

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 113-40-05

Rule Type: Rescission

Rule Title/Tagline: Bank monitoring and economic monitoring.

Agency Name: Treasurer of State

Division:

Address: 30 E. Broad Street 10th Floor Columbus OH 43215

Contact: Paul Thies **Phone:** 614-696-6649

Email: Paul.Thies@tos.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 2/2/2023
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** R.C. 135.182
5. **What statute(s) does the rule implement or amplify?** R.C. 135.18, R.C. 135.182
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

Upon review, the Treasurer of State (TOS) has concluded that the rule, which will be renumbered as rule 113-40-04, must be rescinded and new rule filed with the new rule number.

8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The Rule prescribes the process which TOS will utilize when monitoring those financial institutions approved for a reduced collateral floor and outlines the consequences where the factors TOS evaluates indicate that a financial institution has an emerging individual financial concern or a deposit business concern.

9. **Does the rule incorporate material by reference?** No
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

None

04/04/2023 None

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

Not applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part A – General Questions

Rule Number: 113-40-05

Rule Type: Five Year Review: Rescind and new

Rule Title/Tagline: Bank monitoring and economic monitoring.

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I. Rule Summary

1. Is this a five year rule review?

Yes.

A. What is the rule's five year review date?

2/2/2023

2. Is this rule the result of recent legislation?

No

A. If so, what is the bill number, General Assembly and Sponsor?

3. What statute is this rule being promulgated under?

R.C. 119.03

4. What statute(s) grant rule writing authority?

R.C. 135.182

5. What statute(s) does the rule implement or amplify?

R.C. 135.18, 135.182

6. What are the reasons for proposing the rule?

Upon review, the Treasurer of State (TOS) has concluded that the rule, which will be renumbered as rule 113-40-04, must be rescinded and new rule filed with the new rule number. TOS identified other minor changes as discussed below.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Owing to the rescission of current rule 113-40-04, TOS proposes renumbering current rule 113-40-05 as 113-40-04 so that the Chapter may remain in a sequential order. The proposed new 113-40-04 follows former 113-40-05 closely but TOS proposes a number of minor additions and deletions to improve the readability of the former rule. TOS proposes new paragraph (A)(3)(b) be modified to more clearly describe the potential consequence of a financial institution being placed in "bank monitoring" status which is in line with current practice. Similarly, paragraph (B)(2) has been modified to a more accurate description of the treasurer's monitoring of regional economic concerns and the definition of a negative trend. Finally, proposed modifications to paragraph (B)(3) are not substantive but instead improve readability.

8. Does the rule incorporate material by reference?

Yes.

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates a regional economic indicator dataset published by the Federal Deposit Insurance Corporation (FDIC). The material incorporated by reference is exempted because the references describe federal administrative data and can be found at the FDIC website (<https://state-tables.fdic.gov/>) and selecting "Ohio" from the "Geographical Area" dropdown menu. The noncurrent loans and leases to total loans and leases ratio is the fifth ratio in the "CONDITION RATIOS" section of the table.

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not applicable.

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This proposed rulemaking does not impact the agency's revenues or expenditures in the current biennium.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

This rule does not directly impose additional compliance costs. However, if certain regional economic criteria are met as prescribed in existing statutes and regulations, a financial institution may

have to provide additional collateral. The increase in collateral requirement may vary by financial institution.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).

No.

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).

No.

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office?

No. The treasurer of state is exempt pursuant to R.C. 107.56

17. Does this rule have an adverse impact on business?

No.

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies? No.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new regulatory restriction as defined in R.C. 121.95?

The treasurer of state is not a state agency as outlined in R.C. 121.95(A).

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 0

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

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Part A – General Questions

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None.

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This proposed rulemaking does not impact the agency's revenues or expenditures in the current biennium.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

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13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).

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