



HB 414 – Issue 2 Implementing Legislation

Sponsored by Representatives Allan Sayre and Linda Bolon in the House and Senator Bob Gibbs in the Senate, the Issue 2 implementing legislation received unanimous support from the members of the House and Senate. Details regarding the final version of the bill follow.

Content: HB 414 sets additional program parameters for the Livestock Care Standards Board. For example, the bill establishes that Board members will serve terms of 3 years. Members will serve without compensation, but will be eligible for reimbursement of actual costs incurred. The Bill adopts a complaint-driven inspection process, mandates a minimum of 3 meetings per year (although permits additional meetings), provides for the appointment of committees and subcommittees, and establishes clear right of entry provisions that meet both due process and biosecurity standards. Furthermore, HB 414 ensures that any standards adopted be done with full transparency by requiring adhering to Ohio's open records and public records laws and clarifies that the rulemaking process will include public hearings and comment periods. The bill contains additional safeguards for Ohio's organic farmers with language stating that should state-adopted standards conflict with any standards adopted by the national organic certification process, organic farmers will comply with the organic standards. HB 414 is also clear that the roles of county humane agents will not change under Ohio law. Finally, the bill stipulates that funding will initially come from existing programs at the Ohio Department of Agriculture. This will ensure a wise use of resources and permit for the cross training of ODA's existing staff.

Effective Date: The Governor signed the bill on March 31, 2010. Because the bill contains an emergency clause, it will become immediately effective. The Governor and Speaker of the House will have 45 days to appoint Board members. One seat, an appointment by the President of the Senate, has already been filled.

Expected Timeline: The Ohio Department of Agriculture anticipates that appointments to the Board will be made in a very timely manner. Next, the Director of ODA, as the Chair of the Board, will call an organizational meeting of the members. At that time, it is expected (based on the recommendation of the Director, although Board members will make the ultimate determination) that the Board will host a series of meetings around the state to take input from Ohio's farmers and consumers. From these meetings, the Board will develop care standards via Ohio's existing rulemaking process. In brief, that process calls for staff of ODA to draft rules and circulate them for comment (As an aside, anyone wishing to track the progress of agency rules in any of Ohio's major state agencies can do so online via the state regulatory gateway at <http://business.ohio.gov/reform/>). Following initial comment and any potential revisions, the rules would be submitted to the Joint Committee on Agency Rule Review (JCARR) for formal review, final comment, and JCARR consideration. For those desiring a more in-depth overview of Ohio's Administrative rule-making process, information can be found online at: www.lsc.state.oh.us/membersonly/127rulemaking.pdf. Reader note: HB 414 dictates rules be adopted under "Chapter 119." Although this process is seemingly complicated, it is very commonly used in programs with which Ohio's businesses and farmers are familiar.