Rule Summary and Fiscal Analysis (Part A)

Department of Agriculture
Agency Name
Plant Industry   **David E Miran**
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901:5-30-02   NEW
Rule Number   TYPE of rule filing

Rule Title/Tag Line   **Invasive Plant Advisory Committee.**

RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**
Bill Number: **192**   General Assembly: **130**   Sponsor: **Manning**

3. Statute prescribing the procedure in   4. Statute(s) authorizing agency to
accordance with the agency is required   adopt the rule: **901.50**
to adopt the rule: **119.03**

                                                 5. Statute(s) the rule, as filed, amplifies
                                                 or implements: **901.50**

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

> Am. Sub S.B. 192 of the 130th General Assembly granted the Ohio Department of
> Agriculture (Department) the exclusive authority to regulate invasive plant species
> including identification of species and establishment of prohibited activities, and
> authorizes the Department to adopt rules for that purpose.

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 establishes an Ohio Invasive Plant Advisory Committee which will provide
> advice to the Director on matters regarding invasive plants, including but not limited
> to the identification of invasive plants and the establishment of prohibited activities
> regarding those species.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

> *Not Applicable.*

12. Five Year Review (FYR) 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 have no impact on revenues or expenditures.

0.00

ORC 901.51 was passed without any additional appropriations. The Department has examined and will continue to examine the costs of such a program throughout its existence. The Department will account for the lack of appropriations by adjusting its other programs to fit the fiscal needs of this program.

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

Not applicable.

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:

No person shall sell, offer for sale, propagate, distribute, import or intentionally cause the dissemination of any invasive plant as defined in paragraph (A) of OAC 901:5-30-01 in the state of Ohio. The prohibition will not allow the sale of certain plant varieties in the state of Ohio. For some nurseries, revenue from the sale of prohibited plants may be lost. The adverse impact cannot be quantified in terms of dollars due to the variety of business models and levels of stock available at each nursery.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

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**