

As Reported by the House State Government Committee

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Representatives Moran, Zehringer

**Cosponsors: Representatives Blair, Book, DeGeeter, Domenick, Gardner,
Garland, Goyal, Murray, Sayre, Slesnick, Stewart, Williams, B., Gerberry,
Lundy, Daniels, Adams, J., Grossman, Hall, Hite, Stebelton**

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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 119.04, division (B)(1) of section 4141.14, or division (A) of section 5703.14 of the Revised Code. 79
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(4) "History trail" means the supplementary information required to be provided on each copy of a proposed rule, which information is not part of the text of the rule, and sets forth the statute prescribing the procedure in accordance with which the proposed rule is required to be adopted, the statute that authorizes the agency to adopt the proposed rule, the statute that the agency intends to amplify or implement by adopting the proposed rule, the effective dates of any previous versions of the rule that is the subject of the proposal, and other similar information as prescribed in rules of the legislative service commission. 82
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(5) "Individual" means any individual who is affected by a rule in the individual's capacity as an officer or employee of a small business or small organization. 93
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(6) "Rule summary and fiscal analysis" means a rule summary and fiscal analysis of a proposed rule that provides the information required by division (B) of section 127.18 of the Revised Code, and that has been prepared in the form prescribed by the joint committee on agency rule review under division (E) of that section. 96
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(7) "Rate" means any rate, classification, fare, toll, rental, or charge of a public utility. 102
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(8) "Rule" means any rule, regulation, or standard having a general and uniform operation, including any appendix thereto, that is adopted, promulgated, and enforced by an agency under the authority of the laws governing the agency. "Rule" includes the adoption of a new rule or the amendment or rescission of an existing rule. "Rule" does not include any of the following: 104
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(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	112
that does not affect private rights;	113
(c) A rule authorized by law to be issued as a temporary	114
written order;	115
(d) Except as otherwise provided in division (A)(8)(d) of	116
this section, a rule or order, whether of a quasi-legislative or	117
quasi-judicial nature, proposed by the public utilities	118
commission. Any rule or order, whether of a quasi-legislative or	119
quasi-judicial nature, proposed by the public utilities commission	120
that determines a rate of a public utility to be just and	121
reasonable is a "rule" for purposes of this section, unless the	122
rule or order contains findings that the public utility, in	123
applying for approval of the rate under section 4909.18 of the	124
Revised Code, stated facts and grounds sufficient for the	125
commission to determine that the proposed rate was just and	126
reasonable.	127
(e) A proposed rule, the adoption of which is mandated by a	128
federal law or rule, and which must be adopted substantially as	129
prescribed by federal law or rule, to become effective within one	130
hundred twenty days of adoption, so long as the history trail of	131
the proposed rule contains a statement that it is proposed for the	132
purpose of complying with a federal law or rule and a citation to	133
the federal law or rule that mandates substantial compliance;	134
(9) "Small business" means an independently owned and	135
operated business having fewer than four hundred employees.	136
(10) "Small organization" means an unincorporated	137
association, sheltered workshop, or nonprofit enterprise having	138
fewer than four hundred employees. This definition is not limited	139
to the types of small organizations expressly mentioned, and	140

includes all other types of small organizations, so long as such 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
~~electronic~~ 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 269
emergency rule adopted under division (B)(2) of section 111.15 or 270
division (F) of section 119.03 of the Revised Code, except that 271
the emergency rule becomes subject to such division when it is 272
adopted pursuant to the procedure of section 111.15 or 119.03 of 273
the Revised Code for the adoption of rules not of an emergency 274
nature. 275

(G) The department of taxation shall provide a copy of the 276
full text of any rule proposed by the department that may affect 277
any business in electronic form to the ~~office of entrepreneurship~~ 278
and small business division, and the department shall designate an 279
office within the agency responsible for providing a copy of any 280
such rule within ten days of receiving a request from any person. 281

Sec. 121.81. As used in sections 121.81 and 121.811 to 282
121.815 of the Revised Code: 283

(A) "Rule" means the adoption of a new rule or the amendment 284
or rescission of an existing rule. "Rule" does not include an 285
emergency rule, but does include a rule that is to replace an 286
emergency rule upon its expiration. 287

(B) A "small business" is an independently owned and operated 288
for-profit or nonprofit business entity, including affiliates, and 289
regardless of legal form, that has fewer than four hundred 290
employees. 291

(C) A "state agency" is a discrete unit that is organized as 292
a part of, and that carries out one or more functions of, state 293
government and that is authorized or required by statute to adopt 294
rules. "State agency" does not include the elected state officers 295
or their offices, the general assembly or any legislative agency, 296
or the courts or any judicial agency. 297

Sec. 121.811. Sections 121.81 and 121.812 to 121.815 of the 298
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, or when reviewing a rule under section 119.032 304
of the Revised Code, a state agency shall evaluate the rule in 305
light of each of the following considerations: 306

(1) Whether the rule is necessary to give effect to the 307
statute that underlies the rule; 308

(2) Whether the rule unnecessarily duplicates a federal 309
regulation or the rules of the state agency or of another state 310
agency; 311

(3) Whether the state agency has notified all interested 312
persons who have registered through the centralized electronic 313
system for regulatory notification to receive notice that the 314
agency is developing and drafting the rule for proposal and 315
adoption, and whether the state agency has afforded those persons 316
an opportunity to comment to the state agency concerning the 317
substance and the drafting of the rule; 318

(4) Whether the rule is drafted so that its desired outcome 319
will be achieved, and whether the desired outcome of the rule is 320
based on the best information, including scientific and technical 321
data, that reasonably can be obtained; 322

(5) Whether the rule will be understandable to the persons to 323
whom the rule is addressed; 324

(6) Whether the rule can be applied consistently by the state 325
agency to the persons who will be affected by the rule; 326

(7) Whether, when achieving its underlying regulatory objectives, the rule is a reasonable balance between its underlying regulatory objectives and the regulatory burden it imposes; 327
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(8) Whether it would be advisable for the rule to expire on a specific future date. 331
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(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: 333
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(1) If the rule is duplicative, why the duplication is necessary; 341
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(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 343
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(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. 348
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If an existing rule is reviewed under section 119.032 of the Revised Code, but not changed, the state agency may include in the report the reason why the rule was left unchanged. 352
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(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 355
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the rule in light of the considerations. The state agency's report 358
shall indicate whether the head of the state agency or the state 359
agency's chief legal officer has completed this review. 360

(D) The state agency shall transmit a copy of its report 362
electronically to the director of administrative services or the 363
director's designee. The director or the director's designee shall 364
publish a summary of the report on the web site of the centralized 365
electronic system for regulatory notification. 366

Sec. 121.813. The director of administrative services, not 367
later than July 1, 2010, shall establish, and thereafter shall 368
maintain and improve, a centralized electronic system for 369
regulatory notification that: 370

(A) Enables interested persons to register to receive notices 371
and other information from a state agency concerning a rule that 372
the state agency is developing and drafting; 373

(B) Enables the director to publish on the system summaries 374
of reports the director receives under section 121.812 of the 375
Revised Code; and 376

(C) Enables interested persons to register to receive notices 377
of semiannual meetings that are to be convened under section 378
121.814 of the Revised Code. 379

The director shall design the centralized electronic system 380
for regulatory notification so that it enables interested persons 381
to comment electronically on agency regulatory processes. 382

The centralized electronic system for regulatory notification 383
is complementary to the register of Ohio. The director of the 384
legislative service commission and the director of administrative 385
services shall consult with each other and link the centralized 386
electronic system for regulatory notification and the register of 387

Ohio. 388

Sec. 121.814. (A) The director of administrative services or 389
the director's designee shall convene semiannual meetings, at 390
convenient times and locations, at which interested persons may 391
comment on agency regulatory processes that are causing 392
unreasonable impediments to the efficient and successful operation 393
of small businesses. The small business advocate shall attend and 394
participate in each semiannual meeting. Comments at a semiannual 395
meeting may be recorded. 396

The director or the director's designee shall transmit notice 397
of a semiannual meeting, at least one month in advance of the 398
meeting, to interested persons who have registered to receive 399
notices of the meetings through the centralized electronic system 400
for regulatory notification. 401

(B) Based on comments made at each semiannual meeting, the 402
director or the director's designee shall prepare a priority 403
schedule identifying agency processes that are causing 404
unreasonable impediments to the efficient and successful operation 405
of small businesses, and identifying innovative management tools, 406
such as kaizen, value stream mapping, networking, and root cause 407
analysis, that a state agency might bring to bear to reduce or 408
eliminate these impediments. In identifying agency processes that 409
are causing unreasonable impediments, the director or the 410
director's designee particularly shall take account of state 411
agency processes that derogate the considerations listed in 412
section 121.812 of the Revised Code. 413

The director or the director's designee shall transmit a copy 414
of the priority schedule to each state agency that is identified 415
in the priority schedule, and shall monitor the efforts state 416
agencies are making to reduce or eliminate impediments identified 417
in the priority schedule. Each state agency identified in a 418

priority schedule shall make efforts to reduce or eliminate the 419
identified impediments and any other impediments it may discover. 420
At each semiannual meeting after the first, the director or the 421
director's designee shall report to those in attendance on the 422
progress state agencies are making at reducing or eliminating 423
previously identified impediments to the efficient and successful 424
operation of small businesses. 425

The director or the director's designee shall post the 426
priority schedule on the web site of the centralized electronic 427
system for regulatory notification. 428

Sec. 121.815. The directors of each of the following state 429
agencies shall appoint an ombudsperson: the departments of 430
administrative services, agriculture, commerce, development, 431
health, insurance, job and family services, natural resources, 432
taxation, and transportation, the environmental protection agency, 433
the industrial commission, and the bureau of workers' 434
compensation. The ombudsperson shall report to, and is entitled to 435
have regular direct access to and the attention of, the director 436
or other head of the state agency. 437

An ombudsperson shall serve as a problem-solving liaison 438
between the state agency and those who are affected by its rules 439
and regulatory processes when normal state agency processes do not 440
produce a satisfactory result. A small business also may request 441
the small business advocate to assist when normal state agency 442
processes do not produce a satisfactory result. The ombudsperson 443
or small business advocate may not, however, become involved with 444
resolving matters that are the subject of an on-going judicial or 445
administrative enforcement action. 446

If the ombudsperson, with or without the assistance of the 447
small business advocate, is unable to resolve a matter, the 448
ombudsperson may call upon the governor's designee to assist in 449

resolving the matter. The governor's designee shall assist in a 450
neutral way to resolve the matter. The governor's designee shall 451
identify options, and strategies and tactics, for resolving the 452
matter, but may not impose a resolution or make or reverse legal 453
decisions to resolve the matter. 454

A state agency named in this section shall publish on its web 455
site the name, address, telephone number, and e-mail address of 456
its ombudsperson, together with a brief explanation of the 457
ombudsperson's role in resolving matters. 458

An ombudsperson shall consult with the small business 459
advocate and negotiate arrangements to facilitate mutual 460
interaction and avoid duplication of effort. 461

Sec. 121.82. (A) As used in this section, "department" means 462
the several departments of state administration enumerated in 463
section 121.02 of the Revised Code. 464

(B)(1) It is the policy of this state to improve the customer 465
service provided by departments. Each department shall emphasize 466
improved customer service, efficiency, and productivity in 467
employee orientation and employee training. In light of this 468
policy, not later than January 1, 2011, each department, with the 469
assistance of the department of administrative services, shall 470
adopt customer service principles identifying the best practices 471
to be used to provide improved customer service. 472

(2) Not later than January 1, 2011, each department, with the 473
assistance of the department of administrative services, shall 474
develop a customer service training program that employees 475
designated by the department can complete to improve customer 476
service, efficiency, and productivity. The customer service 477
training program shall emphasize the customer service principles 478
adopted by the department. 479

(C) Each employee who participates in a customer service training program, upon completion of the program, shall sign a written statement acknowledging that the employee understands the customer service principles adopted by the department and will follow them. 480
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(D) On its web site, each department shall: 485

(1) In a frequently-asked-question format, post answers to frequently asked questions about the department's regulatory mission and processes; and 486
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(2) Include a customer service survey that users may complete online, or download, complete, and e-mail to the department. 489
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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. 491
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Sec. 122.08. (A) There is hereby created within the 494
department of development ~~an office~~ a division to be known as the 495
~~office of~~ entrepreneurship and small business division. The ~~office~~ 496
division shall be under the supervision of a manager appointed by 497
the director of development. The manager shall be known as the 498
small business advocate. 499

(B) The ~~office~~ division shall do all of the following: 500

(1) Act as liaison facilitating interactions between the 501
small business community and state governmental agencies; 502

(2) Furnish information and technical assistance to persons 503
and small businesses concerning the establishment and maintenance 504
of a small business, and concerning state laws and rules relevant 505
to the operation of a small business. In conjunction with these 506
duties, the ~~office~~ division shall keep a record of all state 507
agency rules affecting individuals, small businesses, or small 508
organizations, as defined in section 121.24 of the Revised Code, 509

and may testify before the joint committee on agency rule review 510
concerning any proposed rule affecting individuals, small 511
businesses, or small organizations. 512

(3) Prepare and publish the small business register under 513
section 122.081 of the Revised Code; 514

(4) Receive complaints from small businesses concerning 515
governmental activity, compile and analyze those complaints, and 516
periodically make recommendations to the governor and the general 517
assembly on changes in state laws or agency rules needed to 518
eliminate burdensome and unproductive governmental regulation to 519
improve the economic climate within which small businesses 520
operate; 521

(5) Receive complaints or questions from small businesses and 522
direct those businesses to the appropriate governmental agency. 523
If, within a reasonable period of time, a complaint is not 524
satisfactorily resolved or a question is not satisfactorily 525
answered, the ~~office~~ division shall, on behalf of the small 526
business, make every effort to secure a satisfactory result. For 527
this purpose, the ~~office~~ division may consult with any state 528
governmental agency and may make any suggestion or request that 529
seems appropriate. 530

(6) Utilize, to the maximum extent possible, the printed and 531
electronic media to disseminate information of current concern and 532
interest to the small business community and to make known to 533
small businesses the services available through the ~~office~~ 534
division. The ~~office~~ division shall publish such books, pamphlets, 535
and other printed materials, and shall participate in such trade 536
association meetings, conventions, fairs, and other meetings 537
involving the small business community, as the ~~manager~~ small 538
business advocate considers appropriate. 539

(7) Prepare for inclusion in the department of development's 540

annual report to the governor and general assembly, a description 541
of the activities of the office division and a report of the 542
number of rules affecting individuals, small businesses, and small 543
organizations that were filed with the office division under 544
division (B)(2) of section 121.24 of the Revised Code, during the 545
preceding calendar year; 546

(8) Operate the Ohio first-stop business connection to assist 547
individuals in identifying and preparing applications for business 548
licenses, permits, and certificates and to serve as the central 549
public distributor for all forms, applications, and other 550
information related to business licensing. Each state agency, 551
board, and commission shall cooperate in providing assistance, 552
information, and materials to enable the connection to perform its 553
duties under this division. 554

(9) Establish and maintain a toll-free telephone number 555
persons may call during regular business hours, and an e-mail 556
address to which persons may transmit e-mail at any time, to 557
comment to the small business advocate concerning statutes and 558
rules and state agency processes affecting individuals, small 559
businesses, and small organizations. The telephone answering point 560
shall be equipped to record calls that are received after regular 561
business hours. 562

(10) Consult with each ombudsperson appointed under section 563
121.815 of the Revised Code and negotiate arrangements to 564
facilitate mutual interaction and avoid duplication of effort. 565

(C) The office division may, upon the request of a state 566
agency, assist the agency with the preparation of any rule that 567
will affect individuals, small businesses, or small organizations. 568

(D) The director of development shall assign employees and 569
furnish equipment and supplies to the office division as the 570
director considers necessary for the proper performance of the 571

duties assigned to the ~~office~~ division. 572

Sec. 122.081. (A) The ~~office~~ of entrepreneurship and small 573
business division in the department of development shall prepare 574
and publish a "small business register" or contract with any 575
person as provided in this section to prepare and publish the 576
register. The small business register shall contain the following 577
information regarding each proposed rule filed with the ~~office~~ of 578
entrepreneurship and small business division under division (B)(2) 579
of section 121.24 of the Revised Code: 580

(1) The title and administrative code rule number of the 581
proposed rule; 582

(2) A brief summary of the proposed rule; 583

(3) The date on which the proposed rule was filed with the 584
~~office~~ of entrepreneurship and small business division under 585
division (B)(2) of section 121.24 of the Revised Code; and 586

(4) The name, address, and telephone number of the individual 587
or office within the agency that proposed the rule who has been 588
designated as being responsible for complying with division (E) of 589
section 121.24 of the Revised Code with regard to the proposed 590
rule. 591

(B) The small business register shall be published on a 592
weekly basis. The information required under division (A) of this 593
section shall be published in the register no later than two weeks 594
after the proposed rule to which the information relates is filed 595
with the ~~office~~ of entrepreneurship and small business division 596
under division (B)(2) of section 121.24 of the Revised Code. The 597
~~office~~ of entrepreneurship and small business division shall 598
furnish the small business register, on a single copy or 599
subscription basis, to any person who requests it and pays a 600
single copy price or subscription rate fixed by the ~~office~~ 601

division. The ~~office~~ division shall furnish the ~~chairmen~~ 602
chairpersons of the standing committees of the senate and house of 603
representatives having jurisdiction over individuals, small 604
businesses, and small organizations with free subscriptions to the 605
small business register. 606

(C) Upon the request of the ~~office of~~ entrepreneurship and 607
small business division, the director of administrative services 608
shall, in accordance with the competitive selection procedure of 609
Chapter 125. of the Revised Code, let a contract for the 610
compilation, printing, and distribution of the small business 611
register. 612

(D) The ~~office of~~ entrepreneurship and small business 613
division shall adopt, and may amend or rescind, in accordance with 614
Chapter 119. of the Revised Code, such rules as are necessary to 615
enable it to properly carry out this section. 616

Sec. 122.084. The entrepreneurship and small business 617
division shall establish the Ohio small business panel. The Ohio 618
small business panel shall meet semi-annually to discuss issues 619
relevant to small businesses, including matters such as the 620
special challenges involved in establishing and in efficiently and 621
successfully operating a small business and the statutes and rules 622
and state agency processes that are involved in or relate to the 623
operation of small businesses. As a result of its discussions, the 624
panel may make recommendations for changes in statutes and rules 625
and in state agency processes that are needed to reduce or 626
eliminate burdensome or unproductive governmental regulation to 627
improve the economic climate within which small businesses 628
operate. 629

The panel may report its recommendations, together with 630
supporting commentary, in a communique. The small business 631
advocate may transmit the communique electronically to the 632

governor, the general assembly, and each state agency to which the 633
recommendations apply. 634

The Ohio small business panel shall consist of the small 635
business advocate and four members appointed by the governor, two 636
members appointed by the president of the senate, and two members 637
appointed by the speaker of the house of representatives. Each 638
member shall be representative of the small business community. 639
Initial appointments to the panel shall be made on or before 640
January 1, 2010. Members of the panel shall serve without 641
compensation and without reimbursement for expenses. 642

The terms of office of all members of the panel, except the 643
small business advocate, shall be for three years, beginning on 644
the first day of January and ending at the close of business on 645
the thirty-first day of December. A vacancy on the panel shall be 646
filled in the same manner as the initial appointment. Any member 647
appointed to fill a vacancy occurring prior to the expiration of 648
the term for which the member's predecessor was appointed shall 649
hold office for the remainder of the term. The term of office for 650
the small business advocate shall be for the entirety of the 651
advocate's employment as the small business advocate. 652

The small business advocate shall be the chairperson of the 653
panel, and shall appoint a secretary from among the panel's 654
members. 655

Five members of the panel constitute a quorum, and the 656
affirmative vote of five members is necessary for any action taken 657
by the panel. 658

Sec. 127.18. (A) As used in this section: 659

(1) "Rule-making agency" has the same meaning as in division 660
(I) of section 119.01 of the Revised Code. 661

(2) "Rule" includes the adoption, amendment, or rescission of 662

a rule. 663

(3) "Proposed rule" means the original version of a proposed 664
rule, and each revised version of the same proposed rule, that is 665
filed with the joint committee on agency rule review under 666
division (D) of section 111.15 or division (H) of section 119.03 667
of the Revised Code. 668

(B) A rule-making agency shall prepare, in the form 669
prescribed by the joint committee on agency rule review under 670
division (E) of this section, a complete and accurate rule summary 671
and fiscal analysis of each proposed rule that it files under 672
division (D) of section 111.15 or division (H) of section 119.03 673
of the Revised Code. A rule-making agency, when completing the 674
rule summary and fiscal analysis, is encouraged to identify and 675
estimate the number of businesses subject to the proposed rule. 676
The rule summary and fiscal analysis shall include all of the 677
following information: 678

(1) The name, address, and telephone number of the 679
rule-making agency, and the name and telephone number of an 680
individual or office within the agency designated by that agency 681
to be responsible for coordinating and making available 682
information in the possession of the agency regarding the proposed 683
rule; 684

(2) The Ohio Administrative Code rule number of the proposed 685
rule; 686

(3) A brief summary of, and the legal basis for, the proposed 687
rule, including citations identifying the statute that prescribes 688
the procedure in accordance with which the rule-making agency is 689
required to adopt the proposed rule, the statute that authorizes 690
the agency to adopt the proposed rule, and the statute that the 691
agency intends to amplify or implement by adopting the proposed 692
rule; 693

(4) An estimate, in dollars, of the amount by which the proposed rule would increase or decrease revenues or expenditures during the current biennium;	694 695 696
(5) A citation identifying the appropriation that authorizes each expenditure that would be necessitated by the proposed rule;	697 698
(6) A summary of the estimated cost of compliance with the rule to all directly affected persons;	699 700
(7) The reasons why the rule is being proposed;	701
(8) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations, an estimate in dollars of the cost of compliance with the rule, or, if dollar amounts cannot be determined, a written explanation of why it was not possible to ascertain dollar amounts;	702 703 704 705 706
(9) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations and is the result of a federal requirement, a clear explanation that the proposed state rule does not exceed the scope and intent of the requirement, or, if the state rule does exceed the minimum necessary federal requirement, a justification of the excess cost, and an estimate of the costs, including those costs for local governments, exceeding the federal requirement;	707 708 709 710 711 712 713 714
(10) If the rule has a fiscal effect on school districts, counties, townships, or municipal corporations, a comprehensive cost estimate that includes the procedure and method of calculating the costs of compliance and identifies major cost categories including personnel costs, new equipment or other capital costs, operating costs, and indirect central service costs related to the rule. The fiscal analysis shall also include a written explanation of the agency's and the affected local government's ability to pay for the new requirements and a statement of any impact the rule will have on economic	715 716 717 718 719 720 721 722 723 724

development. 725

(11) If the rule incorporates a text or other material by 726
reference, and the agency claims the incorporation by reference is 727
exempt from compliance with sections 121.71 to 121.74 of the 728
Revised Code because the text or other material is generally 729
available to persons who reasonably can be expected to be affected 730
by the rule, an explanation of how the text or other material is 731
generally available to those persons; 732

(12) If the rule incorporates a text or other material by 733
reference, and it was infeasible for the agency to file the text 734
or other material electronically, an explanation of why filing the 735
text or other material electronically was infeasible; 736

(13) If the rule is being rescinded and incorporates a text 737
or other material by reference, and it was infeasible for the 738
agency to file the text or other material, an explanation of why 739
filing the text or other material was infeasible; 740

(14) Any other information the joint committee on agency rule 741
review considers necessary to make the proposed rule or the fiscal 742
effect of the proposed rule fully understandable. 743

The rule summary and fiscal analysis also shall include a box 744
the rule-making agency can check to indicate that it has evaluated 745
the rule under section 121.812 of the Revised Code and that its 746
report of the evaluation was reviewed by the head of the state 747
agency or the state agency's chief legal officer. Failure to 748
evaluate a rule under that section and to check the box 749
constitutes only failure to prepare a complete and accurate rule 750
summary and fiscal analysis under division (I)(1)(d) of section 751
119.03 of the Revised Code. 752

(C) The rule-making agency shall file the rule summary and 753
fiscal analysis in electronic form along with the proposed rule 754
that it files under divisions (D) and (E) of section 111.15 or 755

divisions (B) and (H) of section 119.03 of the Revised Code. The 756
joint committee on agency rule review shall not accept any 757
proposed rule for filing unless a copy of the rule summary and 758
fiscal analysis of the proposed rule, completely and accurately 759
prepared, is filed along with the proposed rule. 760

(D) The joint committee on agency rule review shall review 761
the fiscal effect of each proposed rule that is filed under 762
division (D) of section 111.15 or division (H) of section 119.03 763
of the Revised Code. 764

(E) The joint committee on agency rule review shall prescribe 765
the form in which each rule-making agency shall prepare its rule 766
summary and fiscal analysis of a proposed rule. 767

(F) This section does not require the auditor of state or the 768
auditor of state's designee to prepare or attach a rule summary 769
and fiscal analysis to any copy of a rule proposed under section 770
117.12, 117.19, 117.38, or 117.43 of the Revised Code. 771

Sec. 3745.016. (A) As used in this section, "small business" 772
means: 773

(1) A "small business stationary source" as defined in 774
section 3704.01 of the Revised Code; or 775

(2) If the business does not have a source of an air 776
pollutant, an independently owned or operated business having one 777
hundred or fewer employees. 778

(B) The director of environmental protection shall establish, 779
as part of the environmental protection agency, a program for 780
providing environmental regulatory compliance assistance to small 781
businesses. The program shall: 782

(1) Provide environmental regulatory compliance assistance, 783
including on-site environmental regulatory compliance assistance, 784
upon the request of a small business, to assist the small business 785

in identifying relevant environmental regulations and compliance requirements and in completing application and reporting forms relating to environmental regulatory requirements;

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

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

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

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

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

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

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(3) The information is emissions data or otherwise pertains to a contaminant source, and treating the information as

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confidential would be inconsistent with the requirements of law. 817

Information that is confidential under this division may not 818
be used in any manner for purposes of the enforcement of any 819
environmental compliance requirement or as evidence in any 820
judicial or administrative enforcement proceeding. This paragraph 821
does not confer immunity on a small business from judicial or 822
administrative enforcement that is based upon information obtained 823
by the director of environmental protection or employees or agents 824
of the environmental protection agency, insofar as they are not 825
engaged in administering the environmental regulatory compliance 826
assistance program. 827

Section 2. That existing sections 103.051, 103.0511, 121.24, 828
122.08, 122.081, and 127.18 of the Revised Code are hereby 829
repealed. 830

Section 3. This act includes amendments re-naming and 831
re-characterizing the Office of Small Business as the 832
Entrepreneurship and Small Business Division. These amendments do 833
not otherwise affect the organization or the organizational 834
position of the office-now-division as part of the Department of 835
Development. Other amendments pertaining to the 836
office-now-division affect its functions. 837