



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis

Agency, Board, or Commission Name: Capitol Square Review and Advisory Board

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Capitol buildings or grounds use: general rules and requirements of a permit

Rule Number(s): 128-4-02

Date of Submission for CSI Review: 2-8-2023

Public Comment Period End Date: 2-22-2023

Rule Type/Number of Rules:

New/___ rules

No Change/___1___ rules (FYR? X)

Amended/___ rules (FYR? ___)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☐ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☒ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

128-4-02 describes the ways in which the capitol buildings and grounds may be used and enjoyed by members of the public. The rule also sets forth general rules for use of the capitol buildings and grounds, including when a permit is required.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

R.C. 105.41

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

No

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

N/A

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

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This regulation promotes the rights of the public to use the capitol buildings and grounds while ensuring that such activity does not unduly interfere with government business, compromise the historic or aesthetic condition of the complex, or threaten the safety of the public or state employees.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The regulation's success can be measured in part by the number of people who visit and use the capitol buildings and grounds. In addition, while it is difficult to quantify damage to the buildings and grounds or threats to safety that were avoided as a result of this rule, minimal occurrence of incidents may also indicate the regulation's success.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Stakeholders include any individuals and groups that might utilize the permit system for weddings and special events, and all members of the general public. Feedback from permit holders and the general public visiting the capitol buildings and grounds is received via communication with the CSRAB Special Events and Communications staff.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

No input has been received by the CSRAB regarding this rule.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

N/A—see question 7 above regarding measurable outcomes.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

The CSRAB has worked to minimize costs to and information required by permit applicants. Permits are not required for all types of activity at the capitol buildings and grounds; rather, they are primarily required when an individual or group would like to reserve a space for a

private event, when there might be competing uses of the spaces, when necessary for health/safety reasons, or to protect the buildings and grounds.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The CSRAB is aware of and has reviewed all regulations governing the use of capitol buildings and grounds.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Information regarding permit applications is available online at the Ohio Statehouse website: <https://www.ohiostatehouse.org/events/your-event/scheduling>. CSRAB Special Events staff also provide information about the permit application process and requirements to interested individuals and groups. In addition, Ohio State Highway Patrol assigned to the Statehouse refer individuals and groups to a CSRAB contact if they have any questions or concerns regarding the use of capitol buildings and grounds or permit requirements.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

- a. Identify the scope of the impacted business community, and**
- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

- a. The scope of impact is to the public at large.*
- b. Adverse impact is limited to the following:*
 - \$50 administrative fee*
 - One-page permit application (requires contact information, event date and type, guest count, event start and end time, event location)*

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors).

No, the burden under 128-4-02 is minimal for individuals, groups, and businesses.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

This regulation carries out the purposes and duties of the CSRAB as set forth in R.C. 105.41. The regulation promotes the rights of the public to use the capitol buildings and grounds

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while ensuring that such activity does not unduly interfere with government business, compromise the historic or aesthetic condition of the capitol buildings and grounds, or threaten the safety of the public or state employees.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, the burden of compliance is minimal for all individuals, groups, and businesses.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

N/A

20. What resources are available to assist small businesses with compliance of the regulation?

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