

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

Agency Name

**Enforcement and Compliance**

Division

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**901:8-2-05**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**License renewals and changes that require notification.****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? **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: **4707.19**5. Statute(s) the rule, as filed, amplifies or implements: **4707.07, 4707.071, 4707.072, 4707.073, 4707.074, 4707.08, 4707.09, 4707.10**

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

This rule is being amended to clarify resubmission requirements.

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:

OAC 901:8-2-05 is being amended to require the resubmission of an auctioneer license for Limited Liability Corporations (LLCs) who undergo controlling ownership interest changes. Pursuant to Ohio Revised Code (ORC) 4707.02(A), the Department shall not issue or renew an auction license if the person has been convicted of a felony or crime involving theft. By requiring the resubmission of a license application for entities that undergo changes in controlling interests, the Department can assure that the entity is not under the advice and control of a person unfit to be licensed by the Department.

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: **7/4/2020**

(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 revenues.

\$100 - \$200 annually.

This amendment may increase revenues for the Department. This is due to the fact that LLC's which undergo a change in thier controlling interest will now be required to pay an additional \$100 or \$200 for a new application. However, based on a review of the Department's records this generally occurs only one time per application year, if at all. Therefore, the likelihood that this rule will increase revenues is very small.

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:

LLC#s which undergo a change in controlling interest must pay either a \$100 or \$200 application fee with their new application to the Department. The application cost is dependent on the time in which they apply for their licensure. As the licensure is based on the state#s biennium, those who apply early in the biennium will pay \$200 and those who pay towards the end of the biennium will pay \$100.

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 licensed and apprentice auctioneers in the state of Ohio must have a license with the Department of Agriculture.

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**

No, however, violations to this rule would be subject to OAC 901:8-2-08.

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

LLC#s which undergo a change in controlling interest must pay either a \$100 or \$200 application fee with their new application to the Department. The application cost is dependent on the time in which they apply for their licensure. As the licensure is based on the state#s biennium, those who apply early in the biennium will pay \$200 and those who pay towards the end of the biennium will pay \$100.