

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio State Racing Commission

Regulation/Package Title: Chapter 20 No Change Rules

Rule Number(s): 3769-20-01, 02, 03,

Date: September 10, 2018

These rules are new and amended rules and may be found by accessing the Commission's website at [www.racingohio.net](http://www.racingohio.net).

**Rule Type:**

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

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

3769-20-01 A list of definitions for Chapter 20.

3769-20-02 Outlines the process to relocate a race track facility.

3769-20-03 Outlines the requirements for a facility that includes a race track and video lottery terminals.

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- 2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

R.C. 3769.03

- 3. 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?**

No, the commission is the only entity that regulates horse racing in Ohio.

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

These rules are not part of any federal requirement or program

- 5. 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)?**

3769-20-01 Key terms are defined for all interested parties.

3769-20-02 There needs to be a set of procedures to relocate a race track facility.

3769-20-03 There needs to be requirements for a facility that has a race track and video lottery terminals

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

The Commission has employees at all race tracks and can monitor these operations to ensure compliance with these rules.

### **Development of the Regulation**

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

The primary stakeholders are the seven commercial permit holders.

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

These rules were provided to the permit holders and no comments were received.

- 9. 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?**

No additional scientific data was used to develop these rules..

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**10. 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?**

No alternative regulations were considered since the permit holders did not have any comments.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

No, these regulations require permit holders to follow a consistent set of rules.

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

The Commission worked with the Ohio Lottery to develop these rules as required by R.C. 3770.21.

**13. 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.**

The Commission has employees at all the commercial tracks who can ensure these regulations are applied consistently and predictably for the regulated community.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

The scope of the impacted business community is the seven-commercial race track permit holders in Ohio.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

3769-20-01 There is no adverse impact.

3769-20-02 There is a seventy-five-million-dollar fee to relocate a race track.

3769-20-03 There is a minimum capital investment of one hundred and fifty million.

**c. Quantify the expected adverse impact from the regulation.**

3769-20-01 There is no adverse impact.

3769-20-02 Seventy-five million dollars to move a race track.

3769-20-03 A minimum capital investment of one hundred and fifty million dollars.

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

3769-20-01 There is no adverse impact

3769-20-02 These rules implemented a Memorandum of Understanding between the permit holders and the Governor's office

3769-20-03 These rules implemented a Memorandum of Understanding between the permit holders and the Governor's office.

**Regulatory Flexibility**

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

No, this regulation applies to only seven commercial race track permit holders so the exemption for small businesses is not applicable.

**17. 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?**

R.C. 119.14 is not applicable.

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

The Commission website at [www.racingohio.net](http://www.racingohio.net)

The Commission phone number at 614-466-2757

The Commission facsimile number at 614-466-1900

The Deputy Director and Legal Counsel at [Michael.Rzymek@racing.ohio.gov](mailto:Michael.Rzymek@racing.ohio.gov)

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