



**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

### **Executive Order 2017-03K**

The Emergency Adoption of Rule 901:9-1-01  
of the Ohio Administrative Code by the Ohio Department of Agriculture

**WHEREAS**, the Ohio Department of Agriculture (“ODA”), Division of Amusement Ride Safety, inspects and licenses all amusement rides and devices in the state of Ohio; and

**WHEREAS**, Amended Substitute House Bill No. 49 of the 132<sup>nd</sup> General Assembly (“HB 49”) eliminated the statutory fee for the annual inspection of inflatable rides and devices; and

**WHEREAS**, HB 49 amended Revised Code Section 1711.53 to require the director of ODA to adopt rules in accordance with Chapter 119 of the Revised Code establishing fees for the inspection of inflatable rides and devices; and

**WHEREAS**, ODA has begun the process of amending its existing rule through the normal rule-making process, including a more thorough modernization of the amusement ride or device permit procedure; and

**WHEREAS**, due to the timing of the passage of HB 49 and its effective date, a temporary void will be created whereby ODA lacks the authority to charge the required fee for an annual inspection of inflatable rides and devices; and

**WHEREAS**, Division (G) of Section 119.03 of the Ohio Revised Code authorizes the Governor, upon on the request of a state agency, to suspend the normal rule-making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for 120 days; and

**WHEREAS**, ODA has requested a determination as to whether an emergency exists that requires the immediate amendment of rule 901:9-1-01 of the Ohio Administrative Code (“OAC”) so that ODA can ensure it has uninterrupted authority to charge an annual fee for the inspection of inflatable rides and devices; and

**WHEREAS**, in requesting a determination of the existence of an emergency as to the ability to charge an annual inspection fee, ODA further requests the amended rule currently under consideration by the Common Sense Initiative (“CSI”) be adopted in its entirety; and

**NOW THEREFORE**, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODA, that an emergency exists requiring the amendment of rule 901:9-1-01 of the OAC by the Director of ODA.

Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to adoption of this rule shall be suspended and ODA be permitted to adopt the rule

immediately by electronically filing it with the Secretary of State, the Director of the Legislative Services Commission, and the Joint Committee on Agency Rule Review (“JCARR”);

Further, this Executive Order shall be filed in electronic form with ODA, the Secretary of State, the Director of the Legislative Services Commission, and JCARR.

I signed this Executive Order on September 29, 2017, in Columbus, Ohio, and it will expire at the end of the one hundred and twentieth day it is in effect, or upon the amendment of said rule through the normal JCARR process, whichever is sooner.



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John R. Kasich, Governor

ATTEST:

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Jon Husted, Secretary of State