

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:46-5-01

Rule Type: Amendment

Rule Title/Tagline: Permits.

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?** 8/9/2023
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 9 - 134 - McColley / Roegner
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?** 1546.02, 1546.04
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The amendment is being proposed to increase the ODNR compliance with S.B. 9 provisions regarding reduction of regulatory restrictions

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule established conditions under which the chief of the division will issue permits and states the violations that may cause such a permit to be revoked or invalidated.

9. Does the rule incorporate material by reference? No
10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

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

Not Applicable

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

0.00

Not applicable

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

Not applicable

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable

III. Common Sense Initiative (CSI) Questions

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

18. 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

Upon a finding by the chief that a permit request is consistent with state park use and management objectives, the chief shall issue an appropriate permit including any necessary terms and conditions. The rule also gives scenarios where a permit will not be granted.

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? Yes

Failure to abide by the terms of the permit/ agreement may result in forfeiture of any fees collected by the division for processing the application / permit as well as additional personnel costs paid by the permit applicant, and liability for damages.

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

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 5

Shall" is being removed from the first sentence of the introductory paragraph

"Shall" is being removed from the second sentence of the introductory paragraph

Shall" is being removed from the third sentence of the introductory paragraph

"Shall" is being removed from the first sentence of the closing paragraph

A second occurrence of "shall" is being removed from the closing paragraph

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable