

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

Agency Name

Division

**David E Miran**

Contact

**8995 East Main Street Reynoldsburg OH  
43338-0000**

Agency Mailing Address (Plus Zip)

**614-728-6390**

Phone

Fax

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

Email

**901:9-2-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**General provisions.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **1711.11**

5. Statute(s) the rule, as filed, amplifies or implements: **1711.11**

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

Rule 901:9-2-02 is being filed consistent with the requirements of R.C. 119.032.

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 sets out general provisions applicable to all concessions at county fairs. The rule is being reviewed as required by R.C. 119.032. Two of the rules provisions are being amended to make stylistic changes to allow the reader to better understand the requirements. A provision has been removed from the rule and incorporated, more appropriately, in 901:9-2-16. Further, the rule is being amended to open up the approval process by the department. Prior to amendment, all games must have been approved prior to May 31st in the calendar year. The amendment allows games to be approved after that date.

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. 119.032 Rule Review Date: **3/31/2014**

(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:

Each concession must be approved by the department prior to licensing and operation. A permit to operate games and concessions requires a \$70 application fee annually. There are no other costs of compliance associated with this rule.

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**

This rule requires that any type of game, show, or sale of novelties must be submitted for approval on an inspector, fair board official, or the Ohio expositions commission prior to operation. All games must be submitted for approval to the department prior to licensing and operation. A permit to operation costs an owner \$70 annually.

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 comply with these requirements may result in a fine as defined by statute.

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