

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

Agency Name

Division of Securities

Division

Terri Beardsley

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1301:6-3-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Exempt securities.**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? **No**

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: **1707.20**

5. Statute(s) the rule, as filed, amplifies or implements: **1707.02**

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

Securities listed, or designated for listing, on a national securities exchange or system designated as covered securities by the Securities and Exchange Commission under rule 146 (b) promulgated under section 18(b)(1) of the Securities Act of 1933, 15 U.S.C.A. 77a, as amended are exempt from Registration in the State of Ohio under section 1707.02(E)(1)(b) of the Revised Code.

The NASDAQ National Market System has been renamed as the NASDAQ Global Market. Securities listed on the NASDAQ Capital Market tier has been designated by the Securities and Exchange Commission as covered securities under rule 146(b). This amendment is to list securities that are currently exempt under section

1707.02(E) of the Revised Code.

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 amendment will confirm that securities listed on the NASDAQ Global Market and NASDAQ Capital Market tiers of The NASDAQ Stock Market LLC are exempt from registration in the State of Ohio under section 1707.02(E) of the Revised Code.

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:

The United States Code annotated and Code of Federal Regulators as federal laws and rules are readily and generally available to the public in various mediums, including local public libraries, the Internet, college libraries, and the Library of Congress. The listing requirements of the NASDAQ Global Market and NASDAQ Capital Market tiers are readily and generally available to the public in various mediums, including law libraries, the Internet, college libraries and the Library of Congress.

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:

N/A

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:

Not Applicable.

12. 119.032 Rule Review Date: **11/15/2009**

(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 have no impact on revenues or expenditures.

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This will have no impact on revenues or expenditures.

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

N/A

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:

N/A

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**

