assistance of the 443  
small business advocate, is unable to resolve a matter, the 444  
ombudsperson may call upon the governor's designee to assist in 445  
resolving the matter. The governor's designee shall assist in a 446  
neutral way to resolve the matter. The governor's designee shall 447  
identify options, and strategies and tactics, for resolving the 448  
matter, but may not impose a resolution or make or reverse legal 449  
decisions to resolve the matter. 450

A state agency named in this section shall publish on its web 451  
site the name, address, telephone number, and e-mail address of 452

its ombudsperson, together with a brief explanation of the 453  
ombudsperson's role in resolving matters. 454

An ombudsperson shall consult with the small business 455  
advocate and negotiate arrangements to facilitate mutual 456  
interaction and avoid duplication of effort. 457

**Sec. 121.82.** (A) As used in this section, "department" means 458  
the several departments of state administration enumerated in 459  
section 121.02 of the Revised Code. 460

(B)(1) It is the policy of this state to improve the customer 461  
service provided by departments. Each department shall emphasize 462  
improved customer service, efficiency, and productivity in 463  
employee orientation and employee training. In light of this 464  
policy, not later than January 1, 2011, each department, with the 465  
assistance of the department of administrative services, shall 466  
adopt customer service principles identifying the best practices 467  
to be used to provide improved customer service. 468

(2) Not later than January 1, 2011, each department, with the 469  
assistance of the department of administrative services, shall 470  
develop a customer service training program that employees 471  
designated by the department can complete to improve customer 472  
service, efficiency, and productivity. The customer service 473  
training program shall emphasize the customer service principles 474  
adopted by the department. 475

(C) Each employee who participates in a customer service 476  
training program, upon completion of the program, shall sign a 477  
written statement acknowledging that the employee understands the 478  
customer service principles adopted by the department and will 479  
follow them. 480

(D) On its web site, each department shall: 481

(1) In a frequently-asked-question format, post answers to 482



frequently asked questions about the department's regulatory mission and processes; and 483  
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(2) Include a customer service survey that users may complete online, or download, complete, and e-mail to the department. 485  
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A department shall review all customer service surveys that are completed and returned to the department, and may send the surveys to the governor or the governor's designee. 487  
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**Sec. 122.08.** (A) There is hereby created within the 490  
department of development ~~an office~~ a division to be known as the 491  
~~office of~~ entrepreneurship and small business division. The ~~office~~ 492  
division shall be under the supervision of a manager appointed by 493  
the director of development. The manager shall be known as the 494  
small business advocate. 495

(B) The ~~office~~ division shall do all of the following: 496

(1) Act as liaison facilitating interactions between the 497  
small business community and state governmental agencies; 498

(2) Furnish information and technical assistance to persons 499  
and small businesses concerning the establishment and maintenance 500  
of a small business, and concerning state laws and rules relevant 501  
to the operation of a small business. In conjunction with these 502  
duties, the ~~office~~ division shall keep a record of all state 503  
agency rules affecting individuals, small businesses, or small 504  
organizations, as defined in section 121.24 of the Revised Code, 505  
and may testify before the joint committee on agency rule review 506  
concerning any proposed rule affecting individuals, small 507  
businesses, or small organizations. 508

(3) Prepare and publish the small business register under 509  
section 122.081 of the Revised Code; 510

(4) Receive complaints from small businesses concerning 511  
governmental activity, compile and analyze those complaints, and 512

periodically make recommendations to the governor and the general assembly on changes in state laws or agency rules needed to eliminate burdensome and unproductive governmental regulation to improve the economic climate within which small businesses operate;

(5) Receive complaints or questions from small businesses and direct those businesses to the appropriate governmental agency. If, within a reasonable period of time, a complaint is not satisfactorily resolved or a question is not satisfactorily answered, the ~~office~~ division shall, on behalf of the small business, make every effort to secure a satisfactory result. For this purpose, the ~~office~~ division may consult with any state governmental agency and may make any suggestion or request that seems appropriate.

(6) Utilize, to the maximum extent possible, the printed and electronic media to disseminate information of current concern and interest to the small business community and to make known to small businesses the services available through the ~~office~~ division. The ~~office~~ division shall publish such books, pamphlets, and other printed materials, and shall participate in such trade association meetings, conventions, fairs, and other meetings involving the small business community, as the ~~manager~~ small business advocate considers appropriate.

(7) Prepare for inclusion in the department of development's annual report to the governor and general assembly, a description of the activities of the ~~office~~ division and a report of the number of rules affecting individuals, small businesses, and small organizations that were filed with the ~~office~~ division under division (B)(2) of section 121.24 of the Revised Code, during the preceding calendar year;

(8) Operate the Ohio first-stop business connection to assist individuals in identifying and preparing applications for business

licenses, permits, and certificates and to serve as the central 545  
public distributor for all forms, applications, and other 546  
information related to business licensing. Each state agency, 547  
board, and commission shall cooperate in providing assistance, 548  
information, and materials to enable the connection to perform its 549  
duties under this division. 550

(9) Establish and maintain a toll-free telephone number 551  
persons may call during regular business hours, and an e-mail 552  
address to which persons may transmit e-mail at any time, to 553  
comment to the small business advocate concerning statutes and 554  
rules and state agency processes affecting individuals, small 555  
businesses, and small organizations. The telephone answering point 556  
shall be equipped to record calls that are received after regular 557  
business hours. 558

(10) Consult with each ombudsperson appointed under section 559  
121.815 of the Revised Code and negotiate arrangements to 560  
facilitate mutual interaction and avoid duplication of effort. 561

(C) The ~~office~~ division may, upon the request of a state 562  
agency, assist the agency with the preparation of any rule that 563  
will affect individuals, small businesses, or small organizations. 564

(D) The director of development shall assign employees and 565  
furnish equipment and supplies to the ~~office~~ division as the 566  
director considers necessary for the proper performance of the 567  
duties assigned to the ~~office~~ division. 568

**Sec. 122.081.** (A) The ~~office of~~ entrepreneurship and small 569  
business division in the department of development shall prepare 570  
and publish a "small business register" or contract with any 571  
person as provided in this section to prepare and publish the 572  
register. The small business register shall contain the following 573  
information regarding each proposed rule filed with the ~~office of~~ 574  
entrepreneurship and small business division under division (B)(2) 575

of section 121.24 of the Revised Code: 576

(1) The title and administrative code rule number of the 577  
proposed rule; 578

(2) A brief summary of the proposed rule; 579

(3) The date on which the proposed rule was filed with the 580  
~~office of~~ entrepreneurship and small business division under 581  
division (B)(2) of section 121.24 of the Revised Code; and 582

(4) The name, address, and telephone number of the individual 583  
or office within the agency that proposed the rule who has been 584  
designated as being responsible for complying with division (E) of 585  
section 121.24 of the Revised Code with regard to the proposed 586  
rule. 587

(B) The small business register shall be published on a 588  
weekly basis. The information required under division (A) of this 589  
section shall be published in the register no later than two weeks 590  
after the proposed rule to which the information relates is filed 591  
with the ~~office of~~ entrepreneurship and small business division 592  
under division (B)(2) of section 121.24 of the Revised Code. The 593  
~~office of~~ entrepreneurship and small business division shall 594  
furnish the small business register, on a single copy or 595  
subscription basis, to any person who requests it and pays a 596  
single copy price or subscription rate fixed by the ~~office~~ 597  
division. The ~~office~~ division shall furnish the ~~chairmen~~ 598  
chairpersons of the standing committees of the senate and house of 599  
representatives having jurisdiction over individuals, small 600  
businesses, and small organizations with free subscriptions to the 601  
small business register. 602

(C) Upon the request of the ~~office of~~ entrepreneurship and 603  
small business division, the director of administrative services 604  
shall, in accordance with the competitive selection procedure of 605  
Chapter 125. of the Revised Code, let a contract for the 606

compilation, printing, and distribution of the small business register. 607  
608

(D) The ~~office of~~ entrepreneurship and small business 609  
division shall adopt, and may amend or rescind, in accordance with 610  
Chapter 119. of the Revised Code, such rules as are necessary to 611  
enable it to properly carry out this section. 612

**Sec. 122.084.** The entrepreneurship and small business 613  
division shall establish the Ohio small business roundtable. The 614  
Ohio small business roundtable shall meet semi-annually to discuss 615  
issues relevant to small businesses, including matters such as the 616  
special challenges involved in establishing and in efficiently and 617  
successfully operating a small business and the statutes and rules 618  
and state agency processes that are involved in or relate to the 619  
operation of small businesses. As a result of its discussions, the 620  
roundtable may make recommendations for changes in statutes and 621  
rules and in state agency processes that are needed to reduce or 622  
eliminate burdensome or unproductive governmental regulation to 623  
improve the economic climate within which small businesses 624  
operate. 625

The roundtable may report its recommendations, together with 626  
supporting commentary, in a communique. The small business 627  
advocate may transmit the communique electronically to the 628  
governor, the general assembly, and each state agency to which the 629  
recommendations apply. 630

The Ohio small business roundtable shall consist of the small 631  
business advocate and four members appointed by the governor, two 632  
members appointed by the president of the senate, and two members 633  
appointed by the speaker of the house of representatives. Each 634  
member shall be representative of the small business community. 635  
Initial appointments to the roundtable shall be made on or before 636  
January 1, 2010. Members of the roundtable shall serve without 637

compensation and without reimbursement for expenses. 638

The terms of office of all members of the roundtable, except 639  
the small business advocate, shall be for three years, beginning 640  
on the first day of January and ending at the close of business on 641  
the thirty-first day of December. A vacancy on the roundtable 642  
shall be filled in the same manner as the initial appointment. Any 643  
member appointed to fill a vacancy occurring prior to the 644  
expiration of the term for which the member's predecessor was 645  
appointed shall hold office for the remainder of the term. The 646  
term of office for the small business advocate shall be for the 647  
entirety of the advocate's employment as the small business 648  
advocate. 649

The small business advocate shall be the chairperson of the 650  
roundtable, and shall appoint a secretary from among the 651  
roundtable's members. 652

Five members of the roundtable constitute a quorum, and the 653  
affirmative vote of five members is necessary for any action taken 654  
by the roundtable. 655

**Sec. 127.18.** (A) As used in this section: 656

(1) "Rule-making agency" has the same meaning as in division 657  
(I) of section 119.01 of the Revised Code. 658

(2) "Rule" includes the adoption, amendment, or rescission of 659  
a rule. 660

(3) "Proposed rule" means the original version of a proposed 661  
rule, and each revised version of the same proposed rule, that is 662  
filed with the joint committee on agency rule review under 663  
division (D) of section 111.15 or division (H) of section 119.03 664  
of the Revised Code. 665

(B) A rule-making agency shall prepare, in the form 666  
prescribed by the joint committee on agency rule review under 667

division (E) of this section, a complete and accurate rule summary 668  
and fiscal analysis of each proposed rule that it files under 669  
division (D) of section 111.15 or division (H) of section 119.03 670  
of the Revised Code. A rule-making agency, when completing the 671  
rule summary and fiscal analysis, is encouraged to identify and 672  
estimate the number of businesses subject to the proposed rule. 673

The rule summary and fiscal analysis shall include all of the 674  
following information: 675

(1) The name, address, and telephone number of the 676  
rule-making agency, and the name and telephone number of an 677  
individual or office within the agency designated by that agency 678  
to be responsible for coordinating and making available 679  
information in the possession of the agency regarding the proposed 680  
rule; 681

(2) The Ohio Administrative Code rule number of the proposed 682  
rule; 683

(3) A brief summary of, and the legal basis for, the proposed 684  
rule, including citations identifying the statute that prescribes 685  
the procedure in accordance with which the rule-making agency is 686  
required to adopt the proposed rule, the statute that authorizes 687  
the agency to adopt the proposed rule, and the statute that the 688  
agency intends to amplify or implement by adopting the proposed 689  
rule; 690

(4) An estimate, in dollars, of the amount by which the 691  
proposed rule would increase or decrease revenues or expenditures 692  
during the current biennium; 693

(5) A citation identifying the appropriation that authorizes 694  
each expenditure that would be necessitated by the proposed rule; 695

(6) A summary of the estimated cost of compliance with the 696  
rule to all directly affected persons; 697

(7) The reasons why the rule is being proposed; 698

(8) If the rule has a fiscal effect on school districts, 699  
counties, townships, or municipal corporations, an estimate in 700  
dollars of the cost of compliance with the rule, or, if dollar 701  
amounts cannot be determined, a written explanation of why it was 702  
not possible to ascertain dollar amounts; 703

(9) If the rule has a fiscal effect on school districts, 704  
counties, townships, or municipal corporations and is the result 705  
of a federal requirement, a clear explanation that the proposed 706  
state rule does not exceed the scope and intent of the 707  
requirement, or, if the state rule does exceed the minimum 708  
necessary federal requirement, a justification of the excess cost, 709  
and an estimate of the costs, including those costs for local 710  
governments, exceeding the federal requirement; 711

(10) If the rule has a fiscal effect on school districts, 712  
counties, townships, or municipal corporations, a comprehensive 713  
cost estimate that includes the procedure and method of 714  
calculating the costs of compliance and identifies major cost 715  
categories including personnel costs, new equipment or other 716  
capital costs, operating costs, and indirect central service costs 717  
related to the rule. The fiscal analysis shall also include a 718  
written explanation of the agency's and the affected local 719  
government's ability to pay for the new requirements and a 720  
statement of any impact the rule will have on economic 721  
development. 722

(11) If the rule incorporates a text or other material by 723  
reference, and the agency claims the incorporation by reference is 724  
exempt from compliance with sections 121.71 to 121.74 of the 725  
Revised Code because the text or other material is generally 726  
available to persons who reasonably can be expected to be affected 727  
by the rule, an explanation of how the text or other material is 728  
generally available to those persons; 729

(12) If the rule incorporates a text or other material by 730



reference, and it was infeasible for the agency to file the text 731  
or other material electronically, an explanation of why filing the 732  
text or other material electronically was infeasible; 733

(13) If the rule is being rescinded and incorporates a text 734  
or other material by reference, and it was infeasible for the 735  
agency to file the text or other material, an explanation of why 736  
filing the text or other material was infeasible; 737

(14) Any other information the joint committee on agency rule 738  
review considers necessary to make the proposed rule or the fiscal 739  
effect of the proposed rule fully understandable. 740

The rule summary and fiscal analysis also shall include a box 741  
the rule-making agency can check to indicate that it has evaluated 742  
the rule under section 121.812 of the Revised Code and that its 743  
report of the evaluation was reviewed by the head of the state 744  
agency or the state agency's chief legal officer. Failure to 745  
evaluate a rule under that section and to check the box 746  
constitutes only failure to prepare a complete and accurate rule 747  
summary and fiscal analysis under division (I)(1)(d) of section 748  
119.03 of the Revised Code. 749

(C) The rule-making agency shall file the rule summary and 750  
fiscal analysis in electronic form along with the proposed rule 751  
that it files under divisions (D) and (E) of section 111.15 or 752  
divisions (B) and (H) of section 119.03 of the Revised Code. The 753  
joint committee on agency rule review shall not accept any 754  
proposed rule for filing unless a copy of the rule summary and 755  
fiscal analysis of the proposed rule, completely and accurately 756  
prepared, is filed along with the proposed rule. 757

(D) The joint committee on agency rule review shall review 758  
the fiscal effect of each proposed rule that is filed under 759  
division (D) of section 111.15 or division (H) of section 119.03 760  
of the Revised Code. 761

(E) The joint committee on agency rule review shall prescribe 762  
the form in which each rule-making agency shall prepare its rule 763  
summary and fiscal analysis of a proposed rule. 764

(F) This section does not require the auditor of state or the 765  
auditor of state's designee to prepare or attach a rule summary 766  
and fiscal analysis to any copy of a rule proposed under section 767  
117.12, 117.19, 117.38, or 117.43 of the Revised Code. 768

Sec. 3745.016. (A) As used in this section, "small business" 769  
means: 770

(1) A "small business stationary source" as defined in 771  
section 3704.01 of the Revised Code; or 772

(2) If the business does not have a source of an air 773  
pollutant, an independently owned or operated business having one 774  
hundred or fewer employees. 775

(B) The director of environmental protection may establish, 776  
as part of the environmental protection agency, a program for 777  
providing environmental regulatory compliance assistance to small 778  
businesses. If the director establishes the environmental 779  
regulatory compliance assistance program, the program shall: 780

(1) Provide environmental regulatory compliance assistance, 781  
including on-site environmental regulatory compliance assistance, 782  
upon the request of a small business, to assist the small business 783  
in identifying relevant environmental regulations and compliance 784  
requirements and in completing application and reporting forms 785  
relating to environmental regulatory requirements; 786

(2) Develop educational materials for small businesses 788  
regarding state and federal environmental regulatory compliance 789  
requirements, and distribute the materials to them free of charge; 790

791

(3) Reach out to small businesses and provide them with 792  
training on state and federal environmental regulatory compliance 793  
requirements free of charge; and 794

(4) Provide other environmental regulatory compliance 795  
assistance to small businesses that will help to improve their 796  
compliance with environmental regulation and thereby help to 797  
improve the overall cleanliness of Ohio's environment. 798

(C) Any information, regardless of its form or 799  
characteristics, that is created or obtained by the environmental 800  
protection agency in the course of administering the environmental 801  
regulatory compliance assistance program that identifies or 802  
describes an individual facility or operation at a small business 803  
is confidential and not a public record open to public inspection 804  
unless: 805

(1) The information reveals a clear and immediate danger to 806  
the environment and the health, safety, or welfare of the public; 807

(2) The information is obtained independently by the director 808  
of environmental protection or authorized employees or agents of 809  
the environmental protection agency as part of a compliance 810  
inspection or investigation or in a judicial or administrative 811  
enforcement proceeding; or 812

(3) The information is emissions data or otherwise pertains 813  
to a contaminant source, and treating the information as 814  
confidential would be inconsistent with the requirements of law. 815

Information that is confidential under this division may not 816  
be used in any manner for purposes of the enforcement of any 817  
environmental compliance requirement or as evidence in any 818  
judicial or administrative enforcement proceeding. This paragraph 819  
does not confer immunity on a small business from judicial or 820  
administrative enforcement that is based upon information obtained 821  
by the director of environmental protection or employees or agents 822

of the environmental protection agency, insofar as they are not 823  
engaged in administering the environmental regulatory compliance 824  
assistance program. 825

**Section 2.** That existing sections 103.051, 103.0511, 121.24, 826  
122.08, 122.081, and 127.18 of the Revised Code are hereby 827  
repealed. 828

**Section 3.** This act includes amendments re-naming and 829  
re-characterizing the Office of Small Business as the 830  
Entrepreneurship and Small Business Division. These amendments do 831  
not otherwise affect the organization or the organizational 832  
position of the office-now-division as part of the Department of 833  
Development. Other amendments pertaining to the 834  
office-now-division affect its functions. 835