



PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed administrative code rule found in Division 901:13-1 of the Ohio Administrative Code.

On July 3, 2015, Substitute Senate Bill 1 of Ohio's 131st General Assembly passed into law Ohio Revised Code (hereinafter "ORC") section 1511.10 which prohibited any individual from making surface applications of manure in Ohio's Western Basin under certain conditions. Further, Senate Bill 1 stated that the Director of Agriculture and the Chief of the Division of Soil and Water Resources shall adopt rules establishing the amount of the civil penalty for violations of ORC 1511.10. Ohio Administrative Code (hereinafter "OAC") 901:13-1-99 was created to fulfill this requirement and became effective on January 31, 2016.

Amended Substitute House Bill No. 64 of the 131st General Assembly transferred the Agricultural Soil and Water Conservation Program from the Ohio Department of Natural Resources to the Ohio Department of Agriculture effective January 1, 2016. With this bill, Chapter 939 of the Revised Code was created. Specifically, ORC 1511.10 was renumbered to 939.08. Additionally, ORC 939.02 was created giving the Director the authority to power to levy civil penalties for violations of any provision of the Chapter or the rules promulgated under it.

As stated above, the original 901:13-1-99 only referenced civil penalties for violations of 939.08 (formerly 1511.10). In accordance with the Legislative Service Commissions administrative rule drafting manual, the original rule has been proposed to be rescinded as there are amendments to more than 50% of the existing rule. The proposed 901:13-1-99 meets the statutory obligation in 939.02 by establishing the amount of the civil penalties for each potential violation of Chapter 939 or OAC Chapter 901:13-1. These penalties range from two-hundred and fifty dollars to ten thousand dollars based on the severity of the violation and any past non-compliance history with the violator. The manner in which prizes are offered and displayed, and the signage requirements for each game.

The hearing will be held on:

June 6, 2017 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 133 (Seminar "B")
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine



witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

More information on the rule package, including a business impact analysis and copies of the rules, can be found at <http://www.agri.ohio.gov/proposedrules/proposedrules.aspx> or by visiting the Register of Ohio at www.registerofohio.state.oh.us.

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

