

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:46-2-07

Rule Type: Amendment

Rule Title/Tagline: Concession operated public service facilities fees.

Agency Name: Department of Natural Resources

Division: Division of Parks and Watercraft

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I. Rule Summary

1. **Is this a five year rule review? Yes**
 - A. **What is the rule's five year review date? 6/19/2018**
2. **Is this rule the result of recent legislation? Yes**
 - A. **If so, what is the bill number, General Assembly and Sponsor? SB 293 - 131 - Balderson**
3. **What statute is this rule being promulgated under? 119.03**
4. **What statute(s) grant rule writing authority? 1546.04**
5. **What statute(s) does the rule implement or amplify? 1509.01, 1546.02, 1546.04**
6. **What are the reasons for proposing the rule?**

SB 293 combined the divisions of parks and recreation with the division of watercraft. The rule is being amended to update the rule adoption authority as a result of the enactment of SB 293.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule sets a framework for fees and charges that may be collected by concessionaires operating in state parks. The amendment only changes the authority to adopt rules as enacted by SB 293.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The public hearing has been rescheduled.
No other changes to the rule package have been made.

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

ORC 1509.01 requires a vendor to enter into a lease or contract with to operate as a concessionaire. This rule states that rental rates, fees, etc. charged by the operator shall be priced similar to and in conformance to the common rates charged by other similar outlets or be approved by the department and requires the department to charge the same rates as the concessionaire if it takes over operations. This rule only applies to the department and to concessionaires already operating under the provisions of ORC 1509.01.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No