

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture
FROM: Christopher Smyke, Lt. Governor's Office
DATE: June 16, 2017
RE: **CSI Review – Device Registration Permit (OAC 901:6-4-01)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule submitted by the Ohio Department of Agriculture (ODA) related to the registration and permitting of commercial measuring devices. The rule has been reviewed pursuant to the statutory five-year rule review. The rule was submitted to CSI on March 21, 2017 and the public comment period was held open until April 7, 2017. No stakeholder comments were received during the CSI review period.

Ohio Administrative Code (OAC) 901:6-4-01 sets forth the statutorily prescribed application process to obtain a permit to operate a commercially-used weighing and measuring device. These devices may include fuel meters, retail store scanners, and vehicle/livestock scales. The rule is proposed to change the number of days that an application may be submitted late before ODA issues a late fee. The proposal would reduce the number of days from ninety to sixty days, in order to align with ORC 1327.501.

According to the BIA, ODA sought early stakeholder input via email between January 25, 2017 and March 17, 2017. The BIA includes a comprehensive list of stakeholders contacted during this period. No comments were received during the early stakeholder or CSI public comment periods.

OAC 901:6-4-01 impacts individuals that operate a commercially-used weighing or measuring device. The BIA states that the application process requires minimal time and that the permit fee is seventy-five dollars. A penalty fee of twenty dollars may be assessed when the renewal fee is more than sixty days past due. In addition, the BIA justifies the rules by citing ODA's statutory obligation to outline the procedure for how to obtain a permit for a weighing/measuring device as well as the need to protect Ohio businesses and consumers by ensuring that products are accurately measured and sold.

Following review of the draft rule and BIA, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rule are justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Agriculture should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

CC: Emily Kaylor, Lt. Governor's Office