

R.C. Chapter 130 Ohio Livestock Care Standards Board

130.01 Ohio livestock care standards board, members.

The Ohio Livestock Care Standards Board shall consist of thirteen members. The members shall be the director, who shall be the chairperson of the board; ten members appointed by the governor, with the advice and consent of the Senate, who shall be the following: a person representing family farms, a person who is knowledgeable about food safety in the state, two representatives from statewide farmer organizations, an Ohio-licensed veterinarian, the state veterinarian, a dean of a college of agriculture at any college or university in Ohio, two members of the public to represent Ohio consumers, one representative from a county humane society within the state; one member appointed by the speaker of the House of Representatives who shall be a family farmer; one member appointed by the president of the Senate who shall be a family farmer.

130.02 Ohio livestock care standards board, terms of office.

(A) Not later than 45 days after the effective date of this legislation, the governor, Speaker of the House of Representatives and President of the Senate shall make appointments to the board which appointments shall all be electors of the state. Of the initial appointments, the family farmer appointed by the Governor, a dean of the agriculture department of a college or university located in this state, a veterinarian licensed in this state, and a member representing Ohio consumers shall be appointed for terms ending January 15, 2011; the family farmer appointed by the House, a member representing a statewide organization that represents farmers, a member representing a county humane society, and a member that is knowledgeable about food safety in this state shall be appointed for terms ending January 15, 2012; and the family farmer appointed by the Senate, a member of the public representing Ohio consumers, and a member representing a statewide organization that represents farmers shall be appointed for terms ending January 15, 2013. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds, except that the terms of the Director and State Veterinarian shall coincide with the length of time that the person holds the position of Director or State Veterinarian. Resignation or termination of the position of Director or State Veterinarian terminates that person's position on the board. Every other member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Any member of the board may be removed by the governor in accordance with and for the reasons set forth in Section 3.04 of the Revised Code.

(B) Members shall be appointed to fill vacancies caused by death, resignation, or removal in the same manner prescribed for regular appointment to the board. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration date of that member's term

until that member's successor takes office, or until a period of one hundred eighty days has elapsed, whichever occurs first.

(C) Appointed members of the Board shall serve without compensation. All members of the board are entitled to their actual and necessary expenses incurred in the performance of their duties as members, payable from monies received from the Ohio livestock care standards fund created under Section 130.07 of the Revised Code. Such expenses shall be in accordance with the limits on expenses required of state employees by law and by the directives of the Department of Administrative services.

(D) Serving as a member of the Board does not constitute holding a public office or position of employment under the laws of this state and does not entitle the Board member to any benefits of public employment, including, but not limited to vacation and sick leave, overtime, unemployment and OPERS benefits. The provisions of this Section notwithstanding, members of the Board will be required to file Financial Disclosure Forms with the Ohio Ethics Commission.

(E) A majority of the currently sitting Board constitutes a quorum. The Board shall meet at times that the chairperson or a majority of the board members considers appropriate but at least three (3) times annually. At the first meeting of the Board in each calendar year, the Director shall designate one member of the board to serve as vice-chairperson. A vacancy on the board does not impair the right of the other members to exercise all of the board's powers. The Board may act only if a quorum is present.

(F) The Office of the Board shall be located at the Department.

130.03 Definitions

As used in this Chapter:

(A) "Livestock" means all equine, regardless of the purpose for which the equine are raised, and also the following other animals if raised for human food products or for fiber:

1. Porcine, bovine, caprine, and ovine animals;
2. Poultry;
3. Alpacas;
4. Llamas; and
5. All other animals designated by the director by rule pursuant to Chapter 119 of the Revised Code.

(B) "Family Farm" means a farm that is closely held (legally controlled) by the owner and the owner's family. Family Farms include farms that are organized as a sole or family proprietorship; organized as partnerships; organized as family corporations or family trusts. Family farms do not include farms organized as nonfamily corporations; farms organized as nonfamily cooperatives, nonfamily trusts, and grazing associations.

(C) "Family Farmer" means the owner of a family farm or a member of his immediate family.

(D) "Director" means the Director of Agriculture of the State of Ohio.

(E) "Department" means the Ohio Department of Agriculture.

(F) "Board" means the Ohio Livestock Care Standards Board.

(G) "Veterinarian" means a person licensed, and in good standing, to practice veterinary medicine under Chapter 4741 of the Revised Code and who possesses significant experience with livestock.

130.04 Powers and duties of the board.

The Ohio livestock care standards board shall:

(1) In accordance with Chapter 119 of the Revised Code adopt rules governing the care and well-being of livestock in this state. In establishing those standards the Board shall consider factors that include but are not limited to, agricultural best management practices for such care and well-being, biosecurity (except the Board shall not pass standards which establish a statewide animal identification system), disease prevention, animal morbidity and mortality data, food safety practices, and the protection of local, affordable food supplies for consumers. Animals confined in research and medical facilities operating pursuant to guidelines established by the United States Department of Agriculture or American Veterinary Association are not subject to the standards established by this chapter.

(2) Adopt, rescind, or amend rules to establish civil fines for violators of the livestock care standards created under this chapter. Such rules shall be promulgated pursuant to Chapter 119 of the Revised Code.

(3) Establish any committees it deems appropriate to make recommendations to the Board. Committees may include non-board members.

130.05 Duties of the Director

The Director shall assist the Board by performing all acts and exercising all powers incidental to, in connection with, or considered reasonably necessary, proper, or advisable to effectuate the purposes of this chapter, including but not limited to:

(1) Hiring all employees of the Board, including the Board's Executive Director, who shall be selected from a list of at least three (3) recommended applicants submitted by the Board. If the list provided by the Board is not acceptable, the Director may request an

alternative list from the Board and may continue to request alternative lists until a candidate acceptable to the Director is provided. Employees of the board shall be in the unclassified service and be paid with monies from the Ohio livestock care standards fund. The Director may terminate such employees in accordance with the laws of this state.

(2) Contracting on behalf of the Board;

(3) Processing and submitting the care standards established by the Board to the joint committee on agency rule review pursuant to Chapter 119, contracting for surveys and analyses, and any other similar activities that assist the Board in establishing, amending, or rescinding livestock care standards; and

(4) Publishing and distributing, where applicable, to Ohio livestock producers and consumers educational and other information related to livestock care standards.

130.06 Powers of the Director

The director shall possess all authority necessary and appropriate to:

(1) Investigate complaints regarding violations of the livestock care standards, and to exercise all authority afforded by this chapter, chapter 901 and applicable rules adopted under those chapters in conducting such investigations.

(2) Enforce the standards established by the Board, in accordance with the adjudicative provisions of Chapter 119 of the Revised Code, in levying the civil penalties provided for in this chapter, and irrespective of whether an adequate remedy at law exists, the department may apply to a court of common pleas for a temporary or permanent injunction or other appropriate relief for continued violations of this chapter. For purposes of this division, the court of common pleas shall be the court of common pleas of Licking county or the court of common pleas of the county where the violation occurs.

130.07 Ohio livestock care standards fund

(A) All monies appropriated for the board by the general assembly, all monies collected pursuant to fines under this chapter, all monies collected through fees, and all monies donated for the purposes of advancing livestock care shall be deposited in the state treasury to the credit of the Ohio livestock care standards fund, which is hereby created. Monies in the fund shall be utilized by the Director to carry out the purposes of this chapter.

130.08 Expenses of the department

The department shall utilize funds from the Livestock Care Standards Fund to pay any expenses, including overhead, incurred in complying with the requirements of this chapter including, but not limited to salaries and benefits for department employees performing work on Board matters.

130.09 County Humane Societies

The authority granted to the Board and Director by this Chapter is not intended to detract from or expand the authority or obligations of County Humane Societies or County officials provided in Chapter 1717 of the Revised Code.

923.44 Inspection fees - reports of tonnage.

(A)(1) Except as otherwise provided in divisions (A)(2), (3), and (4) of this section, the first distributor of a commercial feed shall pay the director of agriculture a semiannual inspection fee at the rate of ~~twenty-five~~ thirty cents per ton for the fiscal year ending June 30, 2010; thirty-five cents per ton for the fiscal year ending June 30, 2011; and forty cents per ton for all fiscal years ending after June 30, 2012, with a minimum payment of ~~twenty-five~~ fifty dollars, on all commercial feeds distributed by the first distributor in this state.

(2) The semiannual inspection fee required under division (A)(1) of this section shall not be paid by the first distributor of a commercial feed if the distribution is made to an exempt buyer who shall be responsible for the fee. The director shall establish an exempt list consisting of those buyers who are responsible for the fee.

(3) The semiannual inspection fee shall not be paid on a commercial feed if the fee has been paid by a previous distributor.

(4) The semiannual inspection fee shall not be paid on customer-formula feed if the fee has been paid on the commercial feeds that are used as components in that customer-formula feed.

(B) Each distributor or exempt buyer who is required to pay a fee under division (A)(1) or (2) of this section shall file a semiannual statement with the director that includes the number of net tons of commercial feed distributed by the distributor or exempt buyer in this state, within thirty days after the thirtieth day of June and within thirty days after the thirty-first day of December, respectively, of each calendar year.

The inspection fee at the rate stated in division (A)(1) of this section shall accompany the statement. For a tonnage report that is not filed or payment of inspection fees that is not made within fifteen days after the due date, a penalty of ten per cent of the amount due, with a minimum penalty of ~~fifty~~ one hundred dollars shall be assessed against the distributor or exempt buyer. The amount of fees due, plus penalty, shall constitute a debt and become the basis of a judgment against the distributor or exempt buyer.

(C) No information furnished under this section shall be disclosed by an employee of the department of agriculture in such a way as to divulge the operation of any person required to make such a report.

Effective Date: 07-27-1990; 06-30-2005

923.46 Monies collected credited to commercial feed, fertilizer, and lime inspection and laboratory fund.

All monies collected by the director of agriculture under sections 923.41 to 923.55 of the Revised Code shall be deposited into the state treasury to the credit of the commercial feed, fertilizer, seed, and lime inspection and laboratory fund created in section 905.38 of the Revised Code.

The director shall annually transfer, at such times as he determines appropriate, the amount of five hundred thousand dollars (\$500,000) and such additional funds as he deems appropriate to the Ohio Livestock Care Standards Fund created in Section 130.07 of the Revised Code, which monies shall be used for the purposes set forth in Section 130.07.

The director shall prepare and provide a report concerning the fund in accordance with section 905.381 of the Revised Code.

Effective Date: 10-29-1996; 06-30-2005