Rule Summary and Fiscal Analysis (Part A)

Department of Agriculture
Agency Name

Livestock Care Standards Board | **Howard Henry**
Division | Contact

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Agency Mailing Address (Plus Zip) | Phone | Fax

901:12-2-01 | **NEW**
Rule Number | TYPE of rule filing

Rule Title/Tag Line **Civil Penalties.**

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: **HB414** General Assembly: **128** Sponsor: **Sayre & Bolon**

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: **904.03**

5. Statute(s) the rule, as filed, amplifies or implements: **904.03, 904.04**

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

Rule is being proposed by the Ohio Livestock Care Standards Board to sets standards for livestock euthanasia as required by R.C. 904.03.

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 rule creates a penalty structure for violations of the standards set by the Ohio

Livestock Care Standards Board in 901:12 of the administrative code. Penalties require a violation of a standard in 901:12 and harm to an animal, and are classified as either minor or major.

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:

Not Applicable.

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.

$63,697.22

It is projected that enforcement of all rules relating to the Ohio Livestock Care Standards Board will increase expenditures by the department a total of $63,697.22. Specific direct expenditures are projected as follows:

Field Staff

Enforcement Agent (1) $27,497.75

Livestock Inspector(1) $31,537.47

Total Field Staff Payroll $59,035.22

Administrative Hearings (Estimate 6 per year)

Hearing officer $2,520.00

Court Reporter $1,320.00

Witness Fees $72.00

Transcript Costs $750.00

Total Administrative Hearing Costs $4,662.00

Total Estimated Direct Enforcement Expenses $63,697.22

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

House Bill 414 authorizes the hiring of personnel and the investigation and enforcement of rules adopted by the Livestock Care Standards Board. R.C. 904.06 grants the director authority to request from the controlling board transfers of appropriations from any fund administered by the department to the livestock care fund, until such time as the general assembly appropriates money to the board.

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:

> There is no cost of compliance with this rule. Any costs incurred because of this rule will be through a failure to comply with the other rules passed by the Livestock Care Standards Board.

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**