

Executive

As Reported by House Finance and Appropriations

**AGRCD2 Agricultural Easements and Farmland Preservation Advisory Board Composition**

**R.C. 901.21, 901.22, 901.23, Section 803.20**

Authorizes an agricultural easement acquired by the Director of Agriculture or a political subdivision or charitable organization that has received a matching grant from the Director to include a provision to preserve a unique natural or physical feature on the land so long as the use of the land remains predominantly agricultural. Requires one representative on the existing Farmland Preservation Advisory Board to be from a nonprofit organization dedicated to the preservation of farmland rather than from a national nonprofit organization that is so dedicated as under current law.

**R.C. 901.21, 901.22, 901.23, Section 803.20**

Same as the Executive.  
  
Same as the Executive.

**AGRCD3 Prohibitions and Penalties under Concentrated Animal Feeding Facilities Law**

**R.C. 903.30, 903.99**

Requires the Attorney General, upon the written request of the Director of Agriculture, to prosecute any person who violates or fails to perform any duty required by specified provisions of the Concentrated Animal Feeding Facilities (CAFF) Law, a rule adopted by the Director under that Law, or an order or term or condition of a permit issued by the Director under that Law or rules adopted under it.

Establishes three tiers of violations and penalties under this provision: (A) Negligent – Not more than 90 days in jail or no more than a \$10,000 fine or both. Defines a person as negligent with respect to circumstances when, because

**R.C. 903.30, 903.99**

Replaces the Executive provision regarding the Attorney General's authority to prosecute with a provision that establishes two separate general prohibitions: (1) Violating specified requirements governing NPDES permits and the NPDES provisions of permits to operate; and (2) violating requirements under specified provisions of the CAFF Law or rules adopted or orders or terms and conditions of permits issued that are not related specifically to NPDES permits and permit provisions.

Modifies the penalties established in the Executive by doing the following: Applies the penalties for negligent violations and the standard for actions that constitute negligence under (A) only to violations of the general

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of a lapse from due care (instead of because of a substantial lapse from due care as defined under current law), the person fails to perceive or avoid a risk that such circumstances may exist; (B) Reckless – Not more than one year in jail or no more than a \$10,000 fine or both; and (C) Knowing – Felony subject to not more than 3 years in jail and a fine between \$10,000 - \$25,000. (Current law penalties under the CAFF Law range from a third degree misdemeanor on a first offense to a first degree misdemeanor on a third or subsequent offense, and a fine of not more than \$25,000 for specified violations.)

**Fiscal effect: May increase costs for the Department of Agriculture and local courts. These costs would be partially offset through fine revenues.**

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prohibition regarding NPDES permits and the NPDES provisions of permits to operate; applies the penalties for reckless violations under (B) to both general prohibitions established above; and applies the penalties for knowing violations under (C) to both general prohibitions above, but eliminates the minimum fine of \$10,000.

**Fiscal effect: Same as the Executive.**

**AGRCD1                      Crediting of Fees and Fines Under Apiary Law**

R.C.        *909.15, 927.54*

Credits money that is collected from registration fees and fines under the Apiaries Law to the Plant Pest Program Fund (Fund 5FC0) rather than the General Revenue Fund as in current law, and requires money credited to Fund 5FC0 to be used to administer the Apiaries Law in addition to the Nursery Stock and Plant Pest Law as in current law.

**Fiscal effect: The Department collects approximately \$27,000 per fiscal year in apiary registration fees, amounts that would flow to Fund 5FC0 under the bill.**

R.C.        *909.15, 927.54*

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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AGRCD10

Agricultural Commodity Marketing Programs

R.C. 924.06

No provision.

Revises the procedures governing the approval by the Director of Agriculture of an amendment to any agricultural commodity marketing program, regardless of when the program was established, by requiring a majority of the producers who vote in a referendum on the amendment to vote in favor of the amendment in order for the Director to approve it.

No provision.

Eliminates the requirement in existing law that if a marketing program was established before April 10, 1985, one of the following results of a referendum must occur in order for the Director to approve an amendment to the program: (1) At least 66 and 2/3% of the producers who vote in the referendum must vote in favor of the amendment and represent a majority of the volume of the affected commodity that was produced in the preceding marketing year by all producers who voted in the referendum; or (2) A majority of the producers who vote in the referendum must vote in favor of the amendment and represent at least 66 and 2/3% of the volume of the affected commodity that was so produced.

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AGRCD9

Reimbursements to Counties from the High Volume Breeder Kennel Control License Fund

No provision.

R.C. 956.07, 956.18

Modifies the reimbursement mechanism under current law by requiring the Director of Agriculture, rather than the Treasurer of State, to use a portion of the money collected from high volume breeder license application fees that is credited to the High Volume Breeder Kennel Control License Fund to reimburse a county in which a high volume breeder is located or will be located.

AGRCD4

Regulation of Point-of-Sale Systems by Division of Weights and Measures

R.C. 1327.50, 1327.46, 1327.501, 1327.502, 1327.61, 1327.99

(1) Requires the Director of Agriculture to verify advertised prices, price representations, and point-of-sale systems to determine their accuracy, and specifies the actions to implement this requirement, including: (1) using recognized procedures, including those under National Institute of Standards and Technology Handbook 130; (2) adopting rules governing the accuracy of advertised prices and point-of-sale systems and requirements and procedures for enforcement; and (3) conduct necessary inspections.

No provision.

(2) Prohibits anyone from using, repairing, servicing or placing into service a commercially used weighing and measuring device other than a Division of Weights and Measures inspector, a service person registered with the Department, or a county or municipal weights and measures inspector.

No provision.

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(3) Requires a service person who is employed by a commercially used weighing and measuring device servicing agency to register with the Director in accordance with rules.

No provision.

(4) Prohibits a person from operating a commercially used weighing and measuring device that provides the quantity or cost of a final transaction instead of providing the final quantity and final cost of a transaction without a permit to operate issued by the Director or the Director's designee.

No provision.

**Fiscal effect: Increase in costs to inspect point-of-sale systems, partially offset through any inspection fees deposited into the Metrology and Scale Certification and Device Permitting Fund (Fund 5H20).**

**AGRCD5**

**Application of and Exemptions from the Auctioneer's Law**

R.C. *4707.073, 4707.10*

Makes technical changes in the Auctioneers' Law to clarify that it also applies to limited liability companies.

No provision.

R.C. *4707.073, 4707.02, 4707.10*

Same as the Executive.

Adds the following to the list of eight existing exemptions from the prohibition against acting as an auction firm, auctioneer, or apprentice auctioneer without a license: (1) A bid calling contest that is approved by the State Auctioneers Commission and that is conducted for the purposes of the advancement or promotion of the auction profession in Ohio, provided that no compensation is paid to the sponsor of or participants in the contest other than a prize or award for winning the contest; and (2) An auction at which the champion of a national or international bid calling contest appears, provided that the champion is not paid a commission and the auction is conducted under the

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direct supervision of an auctioneer licensed under the Auctioneers Law.

**AGRCD6 County Agricultural Societies**

**Section: 211.10**

Requires that GRF appropriation item 700501, County Agricultural Societies, be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

**Section: 211.10**

Same as the Executive.

**AGRCD7 Clean Ohio Agricultural Easement Program**

**Section: 211.10**

Requires CLF Fund 7057 appropriation item 700632, Clean Ohio Agricultural Easement, to be used to administer the Clean Ohio Agricultural Easement Purchase Program under sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Section: 211.10**

Same as the Executive.

**AGRCD8 Dangerous and Restricted Wild Animals**

**Section: 211.10**

Specifies that GRF appropriation item 700426, Dangerous and Restricted Animals, be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

**Section: 211.10**

Same as the Executive.

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Other Taxation Provisions

TAXCD41 Ohio Grapes Industries Fund

Section: 4301.43

Extends through June 30, 2015 the two cents per gallon of wine tax revenue credited to the Ohio Grapes Industries Fund.

**Fiscal effect: Maintains revenues to the Ohio Grapes Industries Fund (Fund 4960). Fund 4960 received \$1.1 million in FY 2012 and is estimated to receive about the same amount in FY 2013. Receipts from the wine tax are otherwise credited to the GRF.**

Section: 4301.43

Same as the Executive.

**Fiscal effect: Same as the Executive.**