



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis RESCINDED RULES

This form is intended for rules that are being permanently rescinded and not replaced by a new rule.

New, Amended, No Change, and Rescind/New rules must use the standard BIA.

Agency, Board, or Commission Name: Ohio Department of Administrative Services

Rule Contact Name and Contact Information: Todd McGonigle - 614-644-7422;
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Regulation/Package Title (a general description of the rules' substantive content):

Minority Set Aside Review Board

Rule Number(s): Ohio Adm. Code 123:2-15-02 through 123:2-15-03-06

Date of Submission for CSI Review: 3/20/2020

Public Comment Period End Date: 4/20/2020

Rule Type/Number of Rules:

Rescinded/5 rules (FYR? Y)

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.

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 Please describe in plain language the regulation that is being rescinded.

The Ohio Department of Administrative Services (DAS) is rescinding rules regarding the minority set aside review board, which was a board to which construction contractors were required to submit information in order to be granted a waiver from statutory requirements to spend certain percentages of public construction contracts on work performed by Minority-owned Business Enterprises (“MBE”). The minority set aside review board was created by former R.C. 123.151(C)(4), and DAS was authorized to adopt rules concerning the board by R.C. 123.151(C)(5). These provisions were repealed in 2004 by HB 216 of the 125th General Assembly, so there is no longer statutory authority for these rules.

3. Why is the regulation being rescinded?
Please be specific (ORC change, request of stakeholders, etc.)

The statutory authority creating the minority set aside review board and establishing DAS's authority to enact these rules was repealed by HB 216 of the 125th General Assembly.

4. Please describe in general terms the adverse impacts to business, including currently impacted industries, in the existing rule(s).

Rules 123:2-15-02 and 123:2-15-04 require a contractor to document for the Minority Set Aside Review Board the steps taken to obtain participation in the contract by a qualified minority business enterprise in order to receive a waiver of statutory requirements for percentage spend.

5. Are there other regulations (either existing or to be created) which will replace the regulation being rescinded or which will now apply because this regulation is being rescinded? This can include rules, statute, federal regulations, agency policies, or industry standards etc.

No.

6. Does the rescission of this regulation eliminate flexibility or create more adverse impacts for stakeholders? If yes, please describe stakeholder outreach and justify the impacts.

No. The rescission of these regulations will have no effect on stakeholders because this is a rescission of rules related to a board that no longer exists.