

**Rule Summary and Fiscal Analysis (Part A)****Department of Agriculture**

Agency Name

**Plant Industry**

Division

**David E Miran**

Contact

**8995 East Main Street Reynoldsburg OH  
43068-0000**

Agency Mailing Address (Plus Zip)

**614-728-6390**

Phone

Fax

**david.miran@agri.ohio.gov**

Email

**901:5-55-05**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**No consent and search warrant.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**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: **909.03**5. Statute(s) the rule, as filed, amplifies or implements: **909.05**

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

The rule is up for five year rule review.

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:

Rule 901:5-55-05 has been rescinded and replaced due to the Legislative Service Commissions 50% rule. The rule outlines the ways the Department can gain access

to a property in order to inspect an apiary. The rule states a search warrant may be obtained by the Department in order to inspect an apiary so long as the Department has made reasonable efforts to notify the bee keeper.

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:

Pursuant to section 121.76 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

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:

Not applicable.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **8/7/2017**

(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

Not applicable.

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:

Any apiary may be inspected by either the Department or the county apiarist for any serious bee disease. Should any hive contract a serious bee disease, it will be subject to immediate quarantine. Further, there is a possibility that the entire apiary also be quarantined. Quarantine may result in further costs associated with treatment or destruction of the hive.

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? **Yes**

All apiaries must be registered.

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**

Any individual who fails to comply with these rules or the statutes from which they are promulgated may be subject to a penalty pursuant to ORC 909.99.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

All apiaries are required to pay a \$5 registration fee.