

Rule Summary and Fiscal Analysis (Part A)**Department of Development**

Agency Name

InvestOhio

Division

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122:24-1-05

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Validation of Qualifying Investment.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Amstutz**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **122.86 (F)**

5. Statute(s) the rule, as filed, amplifies or implements: **122.86, 5747.81**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is necessary to create a process to validate the occurrence of the InvestOhio Program investments.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rules sets forth the process in which applicants must submit evidence of

investments and the associated expenditures, as well as information about the ownership of Eligible Investor groups to Development. Applicants that do not follow these requirements will be disqualified from do not follow the requirements will be disqualified from the InvestOhio Program.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

During the rule review period, it was suggested that additional flexibility was needed for the validation of qualifying investments. Rather than begin the thirty day period on the effective date of the InvestOhio rules, the thirty day period will begin when the Director begins to process the electronic evidence of investment and allowed expenditures. The Director will announce the first date when the department will accept evidence of investment and allowed expenditures. These may not be the same dates and will depend on the phased implementation of the electronic data system being created to manage the program.

In addition, a division F concerning the subversion of the purpose of the InvestOhio Program was deleted from this rule 5 and similar language was placed in rule 10

which covers disqualification of the small business investment certificates.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase expenditures.

\$400,000

Development projects having one full-time staff to administer the InvestOhio Program. The salary, fringe and associated indirect costs as well as an allocation for information technology systems development and a small allocation for travel and training activities support an annual program budget of \$200,000. The Director of Development may issue up to \$10 million of Small Business Investment Certificates during a fiscal biennium. These certificates result in a tax credit for Eligible Investors. The \$10 million in possible tax credits are not an expenditure of Development; however the tax credits will impact state tax revenues.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Development will use the GRF 195415 line item for the current biennium to pay the projected costs of the administrative expenditures and the M087 195435 line item for the information technology systems development costs.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The cost of compliance to directly affected persons includes the costs of application, accounting, reporting and maintenance of records. Such costs are expected to be negligible compared to the tax credit benefits available to the Eligible Investor through the InvestOhio Program. Actual costs will vary depending on the level of professional services the participant elects to use.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**