



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2015-14K

The Emergency Adoption of Rules 901:13-1-01, 901:13-1-02, 901:13-1-03, 901:13-1-04, 901:13-1-05, 901:13-1-06, 901:13-1-07, 901:13-1-08, 901:13-1-09, 901:13-1-11, 901:13-1-12, 901:13-1-13, 901:13-1-14, 901:13-1-15, 901:13-1-16, 901:13-1-17, 901:13-1-18, 901:13-1-19, 901:13-1-20, 901:13-2-01, 901:13-2-02, 901:13-2-03, 901:13-3-01, 901:13-3-02, 901:13-3-03, 901:13-3-04, 901:13-03-05 of the Ohio Administrative Code by the Ohio Department of Agriculture.

WHEREAS, Amended Substitute House Bill 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.

WHEREAS, Section 709.20 of House Bill No. 64 requires the Director of the Ohio Department of Agriculture adopt rules in accordance with Chapter 119. of the Revised Code which are identical to the Rules which govern the Program, except that references to the Division of Soil and Water Resources in the Department of Natural Resources shall be replaced with references to the Department of Agriculture, and references to the Chief of the Division of Soil and Water Resources in the Department of Natural Resources shall be replaced with references to the Director of Agriculture.

WHEREAS, the statutes under which the Director of the Department of Agriculture has the authority to promulgate the rules transferred by Amended Substitute House Bill 64 do not take effect until January 1, 2016.

WHEREAS, the seamless transfer of administrative rules from the Ohio Department of Natural Resources to the Ohio Department of Agriculture is necessary to continue to protect Ohio's precious resources of land and water.

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.

WHEREAS, the Ohio Department of Agriculture has requested a determination whether an emergency exists that requires the adoption of Rules 901:13-1-01, 901:13-1-02, 901:13-1-03, 901:13-1-04, 901:13-1-05, 901:13-1-06, 901:13-1-07, 901:13-1-08, 901:13-1-09, 901:13-1-11, 901:13-1-12, 901:13-1-13, 901:13-1-14, 901:13-1-15, 901:13-1-16, 901:13-1-17, 901:13-1-18, 901:13-1-19, 901:13-1-20, 901:13-2-01, 901:13-2-02, 901:13-2-03, 901:13-3-01, 901:13-3-02, 901:13-3-03, 901:13-3-04, 901:13-03-05 of the Ohio Administrative Code ("OAC") on an emergency basis so that the Ohio Department of Agriculture can effectively regulate the Agricultural Soil and Water Conservation Program immediately upon the statutory transfer of the program from the Ohio Department of Natural Resources.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Agriculture, that an emergency exists requiring the adoption of Rules 901:13-1-01, 901:13-1-02, 901:13-1-03, 901:13-1-04, 901:13-1-05, 901:13-1-06, 901:13-1-07, 901:13-1-08, 901:13-1-09, 901:13-1-11, 901:13-1-12, 901:13-1-13, 901:13-1-14, 901:13-1-15, 901:13-1-16, 901:13-1-17, 901:13-1-18, 901:13-1-19, 901:13-1-20, 901:13-2-01, 901:13-2-02, 901:13-2-03, 901:13-3-01, 901:13-3-02, 901:13-3-03, 901:13-3-04, 901:13-3-05 of the OAC so that the rules will be in effect on January 1, 2016.

Furthermore, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to adoption of these specified rules shall be suspended and the Ohio Department of Agriculture be permitted to adopt these rules with an effective date of January 1, 2016, by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Furthermore, this Executive Order shall be filed in electronic form with the Ohio Department of Agriculture, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on December 22, 2015, in Columbus, Ohio, and it will expire one-hundred twenty (120) days from the effective date of the emergency rules, or upon the adoption of the aforementioned rules as permanent rules through the normal JCARR process, whichever is sooner.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State