

**As Reported by the Senate Energy, Natural Resources and
Environment Committee**

**122nd General Assembly
Regular Session
1997-1998**

Sub. S. B. No. 187

Senator White

A B I L L

To amend sections 109.71, 109.751, 109.77, 109.801,	1
109.802, 123.01, 145.01, 145.33, 149.01, 1501.01,	2
1501.02, 1501.10, 1502.01, 1502.03, 1502.04,	3
1502.05, 1502.99, 1503.01, 1503.05, 1503.29,	4
1503.43, 1504.02, 1505.10, 1505.99, 1506.02,	5
1506.11, 1507.05, 1509.01, 1509.06, 1509.07,	6
1509.071, 1509.072, 1509.13, 1509.14, 1509.22,	7
1509.222, 1509.31, 1511.02, 1511.022, 1513.02,	8
1513.18, 1513.181, 1513.20, 1513.30, 1513.37,	9
1515.03, 1515.08, 1515.24, 1517.10, 1517.14,	10
1517.99, 1518.20 to 1518.27, 1518.99, 1520.01 to	11
1520.03, 1521.03, 1521.05, 1531.01, 1531.06,	12
1531.13, 1531.20, 1531.33, 1531.99, 1533.01,	13
1533.06, 1533.08, 1533.10, 1533.12, 1533.171,	14
1533.24, 1533.67, 1533.68, 1533.70, 1533.71,	15
1533.82, 1533.99, 1541.03, 1541.10, 1547.01,	16
1547.03, 1547.04, 1547.08, 1547.09, 1547.111,	17
1547.12, 1547.13, 1547.131, 1547.14, 1547.15,	18
1547.22, 1547.25, 1547.251, 1547.26, 1547.30,	19
1547.302, 1547.31, 1547.33, 1547.39, 1547.40,	20
1547.52, 1547.521, 1547.531, 1547.542, 1547.543,	21
1547.57, 1547.69, 1548.01, 1548.05, 1548.06,	22
1553.01, 1553.02, 1553.05, 2935.01, 2935.03,	23
3937.42, 4905.03, 5749.02, and 6111.42; to amend,	24

for the purpose of adopting new section numbers as 25
indicated in parentheses, sections 1518.20 26
(1533.86), 1518.21 (1533.87), 1518.22 (1533.88), 27
1518.23 (1533.881), 1518.24 (1533.882), 1518.25 28
(1533.89), 1518.26 (1533.891), and 1518.27 29
(1533.90); to enact new section 1553.07 and 30
sections 1501.013, 1531.202, and 1531.34; and to 31
repeal sections 1515.06, 1515.071, and 1553.07 of 32
the Revised Code to revise the statutes governing 33
the Department of Natural Resources and to 34
maintain the provisions of this act on and after 35
January 1, 2000, by amending the version of 36
section 1547.31 of the Revised Code that takes 37
effect on that date. 38

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.71, 109.751, 109.77, 109.801, 39
109.802, 123.01, 145.01, 145.33, 149.01, 1501.01, 1501.02, 40
1501.10, 1502.01, 1502.03, 1502.04, 1502.05, 1502.99, 1503.01, 41
1503.05, 1503.29, 1503.43, 1504.02, 1505.10, 1505.99, 1506.02, 42
1506.11, 1507.05, 1509.01, 1509.06, 1509.07, 1509.071, 1509.072, 43
1509.13, 1509.14, 1509.22, 1509.222, 1509.31, 1511.02, 1511.022, 44
1513.02, 1513.18, 1513.181, 1513.20, 1513.30, 1513.37, 1515.03, 45
1515.08, 1515.24, 1517.10, 1517.14, 1517.99, 1518.20, 1518.21, 46
1518.22, 1518.23, 1518.24, 1518.25, 1518.26, 1518.27, 1518.99, 47
1520.01, 1520.02, 1520.03, 1521.03, 1521.05, 1531.01, 1531.06, 48
1531.13, 1531.20, 1531.33, 1531.99, 1533.01, 1533.06, 1533.08, 49
1533.10, 1533.12, 1533.171, 1533.24, 1533.67, 1533.68, 1533.70, 50
1533.71, 1533.82, 1533.99, 1541.03, 1541.10, 1547.01, 1547.03, 51
1547.04, 1547.08, 1547.09, 1547.111, 1547.12, 1547.13, 1547.131, 52
1547.14, 1547.15, 1547.22, 1547.25, 1547.251, 1547.26, 1547.30, 53

1547.302, 1547.31, 1547.33, 1547.39, 1547.40, 1547.52, 1547.521, 54
1547.531, 1547.542, 1547.543, 1547.57, 1547.69, 1548.01, 1548.05, 55
1548.06, 1553.01, 1553.02, 1553.05, 2935.01, 2935.03, 3937.42, 56
4905.03, 5749.02, and 6111.42 be amended, sections 1518.20 57
(1533.86), 1518.21 (1533.87), 1518.22 (1533.88), 1518.23 58
(1533.881), 1518.24 (1533.882), 1518.25 (1533.89), 1518.26 59
(1533.891), and 1518.27 (1533.90) be amended for the purpose of 60
adopting new section numbers as indicated in parentheses, and new 61
section 1553.07 and sections 1501.013, 1531.202, and 1531.34 of 62
the Revised Code be enacted to read as follows: 63

Sec. 109.71. There is hereby created in the office of the 64
attorney general the Ohio peace officer training commission. The 65
commission shall consist of nine members appointed by the governor 66
with the advice and consent of the senate and selected as follows: 67
one member representing the public; two members who are incumbent 68
sheriffs; two members who are incumbent chiefs of police; one 69
member from the bureau of criminal identification and 70
investigation; one member from the state highway patrol; one 71
member who is the special agent in charge of a field office of the 72
federal bureau of investigation in this state; and one member from 73
the department of education, trade and industrial education 74
services, law enforcement training. 75

As used in sections 109.71 to 109.77 of the Revised Code: 76

(A) "Peace officer" means: 77

(1) A deputy sheriff, marshal, deputy marshal, member of the 78
organized police department of a township or municipal 79
corporation, member of a township police district or joint 80
township police district police force, member of a police force 81
employed by a metropolitan housing authority under division (D) of 82
section 3735.31 of the Revised Code, or township constable, who is 83

commissioned and employed as a peace officer by a political 84
subdivision of this state or by a metropolitan housing authority, 85
and whose primary duties are to preserve the peace, to protect 86
life and property, and to enforce the laws of this state, 87
ordinances of a municipal corporation, resolutions of a township, 88
or regulations of a board of county commissioners or board of 89
township trustees, or any such laws, ordinances, resolutions, or 90
regulations; 91

(2) A police officer who is employed by a railroad company 92
and appointed and commissioned by the governor pursuant to 93
sections 4973.17 to 4973.22 of the Revised Code; 94

(3) Employees of the department of taxation engaged in the 95
enforcement of Chapter 5743. of the Revised Code and designated by 96
the tax commissioner for peace officer training for purposes of 97
the delegation of investigation powers under section 5743.45 of 98
the Revised Code; 99

(4) An undercover drug agent; 100

(5) Liquor control investigators of the department of public 101
safety engaged in the enforcement of Chapters 4301. and 4303. of 102
the Revised Code; 103

(6) An employee of the department of natural resources who is 104
a natural resources law enforcement staff officer designated 105
pursuant to section 1501.013, a park officer designated pursuant 106
to section 1541.10, a forest officer designated pursuant to 107
section 1503.29, a preserve officer designated pursuant to section 108
1517.10, a wildlife officer designated pursuant to section 109
1531.13, or a state watercraft officer designated pursuant to 110
section 1547.521 of the Revised Code; 111

(7) An employee of a park district who is designated pursuant 112
to section 511.232 or 1545.13 of the Revised Code; 113

(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	114 115
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the governor pursuant to sections 4973.17 to 4973.22 of the Revised Code;	116 117 118 119 120
(10) Ohio veterans' home police officers designated under section 5907.02 of the Revised Code;	121 122
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	123 124 125
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training council attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	126 127 128 129 130 131 132 133
(13) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	134 135 136 137
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	138 139
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code- <u>i</u>	140 141 142
(16) Food stamp trafficking agents of the department of	143

public safety designated under section 5502.14 of the Revised	144
Code;	145
(17) Investigators appointed by the auditor of state pursuant	146
to section 117.091 of the Revised Code and engaged in the	147
enforcement of Chapter 117. of the Revised Code;	148
(18) A special police officer designated by the	149
superintendent of the state highway patrol pursuant to section	150
5503.09 of the Revised Code.	151
(B) "Undercover drug agent" has the same meaning as in	152
division (B)(2) of section 109.79 of the Revised Code.	153
(C) "Crisis intervention training" means training in the use	154
of interpersonal and communication skills to most effectively and	155
sensitively interview victims of rape.	156
(D) "Missing children" has the same meaning as in section	157
2901.30 of the Revised Code.	158
Sec. 109.751. (A) The executive director of the Ohio peace	159
officer training commission shall neither approve nor issue a	160
certificate of approval to a peace officer training school	161
pursuant to section 109.75 of the Revised Code unless the school	162
agrees to permit, in accordance with rules adopted by the attorney	163
general pursuant to division (C) of this section, undercover drug	164
agents to attend its basic training programs. The executive	165
director shall revoke approval, and the certificate of approval	166
of, a peace officer training school that does not permit, in	167
accordance with rules adopted by the attorney general pursuant to	168
division (C) of this section, undercover drug agents to attend its	169
basic training programs.	170
This division does not apply to peace officer training	171
schools for employees of conservancy districts who are designated	172
pursuant to section 6101.75 of the Revised Code or for <u>a natural</u>	173

resources law enforcement staff officer, park officers, forest 174
officers, preserve officers, wildlife officers, or state 175
watercraft officers of the department of natural resources. 176

(B)(1) A peace officer training school is not required to 177
permit an undercover drug agent, a bailiff or deputy bailiff of a 178
court of record of this state, or a criminal investigator employed 179
by the state public defender to attend its basic training programs 180
if either of the following applies: 181

(a) In the case of the Ohio peace officer training academy, 182
the employer county, township, municipal corporation, court, or 183
state public defender or the particular undercover drug agent, 184
bailiff, deputy bailiff, or criminal investigator has not paid the 185
tuition costs of training in accordance with section 109.79 of the 186
Revised Code; 187

(b) In the case of other peace officer training schools, the 188
employer county, township, municipal corporation, court, or state 189
public defender fails to pay the entire cost of the training and 190
certification. 191

(2) A training school shall not permit a bailiff or deputy 192
bailiff of a court of record of this state or a criminal 193
investigator employed by the state public defender to attend its 194
basic training programs unless the employing court of the bailiff 195
or deputy bailiff or the state public defender, whichever is 196
applicable, has authorized the bailiff, deputy bailiff, or 197
investigator to attend the school. 198

(C) The attorney general shall adopt, in accordance with 199
Chapter 119. or pursuant to section 109.74 of the Revised Code, 200
rules governing the attendance of undercover drug agents at 201
approved peace officer training schools, other than the Ohio peace 202
officer training academy, and the certification of the agents upon 203
their satisfactory completion of basic training programs. 204

Sec. 109.77. (A) As used in this section, "felony" has the	205
same meaning as in section 109.511 of the Revised Code.	206
(B)(1) Notwithstanding any general, special, or local law or	207
charter to the contrary, and except as otherwise provided in this	208
section, no person shall receive an original appointment on a	209
permanent basis as any of the following unless the person	210
previously has been awarded a certificate by the executive	211
director of the Ohio peace officer training commission attesting	212
to the person's satisfactory completion of an approved state,	213
county, municipal, or department of natural resources peace	214
officer basic training program:	215
(a) A peace officer of any county, township, municipal	216
corporation, regional transit authority, or metropolitan housing	217
authority;	218
(b) A <u>natural resources law enforcement staff officer</u> , park	219
officer, forest officer, preserve officer, wildlife officer, or	220
state watercraft officer of the department of natural resources;	221
(c) An employee of a park district under section 511.232 or	222
1545.13 of the Revised Code;	223
(d) An employee of a conservancy district who is designated	224
pursuant to section 6101.75 of the Revised Code;	225
(e) A state university law enforcement officer;	226
(f) A special police officer employed by the department of	227
mental health pursuant to section 5119.14 of the Revised Code or	228
the department of mental retardation and developmental	229
disabilities pursuant to section 5123.13 of the Revised Code;	230
(g) A food stamp trafficking agent of the department of	231
public safety designated under section 5502.14 of the Revised	232
Code.	233

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has ~~satisfactorily~~ completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;

(f) A food stamp trafficking agent of the department of public safety designated under section 5502.14 of the Revised Code.

(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace

officer basic training program, regardless of whether the program
is to be completed by peace officers appointed on a permanent or
temporary, probationary, or other nonpermanent basis, shall
include at least fifteen hours of training in the handling of the
offense of domestic violence, other types of domestic
violence-related offenses and incidents, and protection orders and
consent agreements issued or approved under section 2919.26 or
3113.31 of the Revised Code and at least six hours of crisis
intervention training. The requirement to complete fifteen hours
of training in the handling of the offense of domestic violence,
other types of domestic violence-related offenses and incidents,
and protection orders and consent agreements issued or approved
under section 2919.26 or 3113.31 of the Revised Code does not
apply to any person serving as a peace officer on March 27, 1979,
and the requirement to complete six hours of training in crisis
intervention does not apply to any person serving as a peace
officer on April 4, 1985. Any person who is serving as a peace
officer on April 4, 1985, who terminates that employment after
that date, and who ~~is~~ subsequently is hired as a peace officer by
the same or another law enforcement agency shall complete the six
hours of training in crisis intervention within the time
prescribed by rules adopted by the attorney general pursuant to
section 109.742 of the Revised Code. No peace officer shall have
employment as a peace officer terminated and then be reinstated
with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person
serving on a permanent basis on March 28, 1985, as a park officer,
forest officer, preserve officer, wildlife officer, or state
watercraft officer of the department of natural resources or as an
employee of a park district under section 511.232 or 1545.13 of
the Revised Code, to any person serving on a permanent basis on
March 6, 1986, as an employee of a conservancy district designated

pursuant to section 6101.75 of the Revised Code, to any person 296
serving on a permanent basis on January 10, 1991, as a preserve 297
officer of the department of natural resources, to any person 298
employed on a permanent basis on July 2, 1992, as a special police 299
officer by the department of mental health pursuant to section 300
5119.14 of the Revised Code or by the department of mental 301
retardation and developmental disabilities pursuant to section 302
5123.13 of the Revised Code, or to any person serving on a 303
permanent basis on June 19, 1978, as a state university law 304
enforcement officer pursuant to section 3345.04 of the Revised 305
Code and who, immediately prior to June 19, 1978, was serving as a 306
special ~~policeman~~ police officer designated under authority of 307
that section. 308

(5) Division ~~(A)~~(B) of this section does not apply to any 309
person who is appointed as a regional transit authority police 310
officer pursuant to division (Y) of section 306.35 of the Revised 311
Code if, on or before July 1, 1996, the person has ~~satisfactorily~~ 312
completed satisfactorily an approved state, county, municipal, or 313
department of natural resources peace officer basic training 314
program and has been awarded a certificate by the executive 315
director of the Ohio peace officer training commission attesting 316
to the person's satisfactory completion of such an approved 317
program and if, on July 1, 1996, the person is performing peace 318
officer functions for a regional transit authority. 319

(C) No person, after September 20, 1984, shall receive an 320
original appointment on a permanent basis as a liquor control 321
investigator or food stamp trafficking agent of the department of 322
public safety, engaged in the enforcement of Chapters 4301. and 323
4303. of the Revised Code, or as an Ohio veterans' home police 324
officer designated under section 5907.02 of the Revised Code 325
unless the person previously has been awarded a certificate by the 326
executive director of the Ohio peace officer training commission 327

attesting to the person's satisfactory completion of an approved
police officer basic training program. Every person who is
appointed on a temporary basis or for a probationary term or on
other than a permanent basis as a liquor control investigator of
the department of public safety, engaged in the enforcement of
Chapters 4301. and 4303. of the Revised Code, or as an Ohio
veterans' home police officer designated under section 5907.02 of
the Revised Code shall forfeit that position unless the person
previously has ~~satisfactorily~~ completed satisfactorily or, within
one year from the time of appointment, satisfactorily completes an
approved police officer basic training program.

No person ~~shall~~, beginning on October 29, 1995, shall receive
an original appointment on a permanent basis as a food stamp
trafficking agent of the department of public safety authorized to
enforce Chapter 5502. and sections 2913.46 and 5101.54 of the
Revised Code and engaged in the enforcement of laws and rules
described in section 5502.14 of the Revised Code unless the person
previously has been awarded a certificate by the executive
director of the Ohio peace officer training commission attesting
to the person's satisfactory completion of an approved police
officer basic training program. Every person who is appointed on a
temporary or for a probationary term or on other than a permanent
basis as a food stamp trafficking agent shall forfeit that
position unless the person previously has ~~satisfactorily~~ completed
satisfactorily, or within one year from the time of the
appointment satisfactorily completes, an approved police officer
basic training program.

(D) No bailiff or deputy bailiff of a court of record of this
state and no criminal investigator who is employed by the state
public defender shall carry a firearm, as defined in section
2923.11 of the Revised Code, while on duty unless the bailiff,
deputy bailiff, or criminal investigator has done or received one

of the following:

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(1) Has been awarded a certificate by the executive director
of the Ohio peace officer training commission, which certificate
attests to satisfactory completion of an approved state, county,
or municipal basic training program for bailiffs and deputy
bailiffs of courts of record and for criminal investigators
employed by the state public defender that has been recommended by
the Ohio peace officer training ~~council~~ commission;

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(2) Has successfully completed a firearms training program
approved by the Ohio peace officer training commission prior to
employment as a bailiff, deputy bailiff, or criminal investigator;

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(3) Prior to June 6, 1986, was authorized to carry a firearm
by the court that employed the bailiff, or deputy bailiff, or, in
the case of a criminal investigator ~~or~~, by the state public
defender and has received training in the use of firearms that the
Ohio peace officer training commission determines is equivalent to
the training that otherwise is required by ~~this~~ (D) of
this section.

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(E)(1) Prior to awarding any certificate prescribed in this
section, the executive director of the Ohio peace officer training
commission shall request the person to whom the certificate is to
be awarded to disclose, and the person shall disclose, any
previous criminal conviction of or plea of guilty of that person
to a felony.

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(2) Prior to the award by the executive director of the
commission of any certificate prescribed in this section, the
prospective employer of the person to whom the certificate is to
be awarded or the commander of the peace officer training school
attended by that person shall request the bureau of criminal
identification and investigation to conduct a criminal history
records check on the person. Upon receipt of the request, the

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bureau promptly shall conduct a criminal history records check on 391
the person and, upon completion of the check, promptly shall 392
provide a copy of the criminal history records check to the 393
prospective employer or peace officer training school commander 394
that made the request. Upon receipt of the copy of the criminal 395
history records check from the bureau, the prospective employer or 396
peace officer training school commander that made the request 397
shall submit the copy to the executive director of the Ohio peace 398
officer training commission. The executive director shall not 399
award any certificate prescribed in this section unless the 400
executive director has received a copy of the criminal history 401
records check on the person to whom the certificate is to be 402
awarded. 403

(3) The executive director of the commission shall not award 404
a certificate prescribed in this section to a person who has been 405
convicted of or has pleaded guilty to a felony or who fails to 406
disclose any previous criminal conviction of or plea of guilty to 407
a felony as required under division (E)(1) of this section. 408

(4) The executive director of the commission shall revoke the 409
certificate awarded to a person as prescribed in this section, and 410
that person shall forfeit all of the benefits derived from being 411
certified as a peace officer under this section, if the person, 412
prior to the award of the certificate, failed to disclose any 413
previous criminal conviction of or plea of guilty to a felony as 414
required under division (E)(1) of this section. 415

(F)(1) Regardless of whether the person has been awarded the 416
certificate or has been classified as a peace officer prior to, 417
on, or after the effective date of this amendment, the executive 418
director of the Ohio peace officer training commission shall 419
revoke any certificate that has been awarded to a person as 420
prescribed in this section if the person does either of the 421
following: 422

(a) Pleads guilty to a felony committed on or after January 423
1, 1997. 424

(b) Pleads guilty to a misdemeanor committed on or after 425
January 1, 1997, pursuant to a negotiated plea agreement as 426
provided in division (D) of section 2929.29 of the Revised Code in 427
which the person agrees to surrender the certificate awarded to 428
the person under this section. 429

(2) The executive director of the commission shall suspend 430
any certificate that has been awarded to a person as prescribed in 431
this section if the person is convicted, after trial, of a felony 432
committed on or after January 1, 1997. The executive director 433
shall suspend the certificate pursuant to ~~this~~ division (F)(2) of 434
this section pending the outcome of an appeal by the person from 435
that conviction to the highest court to which the appeal is taken 436
or until the expiration of the period in which an appeal is 437
required to be filed. If the person files an appeal that results 438
in that person's acquittal of the felony or conviction of a 439
misdemeanor, or in the dismissal of the felony charge against that 440
person, the executive director shall reinstate the certificate 441
awarded to the person under this section. If the person files an 442
appeal from that person's conviction of the felony and the 443
conviction is upheld by the highest court to which the appeal is 444
taken or if the person does not file a timely appeal, the 445
executive director shall revoke the certificate awarded to the 446
person under this section. 447

(G)(1) If a person is awarded a certificate under this 448
section and the certificate is revoked pursuant to division (E)(4) 449
or (F) of this section, the person shall not be eligible to 450
receive, at any time, a certificate attesting to the person's 451
satisfactory completion of a peace officer basic training program. 452

(2) The revocation or suspension of a certificate under 453

division (E)(4) or (F) of this section shall be in accordance with
Chapter 119. of the Revised Code.

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(H)(1) A person who was employed as a peace officer of a
county, township, or municipal corporation of the state on January
1, 1966, and who has completed at least sixteen years of full-time
active service as such a peace officer may receive an original
appointment on a permanent basis and serve as a peace officer of a
county, township, or municipal corporation, or as a state
university law enforcement officer, without complying with the
requirements of division (B) of this section.

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(2) Any person who held an appointment as a state highway
trooper on January 1, 1966, may receive an original appointment on
a permanent basis and serve as a peace officer of a county,
township, or municipal corporation, or as a state university law
enforcement officer, without complying with the requirements of
division (B) of this section.

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(I) No person who is appointed as a peace officer of a
county, township, or municipal corporation on or after April 9,
1985, shall serve as a peace officer of that county, township, or
municipal corporation unless the person has received training in
the handling of missing children and child abuse and neglect cases
from an approved state, county, township, or municipal police
officer basic training program or receives the training within the
time prescribed by rules adopted by the attorney general pursuant
to section 109.741 of the Revised Code.

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(J) No part of any approved state, county, or municipal basic
training program for bailiffs and deputy bailiffs of courts of
record and no part of any approved state, county, or municipal
basic training program for criminal investigators employed by the
state public defender shall be used as credit toward the
completion by a peace officer of any part of the approved state,

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county, or municipal peace officer basic training program that the 485
peace officer is required by this section to complete 486
satisfactorily. 487

(K) This section does not apply to any member of the police 488
department of a municipal corporation in an adjoining state 489
serving in this state under a contract pursuant to section 737.04 490
of the Revised Code. 491

Sec. 109.801. (A)(1) Each year the following persons shall 492
~~successfully~~ complete successfully a firearms requalification 493
program approved by the executive director of the Ohio peace 494
officer training commission in accordance with rules adopted by 495
the attorney general pursuant to section 109.743 of the Revised 496
Code: any sheriff, deputy sheriff, marshal, deputy marshal, 497
township constable, chief of police or member of an organized 498
police department of a municipal corporation or township, chief of 499
police or member of a township police district police force, 500
superintendent of the state highway patrol, state highway patrol 501
trooper, or chief of police of a university or college police 502
department or state university law enforcement officer appointed 503
under section 3345.04 of the Revised Code; any parole or probation 504
officer who carries a firearm in the course of official duties; 505
any employee of the department of natural resources who is a 506
natural resources law enforcement staff officer, park officer, 507
forest officer, preserve officer, wildlife officer, or state 508
watercraft officer who carries a firearm in the course of official 509
duties; or any employee of the department of youth services who is 510
designated pursuant to division (A)(2) of section 5139.53 of the 511
Revised Code as being authorized to carry a firearm while on duty 512
as described in that division. 513

(2) No person listed in division (A)(1) of this section shall 514
carry a firearm during the course of official duties if the person 515

does not comply with division (A)(1) of this section.

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(B) The hours that a sheriff spends attending a firearms
requalification program required by division (A) of this section
are in addition to the sixteen hours of continuing education that
are required by division (E) of section 311.01 of the Revised
Code.

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(C) As used in this section, "firearm" has the same meaning
as in section 2923.11 of the Revised Code.

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Sec. 109.802. (A) There is hereby created in the state
treasury the law enforcement assistance fund. The fund shall be
used to pay reimbursements for law enforcement training as
provided in this section and section 109.803 of the Revised Code,
the compensation of any employees of the attorney general required
to administer those sections, and any other administrative costs
incurred by the attorney general to administer those sections.

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(B) The attorney general shall adopt rules in accordance with
Chapter 119. of the Revised Code establishing application
procedures, standards, and guidelines, and prescribing an
application form, for the reimbursement of sheriffs, constables,
chiefs of police of organized municipal and township police
departments, chiefs of police of township police district police
forces, and chiefs of police of university or college police
departments for the costs of peace officer basic training
programs, advanced peace officer training programs, basic jailer
training programs, and firearms requalification programs
successfully completed by them or the peace officers under their
supervision, for the reimbursement of the superintendent of the
state highway patrol and the director of natural resources for the
costs of peace officer basic training programs, advanced peace
officer training programs, and basic jailer training programs
successfully completed by them or the peace officers under their

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supervision, and for the reimbursement of the chief of the adult 547
parole authority and the chief probation officer of a county 548
probation department, multicounty probation department, and 549
municipal court department of probation for the costs of basic 550
firearm training programs and firearms requalification programs 551
successfully completed by them or by parole or probation officers 552
under their supervision. The rules shall include, but are not 553
limited to, all of the following: 554

(1) A requirement that applications for reimbursement be 555
submitted on a fiscal year basis; 556

(2) The documentation required to substantiate any costs for 557
which the applicant seeks reimbursement; 558

(3) The procedure for prorating reimbursements if the amount 559
of money appropriated for reimbursement for any fiscal year is not 560
sufficient to pay all of the costs approved for reimbursement for 561
that fiscal year; 562

(4) Any other requirements necessary for the proper 563
administration of the reimbursement program. 564

(C) Each sheriff, constable, and chief of police of an 565
organized municipal or township police department, township police 566
district police force, or university or college police department 567
may apply each fiscal year to the peace officer training 568
commission for reimbursement for the costs of peace officer basic 569
training programs, advanced peace officer training programs, basic 570
jailer training programs, and firearms requalification training 571
programs that are successfully completed by the sheriff, 572
constable, or chief or a peace officer under the sheriff's, 573
constable's, or chief's supervision. The superintendent of the 574
state highway patrol and the director of natural resources may 575
apply each fiscal year to the peace officer training commission 576
for reimbursement for the costs of peace officer basic training 577

programs, advanced peace officer training programs, and basic 578
jailer training programs successfully completed by the 579
superintendent or director or the peace officers under the 580
superintendent's or director's supervision. The chief of the adult 581
parole authority and each chief probation officer of a county 582
probation department, multicounty probation department, or 583
municipal court department of probation may apply each fiscal year 584
to the peace officer training commission for reimbursement for the 585
costs of basic firearm training programs and firearms 586
requalification programs successfully completed by that ~~such~~ chief 587
or by parole or probation officers under the chief's supervision. 588
Each application shall be made in accordance with, on an 589
application form prescribed in, and be supported by the 590
documentation required by, the rules adopted by the attorney 591
general pursuant to division (B) of this section. 592

(D) As used in this section and section 109.803 of the 593
Revised Code: 594

(1) "Peace officer" includes a sheriff, deputy sheriff, 595
marshal, deputy marshal, chief of police and member of a municipal 596
or township police department, chief of police ~~or~~ and member of a 597
township police district police force, chief of police of a 598
university or college police department, state university law 599
enforcement officer appointed under section 3345.04 of the Revised 600
Code, superintendent of the state highway patrol, state highway 601
patrol trooper, and employee of the department of natural 602
resources who is a natural resources law enforcement staff 603
officer, park officer, forest officer, preserve officer, wildlife 604
officer, or state watercraft officer. 605

(2) "Chief of police of an organized municipal police 606
department" includes the chief of police of a village police 607
department. 608

(3) "Chief of police of a village police department" means 609
the village marshal. 610

(4) "Chief of police of a university or college police 611
department" means the person who has direct supervisory authority 612
over the state university law enforcement officers who are 613
appointed for the university or college pursuant to section 614
3345.04 of the Revised Code by the board of trustees of the 615
university or college. 616

Sec. 123.01. (A) The department of administrative services, 617
in addition to those powers enumerated in Chapters 124. and 125. 618
of the Revised Code, and as provided elsewhere by law, shall 619
exercise the following powers: 620

(1) To prepare, or contract to be prepared, by licensed 621
engineers or architects, surveys, general and detailed plans, 622
specifications, bills of materials, and estimates of cost for any 623
projects, improvements, or public buildings to be constructed by 624
state agencies that may be authorized by legislative 625
appropriations or any other funds made available therefor, 626
provided that the construction of the projects, improvements, or 627
public buildings is a statutory duty of the department. This 628
section does not require the independent employment of an 629
architect or engineer as provided by section 153.01 of the Revised 630
Code in the cases to which that section applies nor affect or 631
alter the existing powers of the director of transportation. 632

(2) To have general supervision over the construction of any 633
projects, improvements, or public buildings constructed for a 634
state agency and over the inspection of materials previous to 635
their incorporation into those projects, improvements, or 636
buildings; 637

(3) To make contracts for and supervise the construction of 638

any projects and improvements or the construction and repair of
buildings under the control of a state agency, except contracts
for the repair of buildings under the management and control of
the departments of public safety, human services, mental health,
mental retardation and developmental disabilities, rehabilitation
and correction, and youth services, the bureau of workers'
compensation, the bureau of employment services, the
rehabilitation services commission, and boards of trustees of
educational and benevolent institutions. These contracts shall be
made and entered into by the directors of public safety, human
services, mental health, mental retardation and developmental
disabilities, rehabilitation and correction, and youth services,
the administrator of workers' compensation, the administrator of
the bureau of employment services, the rehabilitation services
commission, and the boards of trustees of such institutions,
respectively. All such contracts may be in whole or in part on
unit price basis of maximum estimated cost, with payment computed
and made upon actual quantities or units.

(4) To prepare and suggest comprehensive plans for the
development of grounds and buildings under the control of a state
agency;

(5) To acquire, by purchase, gift, devise, lease, or grant,
all real estate required by a state agency, in the exercise of
which power the department may exercise the power of eminent
domain, in the manner provided by sections 163.01 to 163.22 of the
Revised Code;

(6) To make and provide all plans, specifications, and models
for the construction and perfection of all systems of sewerage,
drainage, and plumbing for the state in connection with buildings
and grounds under the control of a state agency;

(7) To erect, supervise, and maintain all public monuments

and memorials erected by the state, except where the supervision 670
and maintenance is otherwise provided by law; 671

(8) To procure, by lease, storage accommodations for a state 672
agency; 673

(9) To lease or grant easements or licenses for unproductive 674
and unused lands or other property under the control of a state 675
agency. ~~Such~~ The leases, easements, or licenses shall be granted 676
for a period not to exceed fifteen years and shall be executed for 677
the state by the director of administrative services and the 678
governor and shall be approved as to form by the attorney general, 679
provided that leases, easements, or licenses may be granted to any 680
county, township, municipal corporation, port authority, water or 681
sewer district, school district, library district, health 682
district, park district, soil and water conservation district, 683
conservancy district, or other political subdivision or taxing 684
district, or any agency of the United States government, for the 685
exclusive use of that agency, political subdivision, or taxing 686
district, without any right of sublease or assignment, for a 687
period not to exceed fifteen years, and provided that the director 688
shall grant leases, easements, or licenses of university land for 689
periods not to exceed twenty-five years for purposes approved by 690
the respective university's board of trustees wherein the uses are 691
compatible with the uses and needs of the university and may grant 692
leases of university land for periods not to exceed forty years 693
for purposes approved by the respective university's board of 694
trustees pursuant to section 123.77 of the Revised Code. 695

(10) To lease office space in buildings for the use of a 696
state agency; 697

(11) To have general supervision and care of the storerooms, 698
offices, and buildings leased for the use of a state agency; 699

(12) To exercise general custodial care of all real property 700

of the state; 701

(13) To assign and group together state offices in any city 702
in the state and to establish, in cooperation with the state 703
agencies involved, rules governing space requirements for office 704
or storage use; 705

(14) To lease for a period not to exceed forty years, 706
pursuant to a contract providing for the construction thereof 707
under a lease-purchase plan, buildings, structures, and other 708
improvements for any public purpose, and, in conjunction 709
therewith, to grant leases, easements, or licenses for lands under 710
the control of a state agency for a period not to exceed forty 711
years. The lease-purchase plan shall provide that at the end of 712
the lease period, the buildings, structures, and related 713
improvements, together with the land on which they are situated, 714
shall become the property of the state without cost. 715

(a) Whenever any building, structure, or other improvement is 716
to be so leased by a state agency, the department shall retain 717
either basic plans, specifications, bills of materials, and 718
estimates of cost with sufficient detail to afford bidders all 719
needed information or, alternatively, all of the following plans, 720
details, bills of materials, and specifications: 721

(i) Full and accurate plans suitable for the use of mechanics 722
and other builders in the improvement; 723

(ii) Details to scale and full sized, so drawn and 724
represented as to be easily understood; 725

(iii) Accurate bills showing the exact quantity of different 726
kinds of material necessary to the construction; 727

(iv) Definite and complete specifications of the work to be 728
performed, together with ~~such~~ directions ~~as~~ that will enable a 729
competent mechanic or other builder to carry them out and afford 730

bidders all needed information; 731

(v) A full and accurate estimate of each item of expense and 732
of the aggregate cost thereof. 733

(b) The department shall give public notice, in ~~such the~~ 734
newspaper, in ~~such the~~ form, and with ~~such the~~ phraseology ~~as that~~ 735
the director of administrative services prescribes, published once 736
each week for four consecutive weeks, of the time when and place 737
where bids will be received for entering into an agreement to 738
lease to a state agency a building, structure, or other 739
improvement. The last publication shall be at least eight days 740
preceding the day for opening the bids. The bids shall contain the 741
terms upon which the builder would propose to lease the building, 742
structure, or other improvement to the state agency. The form of 743
the bid approved by the department shall be used, and a bid is 744
invalid and shall not be considered unless that form is used 745
without change, alteration, or addition. Before submitting bids 746
pursuant to this section, any builder shall comply with Chapter 747
153. of the Revised Code. 748

(c) On the day and at the place named for receiving bids for 749
entering into lease agreements with a state agency, the director 750
of administrative services shall open the bids and shall ~~publicly~~ 751
proceed publicly and immediately to tabulate the bids upon 752
duplicate sheets. No lease agreement shall be entered into until 753
the bureau of workers' compensation has certified that the person 754
to be awarded the lease agreement has complied with Chapter 4123. 755
of the Revised Code, until, if the builder submitting the lowest 756
and best bid is a foreign corporation, the secretary of state has 757
certified that the corporation is authorized to do business in 758
this state, until, if the builder submitting the lowest and best 759
bid is a person nonresident of this state, the person has filed 760
with the secretary of state a power of attorney designating the 761
secretary of state as its agent for the purpose of accepting 762

service of summons in any action brought under Chapter 4123. of 763
the Revised Code, and until the agreement is submitted to the 764
attorney general and the attorney general's approval is certified 765
thereon. Within thirty days after the day on which the bids are 766
received, the department shall investigate the bids received and 767
shall determine that the bureau and the secretary of state have 768
made the certifications required by division (A)(14)(c) of this 769
section of the builder who has submitted the lowest and best bid. 770
Within ten days of the completion of the investigation of the 771
bids, the department shall award the lease agreement to the 772
builder who has submitted the lowest and best bid and who has been 773
certified by the bureau and secretary of state as required by 774
division (A)(14)(c) of this section. If bidding for the lease 775
agreement has been conducted upon the basis of basic plans, 776
specifications, bills of materials, and estimates of costs, upon 777
the award to the builder the department, or the builder with the 778
approval of the department, shall appoint an architect or engineer 779
licensed in this state to prepare ~~such~~ further detailed plans, 780
specifications, and bills of materials ~~as~~ that are required to 781
construct the building, structure, or improvement. The department 782
shall adopt ~~such~~ rules ~~as~~ that are necessary to give effect to 783
division (A)(14) of this section. The department may reject any 784
bid. Where there is reason to believe there is collusion or 785
combination among bidders, the bids of those concerned therein 786
shall be rejected. 787

(15) To acquire by purchase, gift, devise, or grant and to 788
transfer, lease, or otherwise dispose of all real property 789
required to assist in the development of a conversion facility as 790
defined in section 5709.30 of the Revised Code; 791

(16) To lease for a period not to exceed forty years, 792
notwithstanding any other division of this section, the 793
state-owned property located at 408-450 East Town Street, 794

Columbus, Ohio, formerly the state school for the deaf, to a 795
developer in accordance with division (A)(16) of this section. 796
"Developer," as used in division (A)(16) of this section, has the 797
same meaning as in section 123.77 of the Revised Code. 798

Such a lease shall be for the purpose of development of the 799
land for use by senior citizens by constructing, altering, 800
renovating, repairing, expanding, and improving the site as it 801
existed on June 25, 1982. A developer desiring to lease the land 802
shall prepare for submission to the department a plan for 803
development. Plans shall include provisions for roads, sewers, 804
water lines, waste disposal, water supply, and similar matters to 805
meet the requirements of state and local laws. The plans also 806
shall ~~also~~ include provision for protection of the property by 807
insurance or otherwise, and plans for financing the development, 808
and shall set forth details of the developer's financial 809
responsibility. 810

The department may employ, as employees or consultants, 811
persons needed to assist in reviewing the development plans. Those 812
persons may include attorneys, financial experts, engineers, and 813
other necessary experts. The department shall review the 814
development plans and may enter into a lease if it finds all of 815
the following: 816

(a) The best interests of the state will be promoted by 817
entering into a lease with the developer; 818

(b) The development plans are satisfactory; 819

(c) The developer has established the developer's financial 820
responsibility and satisfactory plans for financing the 821
development. 822

The lease shall contain a provision that construction or 823
renovation of the buildings, roads, structures, and other 824
necessary facilities shall begin within one year after the date of 825

the lease and shall proceed according to a schedule agreed to 826
between the department and the developer or the lease will be 827
terminated. The lease shall contain ~~such~~ conditions and 828
stipulations ~~as~~ that the director considers necessary to preserve 829
the best interest of the state. Moneys received by the state 830
pursuant to this lease shall be paid into the general revenue 831
fund. The lease shall provide that at the end of the lease period, 832
the buildings, structures, and related improvements shall become 833
the property of the state without cost. 834

(17) To lease to any person any tract of land owned by the 835
state and under the control of the department, or any part of such 836
a tract, for the purpose of drilling for or the pooling of oil or 837
gas. Such a lease shall be granted for a period not exceeding 838
forty years, with the full power to contract for, determine the 839
conditions governing, and specify the amount the state shall 840
receive for the purposes specified in the lease, and shall be 841
prepared as in other cases. 842

(B) This section and section 125.02 of the Revised Code shall 843
not interfere with any of the following: 844

(1) The power of the adjutant general to purchase military 845
supplies, or with the custody of the adjutant general of property 846
leased, purchased, or constructed by the state and used for 847
military purposes, or with the functions of the adjutant general 848
as director of state armories; 849

(2) The power of the director of transportation in acquiring 850
rights-of-way for the state highway system, or the leasing of 851
lands for division or resident district offices, or the leasing of 852
lands or buildings required in the maintenance operations of the 853
department of transportation, or the purchase of real property for 854
garage sites or division or resident district offices, or in 855
preparing plans and specifications for and constructing ~~such~~ 856

buildings ~~as~~ that the director may require in the administration 857
of the department; 858

(3) The power of the director of public safety and the 859
registrar of motor vehicles to purchase or lease real property and 860
buildings to be used solely as locations to which a deputy 861
registrar is assigned pursuant to division (B) of section 4507.011 862
of the Revised Code and from which the deputy registrar is to 863
conduct the deputy registrar's business, the power of the director 864
of public safety to purchase or lease real property and buildings 865
to be used as locations for division or district offices as 866
required in the maintenance of operations of the department of 867
public safety, and the power of the superintendent of the state 868
highway patrol in the purchase or leasing of real property and 869
buildings needed by the patrol, to negotiate the sale of real 870
property owned by the patrol, to rent or lease real property owned 871
or leased by the patrol, and to make or cause to be made repairs 872
to all property owned or under the control of the patrol; 873

(4) The power of the division of liquor control in the 874
leasing or purchasing of retail outlets and warehouse facilities 875
for the use of the division; 876

(5) The power of the director of development to enter into 877
leases of real property, buildings, and office space to be used 878
solely as locations for the state's foreign offices to carry out 879
the purposes of section 122.05 of the Revised Code; 880

(6) The power of the director of natural resources to 881
purchase, lease, or otherwise acquire real property rights or 882
privileges necessary for the purposes of the department of natural 883
resources or any division in it, including the lease of office 884
space and storage accommodations. 885

(C) Purchases for, and the custody and repair of, buildings 886
under the management and control of the capitol square review and 887

advisory board, the rehabilitation services commission, the bureau 888
of employment services, the bureau of workers' compensation, or 889
the departments of public safety, human services, mental health, 890
mental retardation and developmental disabilities, and 891
rehabilitation and correction, and buildings of educational and 892
benevolent institutions under the management and control of boards 893
of trustees, are not subject to the control and jurisdiction of 894
the department of administrative services. 895

Sec. 145.01. As used in this chapter: 896

(A) "Public employee" means: 897

(1) Any person holding an office, not elective, under the 898
state or any county, township, municipal corporation, park 899
district, conservancy district, sanitary district, health 900
district, metropolitan housing authority, state retirement board, 901
Ohio historical society, public library, county law library, union 902
cemetery, joint hospital, institutional commissary, state 903
university, or board, bureau, commission, council, committee, 904
authority, or administrative body as the same are, or have been, 905
created by action of the general assembly or by the legislative 906
authority of any of the units of local government named in ~~this~~ 907
division (A)(1) of this section, or employed and paid in whole or 908
in part by the state or any of the authorities named in ~~this~~ 909
division (A)(1) of this section in any capacity not covered by 910
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 911

(2) A person who is a member of the public employees 912
retirement system and who continues to perform the same or similar 913
duties under the direction of a contractor who has contracted to 914
take over what before the date of the contract was a publicly 915
operated function. The governmental unit with which the contract 916
has been made shall be deemed the employer for the purposes of 917
administering this chapter. 918

(3) Any person who is an employee of a public employer, 919
notwithstanding that the person's compensation for that employment 920
is derived from funds of a person or entity other than the 921
employer. Credit for such service shall be included as total 922
service credit, provided that the employee makes the payments 923
required by this chapter, and the employer makes the payments 924
required by sections 145.48 and 145.51 of the Revised Code. 925

In all cases of doubt, the public employees retirement board 926
shall determine whether any person is a public employee, and its 927
decision is final. 928

(B) "Member" means any public employee, other than a public 929
employee excluded or exempted from membership in the retirement 930
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 931
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 932
retirant who becomes a member under division (C)(2) of section 933
145.38 of the Revised Code. "Member" also includes a disability 934
benefit recipient. 935

(C) "Head of the department" means the elective or appointive 936
head of the several executive, judicial, and administrative 937
departments, institutions, boards, and commissions of the state 938
and local government as the same are created and defined by the 939
laws of this state or, in case of a charter government, by that 940
charter. 941

(D) "Employer" or "public employer" means the state or any 942
county, township, municipal corporation, park district, 943
conservancy district, sanitary district, health district, 944
metropolitan housing authority, state retirement board, Ohio 945
historical society, public library, county law library, union 946
cemetery, joint hospital, institutional commissary, state medical 947
college, state university, or board, bureau, commission, council, 948
committee, authority, or administrative body as the same are, or 949

have been, created by action of the general assembly or by the 950
legislative authority of any of the units of local government 951
named in this division not covered by section 3307.01 or 3309.01 952
of the Revised Code. In addition, "employer" means the employer of 953
any public employee. 954

(E) "Prior service" means all service as a public employee 955
rendered before January 1, 1935, and all service as an employee of 956
any employer who comes within the state teachers retirement system 957
or of the school employees retirement system or of any other 958
retirement system established under the laws of this state 959
rendered prior to January 1, 1935, provided that if the employee 960
claiming the service was employed in any capacity covered by that 961
other system after that other system was established, credit for 962
the service may be allowed by the public employees retirement 963
system only when the employee has made payment, to be computed on 964
the salary earned from the date of appointment to the date 965
membership was established in the public employees retirement 966
system, at the rate in effect at the time of payment, and the 967
employer has made payment of the corresponding full liability as 968
provided by section 145.44 of the Revised Code. "Prior service" 969
also means all service credited for active duty with the armed 970
forces of the United States as provided in section 145.30 of the 971
Revised Code. 972

If an employee who has been granted prior service credit by 973
the public employees retirement system for service rendered prior 974
to January 1, 1935, as an employee of a board of education 975
establishes, before retirement, one year or more of contributing 976
service in the state teachers retirement system or school 977
employees retirement system, then the prior service ceases to be 978
the liability of this system. 979

If the board determines that a position of any member in any 980
calendar year prior to January 1, 1935, was a part-time position, 981

the board shall determine what fractional part of a year's credit 982
shall be allowed by the following formula: 983

(1) When the member has been either elected or appointed to 984
an office the term of which was two or more years and for which an 985
annual salary is established, the fractional part of the year's 986
credit shall be computed as follows: 987

First, when the member's annual salary is one thousand 988
dollars or less, the service credit for each such calendar year 989
shall be forty per cent of a year. 990

Second, for each full one hundred dollars of annual salary 991
above one thousand dollars, the member's service credit for each 992
such calendar year shall be increased by two and one-half per 993
cent. 994

(2) When the member is paid on a per diem basis, the service 995
credit for any single year of the service shall be determined by 996
using the number of days of service for which the compensation was 997
received in any such year as a numerator and using two hundred 998
fifty days as a denominator. 999

(3) When the member is paid on an hourly basis, the service 1000
credit for any single year of the service shall be determined by 1001
using the number of hours of service for which the compensation 1002
was received in any such year as a numerator and using two 1003
thousand hours as a denominator. 1004

(F) "Contributor" means any person who has an account in the 1005
employees' savings fund created by section 145.23 of the Revised 1006
Code. 1007

(G) "Beneficiary" or "beneficiaries" means the estate or a 1008
person or persons who, as the result of the death of a member, 1009
contributor, or retirant, qualify for or are receiving some right 1010
or benefit under this chapter. 1011

(H)(1) "Total service credit," except as provided in section 1012
145.37 of the Revised Code, means all service credited to a member 1013
of the retirement system since last becoming a member, including 1014
restored service credit as provided by section 145.31 of the 1015
Revised Code; credit purchased under sections 145.293 and 145.299 1016
of the Revised Code; all the member's prior service credit; all 1017
the member's military service credit computed as provided in this 1018
chapter; all service credit established pursuant to section 1019
145.297 of the Revised Code; and any other service credited under 1020
this chapter. In addition, "total service credit" includes any 1021
period, not in excess of three years, during which a member was 1022
out of service and receiving benefits under Chapters 4121. and 1023
4123. of the Revised Code. For the exclusive purpose of satisfying 1024
the service credit requirement and of determining eligibility for 1025
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 1026
and 145.361 of the Revised Code, "five or more years of total 1027
service credit" means sixty or more calendar months of 1028
contributing service in this system. 1029

(2) "One and one-half years of contributing service credit," 1030
as used in division (B) of section 145.45 of the Revised Code, 1031
also means eighteen or more calendar months of employment by a 1032
municipal corporation that formerly operated its own retirement 1033
plan for its employees or a part of its employees, provided that 1034
all employees of that municipal retirement plan who have eighteen 1035
or more months of such employment, upon establishing membership in 1036
the public employees retirement system, shall make a payment of 1037
the contributions they would have paid had they been members of 1038
this system for the eighteen months of employment preceding the 1039
date membership was established. When that payment has been made 1040
by all such ~~employee members~~ employee members, a corresponding 1041
payment shall be paid into the employers' accumulation fund by 1042
that municipal corporation as the employer of the employees. 1043

(3) Where a member also is a member of the state teachers 1044
retirement system or the school employees retirement system, or 1045
both, except in cases of retirement on a combined basis pursuant 1046
to section 145.37 of the Revised Code, service credit for any 1047
period shall be credited on the basis of the ratio that 1048
contributions to the public employees retirement system ~~bears~~ bear 1049
to total contributions in all state retirement systems. 1050

(4) Not more than one year of credit may be given for any 1051
period of twelve months. 1052

(5) "Ohio service credit" means credit for service that was 1053
rendered to the state or any of its political subdivisions or any 1054
employer ~~as defined in division (D) of this section.~~ 1055

(I) "Regular or current interest" means interest at any rates 1056
for the respective funds and accounts as the public employees 1057
retirement board may determine from time to time, except as 1058
follows: 1059

(1) Subsequent to December 31, 1958, the retirement board 1060
shall discontinue the annual crediting of current interest to the 1061
individual accounts of contributors. The noncrediting of current 1062
interest shall not affect the rate of interest at retirement 1063
guaranteed under ~~this~~ division (I) of this section. 1064

(2) The rate of interest credited on a contributor's 1065
contributions at retirement shall be four per cent per annum, 1066
compounded annually, to and including December 31, 1955; three per 1067
cent per annum, compounded annually, from January 1, 1956, to and 1068
including December 31, 1963; three and one-quarter per cent per 1069
annum, compounded annually, from January 1, 1964, to and including 1070
December 31, 1969; and thereafter four per cent per annum, 1071
compounded annually. 1072

In determining the reserve value for the purpose of computing 1073
the amount of the contributor's annuity, the rate of interest used 1074

in the annuity values shall be four per cent per annum, compounded 1075
annually, for contributors retiring before October 1, 1956, and 1076
after December 31, 1969; three per cent per annum, compounded 1077
annually, for contributors retiring between October 1, 1956, and 1078
December 31, 1963; and three and one-quarter per cent per annum, 1079
compounded annually, for contributors retiring from January 1, 1080
1964, to December 31, 1969. Interest on contributions from 1081
contributors within any one calendar year shall begin on the first 1082
day of the calendar year next following and shall be computed at 1083
the end of each calendar year, except in the case of a contributor 1084
who retires before the end of the year. 1085

(J) "Accumulated contributions" means the sum of all amounts 1086
credited to a contributor's individual account in the employees' 1087
savings fund together with any current interest thereon, but does 1088
not include the interest adjustment at retirement. 1089

(K)(1) "Final average salary" means the quotient obtained by 1090
dividing by three the sum of the three full calendar years of 1091
contributing service in which the member's earnable salary was 1092
highest, except that if the member has a partial year of 1093
contributing service in the year the member's employment 1094
terminates and the member's earnable salary for the partial year 1095
is higher than for any comparable period in the three years, the 1096
member's earnable salary for the partial year shall be substituted 1097
for the member's earnable salary for the comparable period during 1098
the three years in which the member's earnable salary was lowest. 1099

(2) If a member has less than three years of contributing 1100
service, the member's final average salary shall be the member's 1101
total earnable salary divided by the total number of years, 1102
including any fraction of a year, of the member's contributing 1103
service. 1104

(3) For the purpose of calculating benefits payable to a 1105

member qualifying for service credit under division (Z) of this 1106
section, "final average salary" means the total earnable salary on 1107
which contributions were made divided by the total number of years 1108
during which contributions were made, including any fraction of a 1109
year. If contributions were made for less than twelve months, 1110
"final average salary" means the member's total earnable salary. 1111

(L) "Annuity" means payments for life derived from 1112
contributions made by a contributor and paid from the annuity and 1113
pension reserve fund as provided in this chapter. All annuities 1114
shall be paid in twelve equal monthly installments. 1115

(M) "Annuity reserve" means the present value, computed upon 1116
the basis of the mortality and other tables adopted by the board, 1117
of all payments to be made on account of any annuity, or benefit 1118
in lieu of any annuity, granted to a retirant as provided in this 1119
chapter. 1120

(N)(1) "Disability retirement" means retirement as provided 1121
in section 145.36 of the Revised Code. 1122

(2) "Disability allowance" means an allowance paid on account 1123
of disability under section 145.361 of the Revised Code. 1124

(3) "Disability benefit" means a benefit paid as disability 1125
retirement under section 145.36 of the Revised Code, as a 1126
disability allowance under section 145.361 of the Revised Code, or 1127
as a disability benefit under section 145.37 of the Revised Code. 1128

(4) "Disability benefit recipient" means a member who is 1129
receiving a disability benefit. 1130

(O) "Age and service retirement" means retirement as provided 1131
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 1132
the Revised Code. 1133

(P) "Pensions" means annual payments for life derived from 1134
contributions made by the employer that at the time of retirement 1135

are credited into the annuity and pension reserve fund from the
employers' accumulation fund and paid from the annuity and pension
reserve fund as provided in this chapter. All pensions shall be
paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that
portion of the benefit derived from contributions made by the
member.

(R)(1) Except as otherwise provided in ~~this~~ division (R) of
this section, "earnable salary" means all salary, wages, and other
earnings paid to a contributor by reason of employment in a
position covered by the retirement system. The salary, wages, and
other earnings shall be determined prior to determination of the
amount required to be contributed to the employees' savings fund
under section 145.47 of the Revised Code and without regard to
whether any of the salary, wages, or other earnings are treated as
deferred income for federal income tax purposes. "Earnable salary"
includes the following:

(a) Payments made by the employer in lieu of salary, wages,
or other earnings for sick leave, personal leave, or vacation used
by the contributor;

(b) Payments made by the employer for the conversion of sick
leave, personal leave, and vacation leave accrued, but not used if
the payment is made during the year in which the leave is accrued,
except that payments made pursuant to section 124.383 or 124.386
of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for full maintenance,
consisting of housing, laundry, and meals, as certified to the
retirement board by the employer or the head of the department
that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the
Revised Code;

(e) Payments that are made under a disability leave program 1167
sponsored by the employer and for which the employer is required 1168
by section 145.296 of the Revised Code to make periodic employer 1169
and employee contributions; 1170

(f) Amounts included pursuant to divisions (K)(3) and (Y) of 1171
this section. 1172

(2) "Earnable salary" does not include any of the following: 1173

(a) Fees and commissions, other than those paid under section 1174
507.09 of the Revised Code, paid as sole compensation for personal 1175
services and fees and commissions for special services over and 1176
above services for which the contributor receives a salary; 1177
1178

(b) Amounts paid by the employer to provide life insurance, 1179
sickness, accident, endowment, health, medical, hospital, dental, 1180
or surgical coverage, or other insurance for the contributor or 1181
the contributor's family, or amounts paid by the employer to the 1182
contributor in lieu of providing the insurance; 1183

(c) Incidental benefits, including lodging, food, laundry, 1184
parking, or services furnished by the employer, or use of the 1185
employer's property or equipment, or amounts paid by the employer 1186
to the contributor in lieu of providing the incidental benefits; 1187

(d) Reimbursement for job-related expenses authorized by the 1188
employer, including moving and travel expenses and expenses 1189
related to professional development; 1190

(e) Payments for accrued, but unused sick leave, personal 1191
leave, or vacation that are made at any time other than in the 1192
year in which the sick leave, personal leave, or vacation was 1193
accrued; 1194

(f) Payments made to or on behalf of a contributor that are 1195
in excess of the annual compensation that may be taken into 1196

account by the retirement system under division (a)(17) of section 1197
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1198
U.S.C.A. 401(a)(17), as amended; 1199

(g) Payments made under division (B) or (D) of section 1200
5923.05 of the Revised Code or Section 4 of Substitute Senate Bill 1201
No. 3 of the 119th general assembly; 1202

(h) Anything of value received by the contributor that is 1203
based on or attributable to retirement or an agreement to retire, 1204
except that payments made on or before January 1, 1989, that are 1205
based on or attributable to an agreement to retire shall be 1206
included in earnable salary if both of the following apply: 1207

(i) The payments are made in accordance with contract 1208
provisions that were in effect prior to January 1, 1986; 1209

(ii) The employer pays the retirement system an amount 1210
specified by the retirement board equal to the additional 1211
liability resulting from the payments. 1212

(3) The retirement board shall determine by rule whether any 1213
compensation not enumerated in ~~this~~ division (R) of this section 1214
is earnable salary, and its decision shall be final. 1215

(S) "Pension reserve" means the present value, computed upon 1216
the basis of the mortality and other tables adopted by the board, 1217
of all payments to be made on account of any retirement allowance 1218
or benefit in lieu of any retirement allowance, granted to a 1219
member or beneficiary under this chapter. 1220

(T)(1) "Contributing service" means all service credited to a 1221
member of the system since January 1, 1935, for which 1222
contributions are made as required by sections 145.47, 145.48, and 1223
145.483 of the Revised Code. In any year subsequent to 1934, 1224
credit for any service shall be allowed by the following formula: 1225

(a) For each month for which the member's earnable salary is 1226

two hundred fifty dollars or more, allow one month's credit. 1227

(b) For each month for which the member's earnable salary is 1228
less than two hundred fifty dollars, allow a fraction of a month's 1229
credit. The numerator of this fraction shall be the earnable 1230
salary during the month, and the denominator shall be two hundred 1231
fifty dollars, except that if the member's annual earnable salary 1232
is less than six hundred dollars, the member's credit shall not be 1233
reduced below twenty per cent of a year for a calendar year of 1234
employment during which the member worked each month. ~~This~~ 1235
~~division~~ Division (T)(1)(b) of this section shall not reduce any 1236
credit earned before January 1, 1985. 1237

(2) Notwithstanding division (T)(1) of this section, an 1238
elected official who prior to January 1, 1980, was granted a full 1239
year of credit for each year of service as an elected official 1240
shall be considered to have earned a full year of credit for each 1241
year of service regardless of whether the service was full-time or 1242
part-time. The public employees retirement board has no authority 1243
to reduce the credit. 1244

(U) "State retirement board" means the public employees 1245
retirement board, the school employees retirement board, or the 1246
state teachers retirement board. 1247

(V) "Retirant" means any former member who retires and is 1248
receiving a monthly allowance as provided in sections 145.32, 1249
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 1250

(W) "Employer contribution" means the amount paid by an 1251
employer as determined by the employer rate including the normal 1252
and deficiency contribution rates. 1253

(X) "Public service terminates" means the last day for which 1254
a public employee is compensated for services performed for an 1255
employer or the date of the employee's death, whichever occurs 1256
first. 1257

(Y) When a member has been elected or appointed to an office, 1258
the term of which is two or more years, for which an annual salary 1259
is established, and in the event that the salary of the office is 1260
increased and the member is denied the additional salary by reason 1261
of any constitutional provision prohibiting an increase in salary 1262
during a term of office, the member may elect to have the amount 1263
of the member's contributions calculated upon the basis of the 1264
increased salary for the office. At the member's request, the 1265
board shall compute the total additional amount the member would 1266
have contributed, or the amount by which each of the member's 1267
contributions would have increased, had the member received the 1268
increased salary for the office the member holds. If the member 1269
elects to have the amount by which the member's contribution would 1270
have increased withheld from the member's salary, the member shall 1271
notify the employer, and the employer shall make the withholding 1272
and transmit it to the retirement system. A member who has not 1273
elected to have that amount withheld may elect at any time to make 1274
a payment to the retirement system equal to the additional amount 1275
the member's contribution would have increased, plus interest on 1276
that contribution, compounded annually at a rate established by 1277
the board and computed from the date on which the last 1278
contribution would have been withheld from the member's salary to 1279
the date of payment. A member may make a payment for part of the 1280
period for which the increased contribution was not withheld, in 1281
which case the interest shall be computed from the date the last 1282
contribution would have been withheld for the period for which the 1283
payment is made. Upon the payment of the increased contributions 1284
as provided in this division, the increased annual salary as 1285
provided by law for the office for the period for which the member 1286
paid increased contributions thereon shall be used in determining 1287
the member's earnable salary for the purpose of computing the 1288
member's "final average salary." 1289
1290

(Z) "Five years of service credit," for the exclusive purpose 1291
of satisfying the service credit requirements and of determining 1292
eligibility for benefits under section 145.33 of the Revised Code, 1293
means employment covered under this chapter or under a former 1294
retirement plan operated, recognized, or endorsed by the employer 1295
prior to coverage under this chapter, or under a combination of 1296
the coverage. 1297

(AA) "Deputy sheriff" means any person who is commissioned 1298
and employed as a full-time peace officer by the sheriff of any 1299
county, and has been so employed since on or before December 31, 1300
1965, and whose primary duties are to preserve the peace, to 1301
protect life and property, and to enforce the laws of this state; 1302
any person who is or has been commissioned and employed as a peace 1303
officer by the sheriff of any county since January 1, 1966, and 1304
who has received a certificate attesting to the person's 1305
satisfactory completion of the peace officer training school as 1306
required by section 109.77 of the Revised Code and whose primary 1307
duties are to preserve the peace, protect life and property, and 1308
enforce the laws of this state; or any person deputized by the 1309
sheriff of any county and employed pursuant to section 2301.12 of 1310
the Revised Code as a criminal bailiff or court constable who has 1311
received a certificate attesting to the person's satisfactory 1312
completion of the peace officer training school as required by 1313
section 109.77 of the Revised Code and whose primary duties are to 1314
preserve the peace, protect life and property, and enforce the 1315
laws of this state. 1316

(BB) "Township constable or police officer in a township 1317
police department or district" means any person who is 1318
commissioned and employed as a full-time peace officer pursuant to 1319
Chapter 505. or 509. of the Revised Code, who has received a 1320
certificate attesting to the person's satisfactory completion of 1321
the peace officer training school as required by section 109.77 of 1322

the Revised Code, and whose primary duties are to preserve the
peace, protect life and property, and enforce the laws of this
state.

(CC) "Drug agent" means any person who is either of the
following:

(1) Employed full-time as a narcotics agent by a county
narcotics agency created pursuant to section 307.15 of the Revised
Code and has received a certificate attesting to the satisfactory
completion of the peace officer training school as required by
section 109.77 of the Revised Code;

(2) Employed full-time as an undercover drug agent as defined
in section 109.79 of the Revised Code and is in compliance with
section 109.77 of the Revised Code.

(DD) "Liquor control investigator" means a full-time employee
of the department of public safety who is engaged in the
enforcement of Chapters 4301. and 4303. of the Revised Code and is
in compliance with section 109.77 of the Revised Code.

(EE) "Natural resources law enforcement staff officer" means
a full-time employee of the department of natural resources who is
designated a natural resources law enforcement staff officer under
section 1501.013 Of the Revised Code and is in compliance with
section 109.77 Of the Revised Code.

(FF) "Park officer" means a full-time employee of the
department of natural resources who is designated a park officer
under section 1541.10 of the Revised Code and is in compliance
with section 109.77 of the Revised Code.

~~(FF)~~(GG) "Forest officer" means a full-time employee of the
department of natural resources who is designated a forest officer
under section 1503.29 of the Revised Code and is in compliance
with section 109.77 of the Revised Code.

~~(GG)~~(HH) "Preserve officer" means a full-time employee of the 1353
department of natural resources who is designated a preserve 1354
officer under section 1517.10 of the Revised Code and is in 1355
compliance with section 109.77 of the Revised Code. 1356

(II) "Wildlife officer" means a full-time employee of the 1357
department of natural resources who is designated a wildlife 1358
officer under section 1531.13 of the Revised Code and is in 1359
compliance with section 109.77 of the Revised Code. 1360

~~(HH)~~(JJ) "State watercraft officer" means a full-time 1361
employee of the department of natural resources who is designated 1362
a state watercraft officer under section 1547.521 of the Revised 1363
Code and is in compliance with section 109.77 of the Revised Code. 1364

~~(II)~~(KK) "Park district police officer" means a full-time 1365
employee of a park district who is designated pursuant to section 1366
511.232 or 1545.13 of the Revised Code and is in compliance with 1367
section 109.77 of the Revised Code. 1368

~~(JJ)~~(LL) "Conservancy district officer" means a full-time 1369
employee of a conservancy district who is designated pursuant to 1370
section 6101.75 of the Revised Code and is in compliance with 1371
section 109.77 of the Revised Code. 1372

~~(KK)~~(MM) "Municipal police officer" means a member of the 1373
organized police department of a municipal corporation who is 1374
employed full-time, is in compliance with section 109.77 of the 1375
Revised Code, and is not a member of the police and firemen's 1376
disability and pension fund. 1377

~~(LL)~~(NN) "Ohio veterans' home police officer" means any 1378
person who is employed at the Ohio veterans' home as a police 1379
officer pursuant to section 5907.02 of the Revised Code and is in 1380
compliance with section 109.77 of the Revised Code. 1381

~~(MM)~~(OO) "Special police officer for a mental health 1382

institution" means any person who is designated as such pursuant 1383
to section 5119.14 of the Revised Code and is in compliance with 1384
section 109.77 of the Revised Code. 1385

~~(NN)~~(PP) "Special police officer for an institution for the 1386
mentally retarded and developmentally disabled" means any person 1387
who is designated as such pursuant to section 5123.13 of the 1388
Revised Code and is in compliance with section 109.77 of the 1389
Revised Code. 1390

~~(OO)~~(QQ) "State university law enforcement officer" means any 1391
person who is employed full-time as a state university law 1392
enforcement officer pursuant to section 3345.04 of the Revised 1393
Code and who is in compliance with section 109.77 of the Revised 1394
Code. 1395

~~(PP)~~(RR) "Hamilton county municipal court bailiff" means a 1396
person appointed by the clerk of courts of the Hamilton county 1397
municipal court under division (A)(3) of section 1901.32 of the 1398
Revised Code who is employed full-time as a bailiff or deputy 1399
bailiff, who has received a certificate attesting to the person's 1400
satisfactory completion of the peace officer training school as 1401
required by division (C) of section 109.77 of the Revised Code, 1402
and whose primary duties are to preserve the peace, to protect 1403
life and property, and to enforce the laws of this state. 1404

~~(QQ)~~(SS) Notwithstanding section 2901.01 of the Revised Code, 1405
"law enforcement officer" means a sheriff, deputy sheriff, 1406
township constable or police officer in a township police 1407
department or district, drug agent, liquor control investigator, 1408
park officer, forest officer, preserve officer, wildlife officer, 1409
state watercraft officer, park district police officer, 1410
conservancy district officer, Ohio veterans' home police officer, 1411
special police officer for a mental health institution, special 1412
police officer for an institution for the mentally retarded and 1413
developmentally disabled, state university law enforcement 1414

officer, Hamilton county municipal court bailiff, or municipal
police officer. 1415
1416

~~(RR)~~(TT) "Fiduciary" means a person who does any of the 1417
following: 1418

(1) Exercises any discretionary authority or control with 1419
respect to the management of the system or with respect to the 1420
management or disposition of its assets; 1421

(2) Renders investment advice for a fee, direct or indirect, 1422
with respect to money or property of the system; 1423

(3) Has any discretionary authority or responsibility in the 1424
administration of the system. 1425

~~(SS)~~(UU) "Actuary" means an individual who satisfies all of 1426
the following requirements: 1427

(1) Is a member of the American academy of actuaries; 1428

(2) Is an associate or fellow of the society of actuaries; 1429

(3) Has a minimum of five years' experience in providing 1430
actuarial services to public retirement plans. 1431

Sec. 145.33. (A) Except as provided in division (B) of this 1432
section, a member with at least five years of total service credit 1433
who has ~~the member's~~ attained age sixty, or who has thirty years 1434
of total Ohio service credit, may apply for age and service 1435
retirement, which shall consist of: 1436

(1) An annuity having a reserve equal to the amount of the 1437
member's accumulated contributions at that time; 1438

(2) A pension equal to the annuity provided by division 1439
(A)(1) of this section; 1440

(3) An additional pension, if the member can qualify for 1441
prior service, equal to forty dollars multiplied by the number of 1442
years, and fraction thereof, of such prior and military service 1443

credit; 1444

(4) A basic annual pension equal to one hundred eighty 1445
 dollars if the member has ten or more years of total service 1446
 credit as of October 1, 1956, except that the basic annual pension 1447
 shall not exceed the sum of the annual benefits provided by 1448
 divisions (A)(1), (2), and (3) of this section. The cost of the 1449
 basic annual pension shall be included in the deficiency 1450
 contribution provided by sections 145.48 and 145.50 of the Revised 1451
 Code. 1452

(5) When a member retires on age and service retirement, the 1453
 member's total annual single lifetime allowance, including the 1454
 allowances provided in divisions (A)(1), (2), (3), and (4) of this 1455
 section, shall be not less than a base amount adjusted in 1456
 accordance with ~~this~~ division (A)(5) of this section and 1457
 determined by multiplying the member's total service credit by the 1458
 greater of the following: 1459

(a) Eighty-six dollars; 1460

(b) Two and one-tenth per cent of the member's final average 1461
 salary for each of the first thirty years of service plus two and 1462
 one-half per cent of the member's final average salary for each 1463
 subsequent year of service. 1464

The allowance shall be adjusted by the factors of attained 1465
 age or years of service to provide the greater amount as 1466
 determined by the following schedule: 1467

Attained	or	Years of	Percentage	
Birthday		Total Service	of	
		Credit	Base Amount	
58		25	75	1471
59		26	80	1472
60		27	85	1473
61			88	1474

	28	90	1475
62		91	1476
63		94	1477
	29	95	1478
64		97	1479
65	30 or more	100	1480

Members shall vest the right to a benefit in accordance with 1481
 the following schedule, based on the member's attained age by 1482
 September 1, 1976: 1483

Attained Birthday	Percentage of Base Amount
66	102
67	104
68	106
69	108
70 or more	110

(6) The total annual single lifetime allowance that a member 1492
 shall receive under division (A)(5) of this section shall not 1493
 exceed the lesser of one hundred per cent of the member's final 1494
 average salary or the limit established by section 415 of the 1495
 "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 1496
 as amended. 1497

(B)(1) A member who has at least twenty-five years of total 1498
 service credit, including credit for military service under 1499
 division (C)(2) of this section, while serving as a law 1500
 enforcement officer and who has ~~the member's~~ attained age 1501
 fifty-two may apply for an age and service retirement benefit, 1502
 which shall consist of an annual single lifetime allowance equal 1503
 to the sum of two and one-half per cent of the member's final 1504
 average salary multiplied by the first twenty years of the 1505
 member's total service plus two and one-tenth per cent of the 1506

member's final average salary multiplied by the number of years of 1507
of the member's total service credit in excess of twenty years, 1508
except that no allowance shall exceed the lesser of ninety per 1509
cent of the member's final average salary or the limit established 1510
by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 1511
2085, 26 U.S.C.A. 415, as amended. 1512

(2) A member who has at least fifteen years of total service 1513
credit, including credit for military service under division 1514
(C)(2) of this section, while serving as a law enforcement officer 1515
and has attained sixty-two years of age may apply for an age and 1516
service retirement benefit, which shall consist of an annual 1517
single lifetime allowance computed as provided in division (B)(1) 1518
of this section. The benefit shall not exceed the limit 1519
established by section 415 of the "Internal Revenue Code of 1986," 1520
100 Stat. 2085, 26 U.S.C.A. 415, as amended. 1521

(3) A member with at least fifteen years of total service 1522
credit, including credit for military service under division 1523
(C)(2) of this section, while serving as a law enforcement officer 1524
who voluntarily resigns or is discharged ~~the member's~~ for any 1525
reason except death, dishonesty, cowardice, intemperate habits, or 1526
conviction of a felony, may apply for an age and service 1527
retirement benefit, which shall consist of an annual single 1528
lifetime allowance equal to one and one-half per cent of the 1529
member's final average salary multiplied by the number of years of 1530
the member's total service credit. The benefit shall not exceed 1531
the limit established by section 415 of the "Internal Revenue Code 1532
of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The 1533
allowance shall commence on the first day of the calendar month 1534
following the month in which the application is filed with the 1535
public employees retirement board on or after the attainment by 1536
the applicant of age fifty-two. 1537

(4) A member who has at least twenty-five years of total 1538

service credit, including credit for military service under 1539
division (C)(2) of this section, while serving as a law 1540
enforcement officer who voluntarily resigns or is discharged ~~the~~ 1541
~~member's~~ for any reason except death, dishonesty, cowardice, 1542
intemperate habits, or conviction of a felony, on or after the 1543
date ~~the member~~ of attaining forty-eight years of age, but before 1544
the date ~~the member~~ of attaining fifty-two years of age, may elect 1545
to receive a reduced benefit as determined by the following 1546
schedule: 1547

Attained Age	Reduced Benefit	
48	75% of the benefit payable under	1548
	division (B)(1) of this section	1549
49	80% of the benefit payable under	1550
	division (B)(1) of this section	1551
50	86% of the benefit payable under	1552
	division (B)(1) of this section	1553
51	93% of the benefit payable under	1554
	division (B)(1) of this section	1555

A member who has at least twenty-five years of law 1557
enforcement service credit, upon attaining forty-eight, 1558
forty-nine, fifty, or fifty-one years of age, may elect to retire 1559
and receive a reduced benefit determined by the above schedule. 1560

If a member elects to receive a reduced benefit on or after 1561
the date ~~the member~~ of attaining forty-eight years of age, but 1562
before the date ~~the member~~ of attaining forty-nine years of age, 1563
the reduced benefit is payable from the date the member attained 1564
forty-eight years of age or from the date the member becomes 1565
eligible to receive the reduced benefit, whichever is later. If a 1566
member elects to receive a reduced benefit on or after the date 1567
~~the member~~ of attaining forty-nine years of age, but before the 1568
date ~~the member~~ of attaining fifty years of age, the reduced 1569
benefit is payable from the date the member attained forty-nine 1570

years of age or from the date the member becomes eligible to 1571
receive the reduced benefit, whichever is later. If a member 1572
elects to receive a reduced benefit on or after the date ~~the~~ 1573
~~member~~ of attaining fifty years of age, but before the date ~~the~~ 1574
~~member~~ of attaining fifty-one years of age, the reduced benefit is 1575
payable from the date the member attained fifty years of age or 1576
from the date the member becomes eligible to receive the reduced 1577
benefit, whichever is later. If a member elects to receive a 1578
reduced benefit on or after the date ~~the member~~ of attaining 1579
fifty-one years of age, but before the date ~~the member~~ of 1580
attaining fifty-two years of age, the reduced benefit is payable 1581
from the date the member attained fifty-one years of age or from 1582
the date the member becomes eligible to receive the reduced 1583
benefit, whichever is later. 1584

Once a member elects to receive a reduced benefit determined 1585
by the above schedule and has received a payment, the member may 1586
not reelect to change that election. 1587

If a member who has resigned or been discharged has left on 1588
deposit the member's accumulated contributions in the employees' 1589
savings fund and has not elected to receive a reduced benefit 1590
determined by the above schedule ~~the member~~, upon attaining 1591
fifty-two years of age, the member shall be entitled to receive a 1592
benefit computed and paid under division (B)(1) of this section. 1593

(C)(1) A member with service credit as a law enforcement 1594
officer and other service credit under this chapter may elect one 1595
of the following: 1596

(a) To have all the member's service credit under this 1597
chapter, including credit for service as a law enforcement 1598
officer, used in calculating a retirement allowance under division 1599
(A) of this section if the member qualifies for an allowance under 1600
that division; 1601

(b) If the member qualifies for an allowance under division (B) of this section, to have the member's service credit as a law enforcement officer used in calculating a benefit under that division and the member's credit for all service other than law enforcement service under this chapter used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions and an equal amount of the employer's contributions.

(2) Notwithstanding sections 145.01 and 145.30 of the Revised Code, no more than four years of military service credit granted under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a law enforcement officer or the total service credit of that person.

(3) Only credit for the member's service as a law enforcement officer or service credit purchased as a police officer or state highway patrol trooper shall be used in computing the benefits under division (B) of this section for the following:

(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975;

(b) Any deputy sheriff who originally is employed ~~on or after the effective date of this amendment~~ as a criminal bailiff or court constable on or after April 16, 1993;

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;

(e) Any person who originally is employed as an undercover

drug agent as defined in section 109.79 of the Revised Code, 1632
liquor control investigator, park officer, forest officer, 1633
wildlife officer, state watercraft officer, park district police 1634
officer, conservancy district officer, Ohio veterans' home 1635
~~police~~ police officer, special ~~police~~ police officer for a 1636
mental health institution, special ~~police~~ police officer for an 1637
institution for the mentally retarded and developmentally 1638
disabled, or municipal police officer on or after December 15, 1639
1988; 1640

(f) Any person who ~~is~~ originally is employed as a state 1641
university law enforcement officer, on or after ~~the effective date~~ 1642
~~of this amendment~~ November 6, 1996; 1643

(g) Any person who ~~is~~ originally is employed as a Hamilton 1644
county municipal court bailiff on or after ~~the effective date of~~ 1645
~~this amendment~~ November 6, 1996; 1646

(h) Any person who originally is employed as a preserve 1647
officer on or after the effective date of this amendment; 1648

(i) Any person who originally is employed as a natural 1649
resources law enforcement staff officer on or after the effective 1650
date of this amendment. 1651

(D) Retirement allowances determined under this section shall 1652
be paid as provided in section 145.46 of the Revised Code. 1653

Sec. 149.01. Each elective state officer, the adjutant 1654
general, the adult parole authority, the department of 1655
agriculture, the director of administrative services, the public 1656
utilities commission, the superintendent of insurance, the 1657
superintendent of financial institutions, the superintendent of 1658
purchases and printing, ~~the division of geological survey,~~ the 1659
state commissioner of soldiers' claims, the fire marshal, the 1660
industrial commission, the administrator of workers' compensation, 1661

the state department of transportation, the department of health, 1662
the state medical board, the state dental board, the board of 1663
embalmers and funeral directors, the department of human services, 1664
the Ohio commission for the blind, the accountancy board of Ohio, 1665
the state council of uniform state laws, the board of 1666
commissioners of the sinking fund, the department of taxation, the 1667
board of tax appeals, the clerk of the supreme court, the division 1668
of liquor control, the director of state armories, the trustees of 1669
the Ohio state university, and every private or quasi-public 1670
institution, association, board, or corporation receiving state 1671
money for its use and purpose, shall make annually, at the end of 1672
each fiscal year, in quadruplicate, a report of the transactions 1673
and proceedings of that office or department for ~~such~~ that fiscal 1674
year, excepting receipts and disbursements unless otherwise 1675
specifically required by law. ~~Such~~ The report shall contain a 1676
summary of the official acts of ~~such~~ the officer, board, council, 1677
commission, institution, association, or corporation, and ~~such~~ any 1678
suggestions and recommendations ~~as~~ that are proper. On the first 1679
day of August of each year, one of ~~such~~ the reports shall be filed 1680
with the governor, one with the secretary of state, and one with 1681
the state library, and one shall be kept on file in the office of 1682
~~such~~ the officer, board, council, commission, institution, 1683
association, or corporation. 1684

Sec. 1501.01. Except where otherwise expressly provided, the 1685
director of natural resources shall formulate and institute all 1686
the policies and programs of the department of natural resources. 1687
The chief of any division of the department shall not enter into 1688
any contract, agreement, or understanding unless it is approved by 1689
the director. 1690

The director shall correlate and coordinate the work and 1691
activities of the divisions in ~~his~~ the department to eliminate 1692

unnecessary duplications of effort and overlapping of functions. 1693

The chiefs of the various divisions of the department shall meet 1694
with the director at least once each month at a time and place 1695
designated by the director. 1696

The director may create advisory boards to any of those 1697
divisions in conformity with section 121.13 of the Revised Code. 1698

The director may accept and expend gifts, devises, and 1699
bequests of money, lands, and other properties on behalf of the 1700
department or any division thereof under the terms set forth in 1701
section 9.20 of the Revised Code. Any political subdivision of 1702
this state may make contributions to the department for the use of 1703
the department or any division ~~therein~~ in it according to the 1704
terms of the contribution. 1705

The director may publish and sell or otherwise distribute 1706
data, reports, and information. 1707

The director shall adopt rules in accordance with Chapter 1708
119. of the Revised Code to permit the department to accept by 1709
means of a credit card the payment of fees, charges, and rentals 1710
at those facilities described in section 1501.07 of the Revised 1711
Code that are operated by the department, for any data, reports, 1712
or information sold by the department, and for any other goods or 1713
services provided by the department. 1714

Whenever authorized by the governor to do so, the director 1715
may appropriate property for the uses and purposes authorized to 1716
be performed by the department and on behalf of any division 1717
within the department. This authority shall be exercised in the 1718
manner provided in sections 163.01 to 163.22 of the Revised Code 1719
for the appropriation of property by the director of 1720
administrative services. This authority to appropriate property is 1721
in addition to the authority provided by law for the appropriation 1722
of property by divisions of the department. ~~The~~ 1723

The director of natural resources also may acquire by 1724
purchase, lease, or otherwise ~~such~~ real and personal property 1725
rights or privileges in the name of the state ~~as~~ that are 1726
necessary for the purposes of the department or any division 1727
therein in it. The As part of this authority, the director may 1728
lease office space and storage accommodations for the department 1729
and shall be responsible for general supervision and care of the 1730
office space and storage accommodations. 1731

The director, with the approval of the governor and the 1732
attorney general, may sell, lease, or exchange portions of lands 1733
or property, real or personal, of any division of the department 1734
or grant easements or licenses for the use thereof, or enter into 1735
agreements for the sale of water from lands and waters under the 1736
administration or care of the department or any of its divisions, 1737
when the sale, lease, exchange, easement, agreement, or license 1738
for use is advantageous to the state, provided that such approval 1739
is not required for leases and contracts made under sections 1740
1501.07, 1501.09, 1507.12, or 1520.03 or Chapter 1523. of the 1741
Revised Code. Water may be sold from a reservoir only to the 1742
extent that the reservoir was designed to yield a supply of water 1743
for a purpose other than recreation or wildlife, and the water 1744
sold is in excess of that needed to maintain the reservoir for 1745
purposes of recreation or wildlife. 1746

Money received from such sales, leases, easements, exchanges, 1747
agreements, or licenses for use, except revenues required to be 1748
set aside or paid into depositories or trust funds for the payment 1749
of bonds issued under sections 1501.12 to 1501.15 of the Revised 1750
Code, and to maintain the required reserves therefor as provided 1751
in the orders authorizing the issuance of ~~such~~ the bonds or the 1752
trust agreements securing ~~such~~ the bonds, revenues required to be 1753
paid and credited pursuant to the bond proceeding applicable to 1754
obligations issued pursuant to section 154.22, and revenues 1755

generated under section 1520.05 of the Revised Code, shall be 1756
deposited in the state treasury to the credit of the fund of the 1757
division of the department having prior jurisdiction over the 1758
lands or property. If no such fund exists, the money shall be 1759
credited to the general revenue fund. All such money received from 1760
lands or properties administered by the division of wildlife shall 1761
be credited to the wildlife fund. 1762

The director shall provide for the custody, safekeeping, and 1763
deposit of all moneys, checks, and drafts received by the 1764
department or its employees prior to paying them to the treasurer 1765
of state under section 113.08 of the Revised Code. 1766

The director shall cooperate with the nature conservancy, 1767
other nonprofit organizations, and the United States fish and 1768
wildlife service in order to secure protection of islands in the 1769
Ohio river and the wildlife and wildlife habitat of those islands. 1770

Sec. 1501.013. (A) Subject to division (B) of this section, 1771
the director of natural resources may designate an employee of the 1772
department of natural resources as a natural resources law 1773
enforcement staff officer. Such an officer may do any or all of 1774
the following: 1775

(1) Coordinate the law enforcement activities, training, and 1776
policies of the department; 1777

(2) Serve as the department's liaison with other law 1778
enforcement agencies and jurisdictions and as the director's 1779
representative regarding law enforcement activities; 1780

(3) Conduct internal investigations of employees of the 1781
department as necessary; 1782

(4) Perform other functions related to the department's law 1783
enforcement activities, training, and policies that the director 1784
assigns to the officer. 1785

A natural resources law enforcement staff officer, on any 1786
lands or waters owned, controlled, maintained, or administered by 1787
the department, has the authority specified under section 2935.03 1788
of the Revised Code for peace officers of the department of 1789
natural resources to keep the peace, to enforce all laws and rules 1790
governing those lands and waters, and to make arrests for 1791
violation of those laws and rules. 1792

The governor, upon the recommendation of the director, shall 1793
issue to a natural resources law enforcement staff officer a 1794
commission indicating authority to make arrests as provided in 1795
division (A) of this section. 1796

The director shall furnish a suitable badge to a commissioned 1797
natural resources law enforcement staff officer as evidence of 1798
that officer's authority. 1799

(B)(1) As used in division (B) of this section, "felony" has 1800
the same meaning as in section 109.511 of the Revised Code. 1801

(2) The director shall not designate a person as a natural 1802
resources law enforcement staff officer under division (A) of this 1803
section on a permanent basis, on a temporary basis, for a 1804
probationary term, or on other than a permanent basis if the 1805
person previously has been convicted of or has pleaded guilty to a 1806
felony. 1807

(3) The director shall terminate the employment as a natural 1808
resources law enforcement staff officer of a person designated as 1809
such an officer if that person does either of the following: 1810

(a) Pleads guilty to a felony; 1811

(b) Pleads guilty to a misdemeanor pursuant to a negotiated 1812
plea agreement as provided in division (D) of section 2929.29 of 1813
the Revised Code in which the natural resources law enforcement 1814
staff officer agrees to surrender the certificate awarded to that 1815

officer under section 109.77 of the Revised Code. 1816

(4) The director shall suspend from employment as a natural 1817
resources law enforcement staff officer a person designated as 1818
such an officer if that person is convicted, after trial, of a 1819
felony. If the natural resources law enforcement staff officer 1820
files an appeal from that conviction and the conviction is upheld 1821
by the highest court to which the appeal is taken, or if the 1822
officer does not file a timely appeal, the director shall 1823
terminate the employment of the natural resources law enforcement 1824
staff officer. If the natural resources law enforcement staff 1825
officer files an appeal that results in the officer's acquittal of 1826
the felony or conviction of a misdemeanor, or in the dismissal of 1827
the felony charge against the officer, the director shall 1828
reinstate the natural resources law enforcement staff officer. A 1829
natural resources law enforcement staff officer who is reinstated 1830
under division (B)(4) of this section shall not receive any back 1831
pay unless the officer's conviction of the felony was reversed on 1832
appeal, or the felony charge was dismissed, because the court 1833
found insufficient evidence to convict the officer of the felony. 1834

(5) Division (B) of this section does not apply regarding an 1835
offense that was committed prior to January 1, 1999. 1836

(6) The suspension from employment, or the termination of the 1837
employment, of a natural resources law enforcement staff officer 1838
under division (B)(3) or (4) of this section shall be in 1839
accordance with Chapter 119. of the Revised Code. 1840

Sec. 1501.02. The director of natural resources may enter 1841
into cooperative or contractual arrangements with the United 1842
States or any agency or department thereof, other states, other 1843
departments and subdivisions of this state, or any other person or 1844
body politic for the accomplishment of the purposes for which the 1845
department of natural resources was created. The director shall 1846

cooperate with, and not infringe upon the rights of, other state 1847
departments, divisions, boards, commissions, and agencies, 1848
political subdivisions, and other public officials and public and 1849
private agencies in the conduct of conservation plans and other 1850
matters in which the interests of the department of natural 1851
resources and the other departments and agencies overlap. 1852

The director, by mutual agreement, may utilize the facilities 1853
and staffs of state-supported educational institutions in order to 1854
promote the conservation and development of the natural resources 1855
of the state. 1856

All funds made available by the United States for the 1857
exclusive use of any division shall be expended only by that 1858
division and only for the purposes for which the funds were 1859
appropriated. In accepting any such funds for the acquisition of 1860
lands or interests ~~therein~~ in them to be used for open-space 1861
purposes including park, recreational, historical, or scenic 1862
purposes, or for conservation of land or other natural resources, 1863
the director may agree on behalf of the state that lands or 1864
interests ~~therein~~ in them acquired in part with those funds shall 1865
not be converted to other uses except pursuant to further 1866
agreement between the director and the United States. 1867

The director shall establish guidelines for entering into and 1868
may enter into a cooperative or contractual arrangement with any 1869
individual, agency, organization, or business entity to assist the 1870
department in funding a program or project of the department, its 1871
divisions, or its offices, through securing, without limitation, 1872
donations, sponsorships, marketing, advertising, and licensing 1873
arrangements. state moneys appropriated to the department shall 1874
continue to be used as authorized and shall not be redirected to 1875
any other purpose as a result of financial savings resulting from 1876
the department's entering into the cooperative or contractual 1877

arrangement. 1878

The director may enter into a mutual aid compact with the 1879
chief law enforcement officer of any federal agency, state agency, 1880
county, township, municipal corporation, or other political 1881
subdivision or with the superintendent of the state highway patrol 1882
to enable forest officers, park officers, and state watercraft 1883
officers and the law enforcement officers of the respective 1884
federal or state agencies or political subdivisions or the state 1885
highway patrol to assist each other in the provision of police 1886
services within each other's jurisdiction. 1887

Sec. 1501.10. Advertisement for bids for the leasing of 1888
public service facilities in state parks shall be published in any 1889
newspaper of general circulation in Franklin county and each 1890
county in which the facility to be leased is situated. The 1891
publication shall be made once each week for four consecutive 1892
weeks prior to the date fixed for the acceptance of the bids. The 1893
notice shall set forth the pertinent facts concerning the facility 1894
to be leased and the periods of required operation during the year 1895
and shall refer to the terms and conditions that the lease shall 1896
include, which shall be on file in the office of the director of 1897
natural resources and open to public inspection, except that 1898
questionnaires and financial statements submitted under this 1899
section shall be confidential and shall not be open to public 1900
inspection. 1901

~~Such~~ The public service facilities may be leased for ~~such a~~ 1902
period of years ~~as~~ that may be determined by the director, 1903
provided that the director ~~may~~, at the expiration of the original 1904
lease, without advertisement for bids, may grant the lessee a 1905
renewal of the lease for an additional period not to exceed four 1906
years. Leases executed under this section may contain any 1907
provisions ~~which~~ that the director considers necessary, provided 1908

that the following provisions shall be contained in the leases: 1909

(A) The lessee shall be responsible for keeping the 1910
facilities in good condition and repair, reasonable wear and tear 1911
and damages caused by casualty or acts beyond the control of the 1912
lessee excepted. 1913

(B) The lessee shall operate the facilities for ~~such~~ periods 1914
during the year ~~as~~ that the director determines are necessary to 1915
satisfy the needs of the people of the state, provided that the 1916
periods of required operation shall be set forth in the notice for 1917
the acceptance of bids. 1918

(C) The lessee, upon the execution of the lease, shall 1919
furnish ~~a surety to ensure that the lessee shall perform fully all~~ 1920
terms of the lease. The surety shall be in the form of a 1921
performance bond or, an irrevocable letter of credit to the state 1922
in an amount as, cash, or negotiable certificates of deposit of 1923
any bank or savings and loan association organized or transacting 1924
business in the United states. the cash, market value of the 1925
certificates of deposit, or face value of the irrevocable letter 1926
of credit shall be equal to or greater than the amount of the bond 1927
~~prescribed by the director, to ensure that the lessee shall fully~~ 1928
~~perform all terms of~~ in the lease. 1929

immediately upon a deposit of cash or certificates of 1930
deposit, the director shall deliver them to the treasurer of 1931
state, who shall be responsible for their safekeeping and hold 1932
them in trust for the purposes for which they have been deposited. 1933
A lessee making a deposit of cash or certificates of deposit may 1934
withdraw and receive from the treasurer of state, on the written 1935
order of the director, all or any portion of the cash or 1936
certificates of deposit upon depositing with the treasurer of 1937
state cash or negotiable certificates of deposit issued by any 1938
bank organized or transacting business in this state equal in par 1939
value to the par value of the cash or certificates of deposit 1940

withdrawn. A lessee may demand and receive from the treasurer of 1941
state all interest or other income from any such certificates as 1942
it becomes due. 1943

The director may lease any public service facilities in state 1944
parks to the person, ~~firm, partnership, association, or~~ 1945
~~corporation~~ who submits the highest and best bid under the terms 1946
set forth in this section and in accordance with the rules of the 1947
director, taking into account the financial responsibility and the 1948
ability of the lessee to operate the facilities. Bids shall be 1949
sealed and opened at a date and time certain, published in 1950
advance. 1951

This section does not apply to a lease and contract executed 1952
under section 1501.012 of the Revised Code. 1953

Sec. 1502.01. As used in this chapter: 1954

(A) "Litter" means garbage, trash, waste, rubbish, ashes, 1955
cans, bottles, wire, paper, cartons, boxes, automobile parts, 1956
furniture, glass, or anything else of an unsightly or unsanitary 1957
nature thrown, dropped, discarded, placed, or deposited by a 1958
person on public property, on private property not owned by ~~him~~ 1959
the person, or in or on waters of the state unless one of the 1960
following applies: 1961

(1) The person has been directed to do so by a public 1962
official as part of a litter collection drive; 1963

(2) The person has thrown, dropped, discarded, placed, or 1964
deposited the material in a receptacle in a manner that prevented 1965
its being carried away by the elements; 1966

(3) The person has been issued a permit or license covering 1967
the material pursuant to Chapter 3734. or 6111. of the Revised 1968
Code. 1969

(B) "Recycling" means the process of collecting, sorting, 1970

cleansing, treating, and reconstituting waste or other discarded	1971
materials for the purpose of recovering and reusing the materials.	1972
(C) "Agency of the state" includes, but is not limited to, an	1973
"agency" subject to Chapter 119. of the Revised Code and a "state	1974
university or college" as defined in section 3345.12 of the	1975
Revised Code.	1976
(D) "Waste reduction" means activities that decrease the	1977
initial production of waste materials at their point of origin.	1978
(E) "Enterprise" means a business with its principal place of	1979
business in this state and that proposes to engage in research and	1980
development or recycling in this state.	1981
(F) "Research and development" means inquiry,	1982
experimentation, or demonstration to advance basic scientific or	1983
technical knowledge or the application, adaptation, or use of	1984
existing or newly discovered scientific or technical knowledge	1985
<u>regarding recycling, waste reduction, or litter prevention.</u>	1986
(G) "Recyclables" means waste materials that are collected,	1987
separated, or processed and used as raw materials or products.	1988
(H) "Recycling market development" means activities that	1989
stimulate the demand for recycled products, provide for a	1990
consistent supply of recyclables to meet the needs of recycling	1991
industries, or both.	1992
(I) "Solid waste management districts" means solid waste	1993
management districts established under Chapter 343. of the Revised	1994
Code.	1995
Sec. 1502.03. (A) The chief of recycling and litter	1996
prevention shall establish and implement statewide waste	1997
reduction, recycling, recycling market development, and litter	1998
prevention programs that include all of the following:	1999

(1) The assessment of waste generation within the state and implementation of waste reduction practices;	2000 2001
(2) The implementation of recycling and recycling market development activities and projects, including all of the following+:	2002 2003 2004
(a) Collection of recyclables;	2005
(b) Separation of recyclables;	2006
(c) Processing of recyclables;	2007
(d) Facilitation and encouragement of the use of recyclables and products made with recyclables;	2008 2009
(e) Research and development regarding recycling activities and materials or products manufactured with recyclables;	2010 2011
+f) Education and training concerning recycling and products manufactured with recyclables;	2012 2013
+g)+f) Public awareness campaigns to promote recycling;	2014
+h)+g) Other activities and projects that promote recycling and recycling market development.	2015 2016
(3) Litter prevention assistance to enforce antilitter laws, educate the public, and stimulate collection and containment of litter;	2017 2018 2019
(4) <u>Research and development regarding waste reduction, recycling, and litter prevention, including, without limitation, research and development regarding materials or products manufactured with recyclables.</u>	2020 2021 2022 2023
(B) The chief, with the approval of the director of natural resources, may enter into contracts or other agreements and may execute any instruments necessary or incidental to the discharge of his <u>the chief's</u> responsibilities under this chapter.	2024 2025 2026 2027

Sec. 1502.04. There is hereby created within the division of 2028
recycling and litter prevention the recycling and litter 2029
prevention advisory council consisting of thirteen members. The 2030
speaker of the house of representatives shall appoint one member 2031
of the house of representatives to the council, and the president 2032
of the senate shall appoint one member of the senate to the 2033
council. If the president of the senate belongs to the same 2034
political party as the speaker of the house of representatives, 2035
the president shall appoint a member of the senate who belongs to 2036
a different political party as recommended by the minority leader 2037
of the senate. The speaker of the house of representatives and the 2038
president of the senate shall make their initial appointments to 2039
the council within sixty days after ~~the effective date of this~~ 2040
~~amendment~~ JULY 20, 1994. Each member appointed by the speaker of 2041
the house of representatives or the president of the senate shall 2042
serve for a term of office of three years. The appropriate 2043
appointing authority may fill any vacancy occurring during the 2044
term of any member whom ~~he~~ the appointing authority has appointed 2045
to the advisory council. 2046

The remaining eleven members shall be appointed by the 2047
governor with the advice and consent of the senate and shall be 2048
persons with knowledge of or experience in recycling or litter 2049
prevention programs. The council shall have broad based 2050
representation of interests including agriculture, labor, the 2051
environment, manufacturing, wholesale and retail industry, and the 2052
public. One of the business members shall be from the commercial 2053
recycling industry, and another shall be from an industry required 2054
to pay taxes under section 5733.065 of the Revised Code. The 2055
director of natural resources shall not be a member of the 2056
council. The governor shall make ~~his~~ initial appointments to the 2057
council within thirty days after October 20, 1987. Of ~~his~~ the 2058
governor's initial appointments to the council, five shall be for 2059

a term of one year and six shall be for a term of two years. 2060
Thereafter, terms of office shall be for three years. Each member 2061
appointed by the governor shall hold office from the date of ~~his~~ 2062
the member's appointment until the end of the term for which ~~he~~ 2063
the member was appointed. In the event of death, removal, 2064
resignation, or incapacity of a member of the council appointed by 2065
the governor, the governor, with the advice and consent of the 2066
senate, shall appoint a successor who shall hold office for the 2067
remainder of the term for which ~~his~~ the successor's predecessor 2068
was appointed. A member shall continue in office subsequent to the 2069
expiration date of ~~his~~ the member's term until ~~his~~ the member's 2070
successor takes office, or until a period of sixty days has 2071
elapsed, whichever occurs first. The governor at any time may 2072
remove any of ~~his~~ the governor's appointees from the council for 2073
misfeasance, nonfeasance, or malfeasance in office. 2074

Members of the council may be reappointed. 2075

The council shall hold at least four regular quarterly 2076
meetings each year. Special meetings may be held at the behest of 2077
the chairperson or a majority of the members. The council annually 2078
shall select from among its members a chairperson, a 2079
vice-chairperson, and a secretary to keep a record of its 2080
proceedings. 2081

A majority vote of the members of the council is necessary to 2082
take action in any matter. 2083

A member of the council shall serve without compensation for 2084
attending council meetings, but shall be reimbursed for all 2085
traveling, hotel, and other ordinary and necessary expenses 2086
incurred in the performance of ~~his~~ the member's work as a member 2087
of the council. 2088

Membership on the council does not constitute holding a 2089
public office or position of employment under the laws of this 2090

state and does not constitute grounds for removal of public 2091
officers or employees from their offices or positions of 2092
employment. 2093

The council shall do all of the following: 2094

(A) Assist the interagency recycling market development 2095
workgroup created in section 1502.10 of the Revised Code in 2096
executing its duties under division (A) of that section; 2097

(B) In conjunction with the chief of recycling and litter 2098
prevention and with the approval of the director of natural 2099
resources, establish criteria by which to certify, and certify, 2100
agencies of the state, municipal corporations with a population of 2101
more than fifty thousand, counties, and solid waste management 2102
districts as eligible to receive grants under section 1502.05 of 2103
the Revised Code; 2104

(C) In conjunction with the chief and with the approval of 2105
the director, establish criteria by which to certify, and certify, 2106
political subdivisions for receipt of special grants for ~~novel or~~ 2107
~~innovative~~ activities or projects that are intended to accomplish 2108
the purposes of any of the programs established under section 2109
1502.03 of the Revised Code; 2110

(D) Advise the chief in carrying out ~~his~~ the chief's duties 2111
under this chapter. 2112

Sec. 1502.05. (A) The chief of recycling and litter 2113
prevention, pursuant to division (B) of section 1502.04 of the 2114
Revised Code and with the approval of the director of natural 2115
resources, may make grants from the recycling and litter 2116
prevention fund created in section 1502.02 of the Revised Code to 2117
accomplish the purposes of the programs established under section 2118
1502.03 of the Revised Code. 2119

(B) Except as provided in division (C) of this section, the 2120

chief, with the approval of the director, may require any eligible 2121
applicant certified by the recycling and litter prevention 2122
advisory council under division (B) of section 1502.04 of the 2123
Revised Code that applies for a grant for an activity or project 2124
that is intended to further the purposes of any program 2125
established under division (A)(1) or (2) of section 1502.03 of the 2126
Revised Code to provide a matching contribution of not more than 2127
fifty per cent of the grant. 2128

(C) Notwithstanding division (B) of this section, any grant 2129
awarded under division (A) of this section to foster cooperative 2130
research and development regarding recycling or the cooperative 2131
establishment or expansion of private recycling facilities or 2132
programs shall be made in conjunction with a contribution to the 2133
project by a cooperating enterprise that maintains or proposes to 2134
maintain a relevant research and development or recycling facility 2135
or program in this state or by an agency of the state, provided 2136
that funding provided by a state agency shall not be provided from 2137
general revenue funds appropriated by the general assembly. No 2138
grant made under division (A) of this section for the purposes 2139
described in this division shall exceed the contribution made by 2140
the cooperating enterprise or state agency. The chief may consider 2141
cooperating contributions in the form of state of the art new 2142
equipment or in other forms if the chief determines that the 2143
contribution is essential to the successful implementation of the 2144
project. 2145

Grants made under division (A) of this section for the 2146
purposes described in this division shall be made in such form and 2147
conditioned on such terms as the chief considers to be 2148
appropriate. 2149

(D)(1) The chief, with the approval of the director, may 2150
require any eligible applicant certified by the recycling and 2151
litter prevention advisory council under division (B) of section 2152

1502.04 of the Revised Code that applies for a grant that is
intended to further the purposes of the program established under
division (A)(3) of section 1502.03 of the Revised Code, except any
eligible applicant that is or is located in a county that has a
per capita income equal to or below ninety per cent of the median
county per capita income of the state as determined by the chief
using the most recently available figures from the United States
census bureau, to provide a matching contribution as follows:

(a) Up to ten per cent of the grant from any eligible
applicant that is or is located in a county that has a per capita
income above ninety per cent of the median county per capita
income of the state, but equal to or below one hundred per cent of
the median county per capita income of the state;

(b) Up to twenty per cent of the grant from any eligible
applicant that is or is located in a county that has a per capita
income above the median county per capita income of the state.

(2) If the eligible applicant is a joint solid waste
management district ~~and at least fifty per cent of the counties~~
~~comprising the district have a per capita income equal to or below~~
~~ninety per cent of the median county per capita income of the~~
~~state, the district need not provide a matching contribution for a~~
~~grant under division (D)(1) of this section. If at least fifty per~~
~~cent of the counties comprising the district have a per capita~~
~~income above ninety per cent of the median county per capita~~
~~income of the state, but equal to or below one hundred per cent of~~
~~the median county per capita income of the state, the district~~
~~shall provide a matching contribution in accordance with division~~
~~(D)(1)(a) of this section. If at least fifty per cent of the~~
~~counties comprising the district have a per capita income above~~
~~the median county per capita income of the state, the district~~
~~shall provide a matching contribution in accordance with division~~
~~(D)(1)(b) of this section~~ or is filing a joint application on

behalf of two or more counties, the matching contribution required 2185
under division (D)(1) of this section shall be the average of the 2186
matching contributions of all of the counties covered by the 2187
application as determined in accordance with that division. The 2188
matching contribution of a county that has a per capita income 2189
equal to or below ninety per cent of the median county per capita 2190
income of the state shall be included as zero in calculating the 2191
average matching contribution. 2192

(E) After receiving notice from the director of environmental 2193
protection that each county within the state is subject to the 2194
solid waste management plan of a solid waste management district, 2195
the chief shall ensure that not less than fifty per cent of the 2196
moneys distributed as grants under this section shall be expended 2197
for the purposes of recycling and recycling market development. 2198
2199

Sec. 1502.99. Whoever violates section ~~1502.06~~ 1502.07 of the 2200
Revised Code is guilty of a minor misdemeanor. Each day of 2201
violation constitutes a separate offense. 2202

Sec. 1503.01. The chief of the division of forestry shall 2203
administer this chapter. 2204

The chief may adopt, amend, and rescind rules, in accordance 2205
with Chapter 119. of the Revised Code, for the administration, 2206
implementation, and enforcement of section 1503.43 of the Revised 2207
Code and for the administration, use, visitation, and protection 2208
of the state forests, except those forests used solely for 2209
research purposes by the Ohio agricultural research and 2210
development center. Copies of the rules governing state forests 2211
shall be posted in conspicuous places in those forests. No person 2212
shall violate any rule adopted under this section. 2213

The chief, with the approval of the director of natural 2214

resources, may enter into an agreement with the United States 2215
department of agriculture under the "Cooperative Forestry 2216
Assistance Act of 1978," 92 Stat. 365, 16 U.S.C.A. 2101, as 2217
amended, for the purpose of receiving and disbursing grants to 2218
provide forestry and fire protection assistance on public and 2219
private lands in this state. 2220

The Chief, with the approval of the Director, may collect, 2221
from an owner, lessee, renter, or occupant of private lands or 2222
waters, fees in an amount established by rule adopted under this 2223
section for any service or product that benefits the private lands 2224
or waters and is provided through division programs. All moneys 2225
received for such services or products shall be paid into the 2226
state treasury to the credit of the State Forest Fund created in 2227
section 1503.05 of the Revised Code. 2228

The chief ~~shall employ~~, subject to the approval of the 2229
director, shall employ field assistants and ~~such~~ other employees 2230
~~as~~ that are necessary for the performance of the work prescribed 2231
by this chapter and for the performance of the other work of the 2232
division, shall prescribe their duties, and shall fix their 2233
compensation in accordance with ~~such~~ schedules ~~as~~ that are 2234
provided by law for the compensation of state employees. 2235

All employees of the division, unless specifically exempted 2236
by law, shall be employed subject to the classified civil service 2237
laws in force at the time of employment. 2238

Sec. 1503.05. (A) The chief of the division of forestry may 2239
sell timber and other forest products from the state forest and 2240
state forest nurseries whenever the chief considers such a sale 2241
desirable and, with the approval of the attorney general and the 2242
director of natural resources, may sell portions of the state 2243
forest lands when such a sale is advantageous to the state. 2244

(B) Except as otherwise provided in this section, a timber 2245
sale agreement shall not be executed unless the person or 2246
governmental entity bidding on the sale executes and files a 2247
surety bond conditioned on completion of the timber sale in 2248
accordance with the terms of the agreement in an amount equal to 2249
twenty-five per cent of the highest value cutting section. All 2250
bonds shall be given in a form prescribed by the chief and shall 2251
run to the state as obligee. 2252

The chief shall not approve any bond until it is personally 2253
signed and acknowledged by both principal and surety, or as to 2254
either by the attorney in fact thereof, with a certified copy of 2255
the power of attorney attached. The chief shall not approve the 2256
bond unless there is attached a certificate of the superintendent 2257
of insurance that the company is authorized to transact a fidelity 2258
and surety business in this state. 2259

In lieu of a bond, the bidder may deposit any of the 2260
following: 2261

(1) Cash in an amount equal to the amount of the bond; 2262

(2) United States government securities having a par value 2263
equal to or greater than the amount of the bond; 2264

(3) Negotiable certificates of deposit or irrevocable letters 2265
of credit issued by any bank organized or transacting business in 2266
this state, having a par value equal to or greater than the amount 2267
of the bond. 2268

The cash or securities shall be deposited on the same terms 2269
as bonds. If one or more certificates of deposit are deposited in 2270
lieu of a bond, the chief shall require the bank that issued any 2271
of the certificates to pledge securities of the aggregate market 2272
value equal to the amount of the certificate or certificates that 2273
is in excess of the amount insured by the federal deposit 2274
insurance corporation. The securities to be pledged shall be those 2275

designated as eligible under section 135.18 of the Revised Code. 2276
The securities shall be security for the repayment of the 2277
certificate or certificates of deposit. 2278

Immediately upon a deposit of cash, securities, certificates 2279
of deposit, or letters of credit, the chief shall deliver them to 2280
the treasurer of state, who shall hold them in trust for the 2281
purposes for which they have been deposited. The treasurer of 2282
state is responsible for the safekeeping of the deposits. A bidder 2283
making a deposit of cash, securities, certificates of deposit, or 2284
letters of credit may withdraw and receive from the treasurer of 2285
state, on the written order of the chief, all or any portion of 2286
the cash, securities, certificates of deposit, or letters of 2287
credit upon depositing with the treasurer of state cash, other 2288
United States government securities, or other negotiable 2289
certificates of deposit or irrevocable letters of credit issued by 2290
any bank organized or transacting business in this state, equal in 2291
par value to the par value of the cash, securities, certificates 2292
of deposit, or letters of credit withdrawn. 2293
2294

A bidder may demand and receive from the treasurer of state 2295
all interest or other income from any such securities or 2296
certificates as it becomes due. If securities so deposited with 2297
and in the possession of the treasurer of state mature or are 2298
called for payment by ~~the~~ their issuer ~~thereof~~, the treasurer of 2299
state, at the request of the bidder who deposited them, shall 2300
convert the proceeds of the redemption or payment of the 2301
securities into ~~such~~ other United States government securities, 2302
negotiable certificates of deposit, or cash as the bidder 2303
designates. 2304

When the chief finds that a person or governmental agency has 2305
failed to comply with the conditions of the person's or 2306
governmental agency's bond, the chief shall make a finding of that 2307

fact and declare the bond, cash, securities, certificates, or 2308
letters of credit forfeited. The chief thereupon shall certify the 2309
total forfeiture to the attorney general, who shall proceed to 2310
collect the amount of the bond, cash, securities, certificates, or 2311
letters of credit. 2312

In lieu of total forfeiture, the surety, at its option, may 2313
cause the timber sale to be completed or pay to the treasurer of 2314
state the cost thereof. 2315

All moneys collected as a result of forfeitures of bonds, 2316
cash, securities, certificates, and letters of credit under this 2317
section shall be credited to the state forest fund created in this 2318
section. 2319

(C) The chief may grant easements and leases on portions of 2320
the state forest lands and state forest nurseries under ~~such~~ terms 2321
~~as that~~ are advantageous to the state, and the chief may grant 2322
mineral rights on a royalty basis on those lands and nurseries, 2323
with the approval of the attorney general and the director. 2324

(D) All moneys received from the sale of state forest lands, 2325
or in payment for easements or leases on or as rents from those 2326
lands or from state forest nurseries, shall be paid into the state 2327
treasury to the credit of the state forest fund, which is hereby 2328
created. All moneys received from the sale of standing timber 2329
taken from the state forest lands shall be deposited into the 2330
general revenue fund. All moneys received from the sale of forest 2331
products, other than standing timber, and minerals taken from the 2332
state forest lands and state forest nurseries, together with 2333
royalties from mineral rights, shall be paid into the state forest 2334
fund. 2335

At the time of making such a payment or deposit, the chief 2336
shall determine the amount and gross value of all such products 2337
sold or royalties received from lands and nurseries in each 2338

county, in each township within the county, and in each school 2339
district within the county. Afterward the chief shall send to each 2340
county treasurer a copy of the determination and shall provide for 2341
payment to the county treasurer, for the use of the general fund 2342
of that county from the amount so received as provided in this 2343
division, an amount equal to eighty per cent of the gross value of 2344
the products sold or royalties received from lands and nurseries 2345
located in that county. The county auditor shall do all of the 2346
following: 2347

(1) Retain for the use of the general fund of the county 2348
one-fourth of the amount received by the county under division (D) 2349
of this section; 2350

(2) Pay into the general fund of any township located within 2351
the county and containing such lands and nurseries one-fourth of 2352
the amount received by the county from products sold or royalties 2353
received from lands and nurseries located in the township; 2354

(3) Request the board of education of any school district 2355
located within the county and containing such lands and nurseries 2356
to identify which fund or funds of the district should receive the 2357
moneys available to the school district under division (D)(3) of 2358
this section. After receiving notice from the board, the county 2359
auditor shall pay into the fund or funds so identified one-half of 2360
the amount received by the county from products sold or royalties 2361
received from lands and nurseries located in the school district, 2362
distributed proportionately as identified by the board. 2363

The division of forestry shall not supply logs, lumber, or 2364
other forest products or minerals, taken from the state forest 2365
lands or state forest nurseries, to any other agency or 2366
subdivision of the state unless payment is made therefor in the 2367
amount of the actual prevailing value thereof. This section is 2368
applicable to the moneys so received. All moneys received from the 2369
sale of reforestation tree stock or other revenues derived from 2370

the operation of the state forests, facilities, or equipment shall 2371
be paid into the state forest fund. 2372

The fund shall not be expended for any purpose other than the 2373
administration, operation, maintenance, development, or 2374
utilization of the state forests, forest nurseries, and forest 2375
programs, for facilities or equipment incident ~~thereto~~ to them, or 2376
for the further purchase of lands for state forest or forest 2377
nursery purposes. 2378

Sec. 1503.29. (A) As used in this section, "felony" has the 2379
same meaning as in section 109.511 of the Revised Code. 2380

(B)(1) Subject to division (D) of this section, any person 2381
employed by the chief of the division of forestry for 2382
administrative service in a state forest may be designated by the 2383
chief and known as a forest officer. A forest officer, on any 2384
lands or waters owned, controlled, maintained, or administered by 2385
the department of natural resources and on highways, as defined in 2386
section 4511.01 Of the Revised Code, adjacent to lands and waters 2387
owned, controlled, maintained, or administered by the division of 2388
forestry, has the authority ~~vested in police officers~~ specified 2389
under section 2935.03 of the Revised Code for peace officers of 2390
the department of natural resources to keep the peace, to enforce 2391
all laws and rules governing those lands and waters, and to make 2392
arrests for violation of those laws and rules, provided that ~~such~~ 2393
the authority shall be exercised on lands or waters administered 2394
by another division of the department only pursuant to an 2395
agreement with the chief of that division or to a request for 2396
assistance by an enforcement officer of that division in an 2397
emergency. 2398

(2) A forest officer, in or along any watercourse within, 2399
abutting, or upstream from the boundary of any area administered 2400
by the department, has the authority to enforce section 3767.32 of 2401

the Revised Code and other laws prohibiting the dumping of refuse
into or along waters and to make arrests for violation of those
laws. The jurisdiction of forest officers shall be concurrent with
that of the peace officers of the county, township, or municipal
corporation in which the violation occurs.

(3) A forest officer may enter upon private and public lands
to investigate an alleged violation of, and may enforce, this
chapter and sections 2909.02, 2909.03, and 2909.06 of the Revised
Code when the alleged violation or other act pertains to forest
fires.

(C)(1) A forest officer may render assistance to a state or
local law enforcement officer at the request of that officer or
may render assistance to a state or local law enforcement officer
in the event of an emergency. Forest officers serving outside the
division of forestry under this section or serving under the terms
of a mutual aid compact authorized under section 1501.02 of the
Revised Code shall be considered as performing services within
their regular employment for the purposes of compensation, pension
or indemnity fund rights, workers' compensation, and other rights
or benefits to which they may be entitled as incidents of their
regular employment.

(2) Forest officers serving outside the division of forestry
under this section or under a mutual aid compact retain personal
immunity from civil liability as specified in section 9.86 of the
Revised Code and shall not be considered an employee of a
political subdivision for purposes of Chapter 2744. of the Revised
Code. A political subdivision that uses forest officers under this
section or under the terms of a mutual aid compact authorized
under section 1501.02 of the Revised Code is not subject to civil
liability under Chapter 2744. of the Revised Code as the result of
any action or omission of any forest officer acting under this
section or under a mutual aid compact.

(D)(1) The chief of the division of forestry shall not 2434
designate a person as a forest officer pursuant to division (B)(1) 2435
of this section on a permanent basis, on a temporary basis, for a 2436
probationary term, or on other than a permanent basis if the 2437
person previously has been convicted of or has pleaded guilty to a 2438
felony. 2439

(2)(a) The chief of the division of forestry shall terminate 2440
the employment as a forest officer of a person designated as a 2441
forest officer under division (B)(1) of this section if that 2442
person does either of the following: 2443

(i) Pleads guilty to a felony; 2444

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2445
plea agreement as provided in division (D) of section 2929.29 of 2446
the Revised Code in which the forest officer agrees to surrender 2447
the certificate awarded to the forest officer under section 109.77 2448
of the Revised Code. 2449

(b) The chief shall suspend from employment as a forest 2450
officer a person designated as a forest officer under division 2451
(B)(1) of this section if that person is convicted, after trial, 2452
of a felony. If the forest officer files an appeal from that 2453
conviction and the conviction is upheld by the highest court to 2454
which the appeal is taken or if the forest officer does not file a 2455
timely appeal, the chief shall terminate the employment of that 2456
forest officer. If the forest officer files an appeal that results 2457
in that forest officer's acquittal of the felony or conviction of 2458
a misdemeanor, or in the dismissal of the felony charge against 2459
the forest officer, the chief shall reinstate that forest officer. 2460
A forest officer who is reinstated under division (D)(2)(b) of 2461
this section shall not receive any back pay unless that forest 2462
officer's conviction of the felony was reversed on appeal, or the 2463
felony charge was dismissed, because the court found insufficient 2464

evidence to convict the forest officer of the felony. 2465

2466

(3) Division (D) of this section does not apply regarding an 2467
offense that was committed prior to January 1, 1997. 2468

(4) The suspension from employment, or the termination of the 2469
employment, of a forest officer under division (D)(2) of this 2470
section shall be in accordance with Chapter 119. of the Revised 2471
Code. 2472

Sec. 1503.43. (A) As used in this section: 2473

(1) "Wilderness area" means ~~an~~ a contiguous area of 2474
relatively undeveloped state-owned land administered by the 2475
division of forestry and consisting of not less than five thousand 2476
acres or of sufficient size as to make practicable its 2477
preservation and use in an unimpaired condition that either has 2478
retained its natural character and influence or has been 2479
substantially restored to a near natural appearance and that meets 2480
both of the following qualifications: 2481

(a) The area is one in which ~~man's~~ humankind's past 2482
influences are largely unnoticed; 2483

(b) The area has outstanding opportunities for solitude or 2484
for a primitive and unconfined type of recreation. 2485

(2) "Utility facility" includes, without limitation, towers, 2486
poles, pipes, sewers, tubing, conduits, conductors, cables, 2487
valves, lines, wires, manholes, and appurtenances thereto owned by 2488
a utility facility operator. 2489

(3) "Utility facility operator" means a person or public 2490
authority that supplies any of the following materials or services 2491
by means of a utility facility: 2492

(a) Flammable, toxic, or corrosive gas; 2493

(b) Crude oil, petroleum products, or hazardous liquids;	2494
(c) Coal;	2495
(d) Electricity;	2496
(e) Electronic, telephonic, or telegraphic communications;	2497
(f) Television signals;	2498
(g) Sewage disposal or drainage;	2499
(h) Potable water;	2500
(i) Steam or hot water.	2501
(B) That portion of contiguous state lands located in Scioto	2502
and Adams counties and within the Shawnee state forest and bounded	2503
by forest road seventeen and sunshine ridge to the north, by upper	2504
Twin Creek road to the east and northeast, by United States route	2505
fifty-two to the south, and by lower Twin Creek road to the west	2506
and southwest is hereby designated the Shawnee wilderness area.	2507
Except as otherwise specifically provided by this section or by	2508
rule adopted under this chapter, the provisions of this chapter	2509
apply to the Shawnee wilderness area, and that area shall continue	2510
to be a part of the Shawnee state forest.	2511
(C) The Shawnee wilderness area shall be managed to preserve	2512
natural conditions and ensure the continuance of natural	2513
processes. The chief of the division of forestry, with the	2514
approval of the director of natural resources, shall administer	2515
the Shawnee wilderness area in accordance with a management plan,	2516
which he <u>the chief</u> shall develop and adopt within one year after	2517
September 14, 1988. Sixty days prior to adopting a plan, the chief	2518
shall solicit public review and comment on a draft plan. At least	2519
once every ten years, the chief shall conduct a review of the	2520
plan, with public input, and revise the plan as appropriate. The	2521
chief shall make the plan available for review by any person upon	2522
request.	2523

(D) Notwithstanding any other authority granted to ~~him~~ the 2524
chief under this chapter, the chief shall include within the 2525
management plan adopted ~~by him~~ under division (C) of this section 2526
prohibitions of the following activities within the Shawnee 2527
wilderness area except for the areas exempted in division (E) of 2528
this section: 2529

(1) Picking, removal, cutting, or alteration in any manner of 2530
any vegetation unless the person ~~has~~ first has obtained written 2531
consent from the chief for that activity and the action is 2532
necessary for appropriate public access, the preservation or 2533
restoration of a plant or wildlife species, or the documentation 2534
of scientific values; 2535

(2) Granting of any easement or license, or sale or lease of 2536
any of the land, for any purpose. Division (D)(2) of this section 2537
does not apply to any private easement or license in existence on 2538
September 14, 1988. 2539

(3) Exploration for or extraction of any coal, oil, gas, or 2540
minerals; 2541

(4) Operation, construction, or installation of a utility 2542
facility above or below the surface of the land; 2543

(5) Operation of a commercial enterprise; 2544

(6) Except as provided in division (D)(7) of this section, 2545
construction of a road upon any of the land or use of the land as 2546
a road; 2547

(7) Except as is necessary to meet emergency requirements for 2548
administration of the area: 2549

(a) Landing of an aircraft; 2550

(b) Operation of a motor vehicle, motor boat, other form of 2551
mechanical transport, or motorized equipment; 2552

(c) Construction of any building or other structure; 2553

(d) Use of the land as a temporary road.	2554
(E)(1) The following areas, which now are necessary for the administration of the Shawnee state forest and the state forest system, are not subject to the prohibitions of division (D) of this section:	2555 2556 2557 2558
(a) The Buena Vista manager's residence;	2559
(b) The Buena Vista walnut seed orchard;	2560
(c) The Twin Creek fire tower.	2561
(2) At any time that the chief makes a determination that it is no longer necessary for the administration of the Shawnee state forest or the state forest system for an area excluded in division (E)(1) of this section to be excluded, the area shall become subject to the prohibitions of division (D) of this section.	2562 2563 2564 2565 2566
(F) The chief, in developing a management plan under division (C) of this section, may not prohibit any hunting, fishing, or trapping that is done in conformity with Chapters 1531. and 1533. of the Revised Code or any rules adopted under those chapters.	2567 2568 2569 2570 2571
Sec. 1504.02. (A) The division of real estate and land management shall do all of the following:	2572 2573
(1) Except as otherwise provided in the Revised Code, coordinate and conduct all real estate functions for the department of natural resources, including at least acquisitions by purchase, lease, gift, devise, bequest, appropriation, or otherwise; grants through sales, leases, exchanges, easements, and licenses; inventories of land; and other related general management duties;	2574 2575 2576 2577 2578 2579 2580
(2) Assist the department and its divisions by providing department-wide planning, including at least master planning,	2581 2582

comprehensive planning, capital improvements planning, and special 2583
purpose planning such as trails coordination and planning under 2584
section 1519.03 of the Revised Code; 2585

(3) On behalf of the director of natural resources, 2586
administer the coastal management program established under 2587
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 2588
Code and consult with and provide coordination among state 2589
agencies, political subdivisions, the United States and agencies 2590
of it, and interstate, regional, and areawide agencies to assist 2591
the director in executing ~~his~~ the director's duties and 2592
responsibilities under that program and to assist the department 2593
as the lead agency for the development and implementation of the 2594
program; 2595

(4) On behalf of the director, administer sections 1506.10 2596
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 2597

(5) Cooperate with the United States and agencies of it and 2598
with political subdivisions in administering federal recreation 2599
moneys under the "Land and Water Conservation Fund Act of 1965," 2600
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 2601
distribute the statewide comprehensive outdoor recreation plan; 2602
and administer the state recreational vehicle fund created in 2603
section 4519.11 of the Revised Code; 2604

(6)(a) Support the geographic information system needs for 2605
the department as requested by the director, which shall include, 2606
but not be limited to, all of the following: 2607

(i) Assisting in the training and education of department 2608
resource managers, administrators, and other staff in the 2609
application and use of ~~general~~ geographic information system 2610
technology; 2611

(ii) Providing technical support to the department in the 2612
design, preparation of data, and use of appropriate geographic 2613

information system applications in order to help solve resource	2614
related problems and to improve the effectiveness and efficiency	2615
of department delivered services;	2616
(iii) Creating, maintaining, and documenting spatial digital	2617
data bases for the division and for other divisions as assigned by	2618
the director.	2619
(b) Provide information to and otherwise assist government	2620
officials, planners, and resource managers in understanding land	2621
use planning and resource management;	2622
(c) Provide continuing assistance to local government	2623
officials and others in natural resource digital data base	2624
development and in applying and utilizing the geographic	2625
information system for land use planning, current agricultural	2626
use, value assessment, development reviews, coastal management,	2627
and other resource management activities;	2628
(d) Coordinate and administer the remote sensing needs of the	2629
department including the collection and analysis of aerial	2630
photography, satellite data, and other data pertaining to land,	2631
water, and other resources of the state;	2632
(e) Prepare and publish maps and digital data relating to the	2633
state's land use and land cover over time on a local, regional,	2634
and statewide basis;	2635
(f) Locate and distribute hard copy maps, digital data,	2636
aerial photography, and other resource data and information to	2637
government agencies and the public.	2638
(7) Prepare special studies and execute any other duties,	2639
functions, and responsibilities requested by the director.	2640
(B) The division may do any of the following:	2641
(1) Coordinate such environmental matters concerning the	2642
department and the state as are necessary to comply with the	2643

"National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as amended, and regulations adopted under those acts;

(2) On behalf of the director, administer Chapter 1520. of the Revised Code, except divisions (B) to (F) of section 1520.03 of the Revised Code, division (A) of section 1520.04 of the Revised Code as it pertains to those divisions, and section 1520.05 of the Revised Code;

(3) Administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director.

Sec. 1505.10. The chief of the division of geological survey shall prepare and publish for public distribution annual reports that shall include all of the following:

(A) A list of the operators of mines, quarries, pits, or other mineral resource extraction operations in this state;

(B) Information on the location of and commodity extracted at each operation;

(C) Information on the employment at each operation;

(D) Information on the tonnage of coal or other minerals extracted at each operation along with the method of extraction;

(E) Information on the production, use, distribution, value, and other facts relative to the mineral resources of the state that may be of public interest.

Each operator engaged in the extraction of minerals shall submit an accurate and complete annual report, on or before the last day of ~~February~~ of January each year, to the chief of the

division of geological survey on forms provided by the chief and 2673
containing the information specified in divisions (A) to (E) of 2674
this section for the immediately preceding calendar year. The 2675
chief of the division of mines and reclamation may use all or 2676
portions of the information collected pursuant to this section in 2677
preparing the annual report required by section 1561.04 of the 2678
Revised Code. 2679

No person shall fail to comply with this section. 2680

Sec. 1505.99. (A) Whoever violates section 1505.07 of the 2681
Revised Code shall be fined not less than one thousand nor more 2682
than two thousand dollars on a first offense; on each subsequent 2683
offense, the person shall be fined not less than two thousand nor 2684
more than five thousand dollars. 2685

(B) Whoever violates section 1505.10 of the Revised Code 2686
shall be fined not less than one hundred nor more than one 2687
thousand dollars on a first offense; on each subsequent offense, 2688
the person shall be fined not less than one thousand nor more than 2689
two thousand dollars. Notwithstanding any section of the Revised 2690
Code relating to the distribution or crediting of fines for 2691
violations of the Revised Code, all fines imposed under this 2692
division shall be paid into the geological mapping fund created in 2693
section 1505.09 of the Revised Code. 2694

Sec. 1506.02. (A) The department of natural resources is 2695
hereby designated the lead agency for the development and 2696
implementation of a coastal management program. The director of 2697
natural resources: 2698

(1) Shall develop and adopt the coastal management program 2699
document ~~no later than December 31, 1994~~. The director shall 2700
cooperate and coordinate with other agencies of the state and its 2701
political subdivisions in the development of the document. Before 2702

adopting the document, the director shall hold four public 2703
hearings on it in the coastal area, and may hold additional public 2704
meetings, to give the public the opportunity to make comments and 2705
recommendations concerning its terms. The director shall consider 2706
the public comments and recommendations before adopting the 2707
document. The director may amend the coastal management program 2708
document, provided that, prior to making changes in it, the 2709
director notifies by mail those persons who submitted comments and 2710
recommendations concerning the original document and appropriate 2711
agencies of the state and its political subdivisions. The director 2712
may hold at least one public hearing on the proposed changes. 2713

(2) Shall administer the coastal management program in 2715
accordance with the coastal management program document, this 2716
chapter, and rules adopted under it; 2717

(3) Shall adopt and may amend or rescind rules under Chapter 2718
119. of the Revised Code for the implementation, administration, 2719
and enforcement of the coastal management program and the other 2720
provisions of this chapter. Before the adoption, amendment, or 2721
rescission of rules under ~~this division (A)(3) of this section,~~ 2722
the director shall do all of the following: 2723

(a) Maintain a list of interested public and private 2724
organizations and mail notice to those organizations of any 2725
proposed rule or amendment to or rescission of a rule at least 2726
thirty days before any public hearing on the proposal; 2727

(b) Mail a copy of each proposed rule, amendment, or 2728
rescission to any person who requests a copy within five days 2729
after receipt of the request; 2730

(c) Consult with appropriate statewide organizations and 2731
units of local government that would be affected by the proposed 2732
rule, amendment, or rescission. ~~Although~~ 2733

Although the director is expected to discharge these duties 2734
diligently, failure to mail any notice or copy or to so consult 2735
with any person is not jurisdictional and shall not be construed 2736
to invalidate any proceeding or action of the director. 2737

(4) Shall provide for consultation and coordination between 2738
and among state agencies, political subdivisions of the state, and 2739
interstate, regional, areawide, and federal agencies in carrying 2740
out the purposes of the coastal management program and the other 2741
provisions of this chapter; 2742

(5) Shall, to the extent practicable and consistent with the 2743
protection of coastal area resources, coordinate the rules and 2744
policies of the department of natural resources with the rules and 2745
policies of other state and federal agencies to simplify and 2746
consolidate the regulation of activities along the Lake Erie 2747
shoreline; 2748

(6) May, to accomplish the purposes of the coastal management 2749
program and the other provisions of this chapter, contract with 2750
any person and may accept and expend gifts, bequests, and grants 2751
of money or property from any person. 2752

(B) Every agency of the state, upon request of the director, 2753
shall cooperate with the department of natural resources in the 2754
implementation of the coastal management program. 2755

(C) The director shall establish a coastal management 2756
assistance grant program. Grants may be awarded from federal funds 2757
received for that purpose and from such other funds as may be 2758
provided by law to any municipal corporation, county, township, 2759
park district created under section 511.18 or 1545.04 of the 2760
Revised Code, conservancy district established under Chapter 6101. 2761
of the Revised Code, port authority, other political subdivision, 2762
state agency, educational institution, or nonprofit corporation 2763
~~that is located in whole or in part in the coastal area to help~~ 2764

implement, administer, or enforce any aspect of the coastal	2765
management program. Grants may be used for any of the following	2766
purposes:	2767
(1) Feasibility studies and engineering reports for projects	2768
that are consistent with the policies in the coastal management	2769
program document;	2770
(2) The protection and preservation of wetlands, beaches,	2771
fish and wildlife habitats, minerals, natural areas, prime	2772
agricultural land, endangered plant and animal species, or other	2773
significant natural coastal resources;	2774
(3) The management of shoreline development to prevent loss	2775
of life and property in coastal flood hazard areas and coastal	2776
erosion areas, to set priorities for water-dependent energy,	2777
commercial, industrial, agricultural, and recreational uses, or to	2778
identify environmentally acceptable sites for dredge spoil	2779
disposal;	2780
(4) Increasing public access to Lake Erie and other public	2781
places in the coastal area;	2782
(5) The protection and preservation of historical, cultural,	2783
or aesthetic coastal resources;	2784
(6) Improving the predictability and efficiency of	2785
governmental decision making related to coastal area management;	2786
(7) Adopting, administering, and enforcing zoning ordinances	2787
or resolutions relating to coastal flood hazard areas or coastal	2788
erosion areas;	2789
(8) The redevelopment of deteriorating and underutilized	2790
waterfronts and ports;	2791
(9) Other purposes approved by the director.	2792
Sec. 1506.11. (A) "Territory," as used in this section, means	2793

the waters and the lands presently underlying the waters of Lake 2794
Erie and the lands formerly underlying the waters of Lake Erie and 2795
now artificially filled, between the natural shoreline and the 2796
international boundary line with Canada. 2797

(B) Whenever the state, acting through the director of 2798
natural resources, upon application of any person who wants to 2799
develop or improve part of the territory, and after notice that 2800
the director, at the director's discretion, may give as provided 2801
in this section, determines that any part of the territory can be 2802
developed and improved or the waters thereof used as specified in 2803
the application without impairment of the public right of 2804
navigation, water commerce, and fishery, a lease of all or any 2805
part of the state's interest therein may be entered into with the 2806
applicant, or a permit may be issued for that purpose, subject to 2807
the powers of the United States government and in accordance with 2808
rules adopted by the director in accordance with Chapter 119. of 2809
the Revised Code, and without prejudice to the littoral rights of 2810
any owner of land fronting on Lake Erie, provided that the 2811
legislative authority of the municipal corporation within which 2812
any such part of the territory is located, if the municipal 2813
corporation is not within the jurisdiction of a port authority, or 2814
the county commissioners of the county within which such part of 2815
the territory is located, excluding any territory within a 2816
municipal corporation or under the jurisdiction of a port 2817
authority, or the board of directors of a port authority with 2818
respect to such part of the territory included in the jurisdiction 2819
of the port authority, has enacted an ordinance or resolution 2820
finding and determining that such part of the territory, described 2821
by metes and bounds or by an alternate description referenced to 2822
the applicant's upland property description that is considered 2823
adequate by the director, is not necessary or required for the 2824
construction, maintenance, or operation by the municipal 2825

corporation, county, or port authority of breakwaters, piers, 2826
docks, wharves, bulkheads, connecting ways, water terminal 2827
facilities, and improvements and marginal highways in aid of 2828
navigation and water commerce and that the land uses specified in 2829
the application comply with regulation of permissible land use 2830
under a waterfront plan of the local authority. 2831

(C) Upon the filing of the application with the director, the 2832
director may hold a public hearing thereon and ~~shall~~ may cause 2833
written notice of the filing to be given to any municipal 2834
corporation, county, or port authority, as the case may be, in 2835
which such part of the territory is located and also shall cause 2836
public notice of the filing to be given by advertisement in a 2837
newspaper of general circulation within the locality where such 2838
part of the territory is located. If a hearing is to be held, 2839
public notice of the filing may be combined with public notice of 2840
the hearing and shall be given once a week for four consecutive 2841
weeks prior to the date of the initial hearing. All hearings shall 2842
be before the director and shall be open to the public, and a 2843
record shall be made of the proceeding. Parties thereto are 2844
entitled to be heard and to be represented by counsel. The 2845
findings and order of the director shall be in writing. All costs 2846
of the hearings, including publication costs, shall be paid by the 2847
applicant. The director also may hold public meetings on the 2848
filing of an application. 2849

If the director finds that a lease may properly be entered 2850
into with the applicant or a permit may properly be issued to the 2851
applicant, the director shall determine the consideration to be 2852
paid by the applicant, which consideration shall exclude the value 2853
of the littoral rights of the owner of land fronting on Lake Erie 2854
and improvements made or paid for by the owner of land fronting on 2855
Lake Erie or that owner's predecessors in title. The lease or 2856
permit may be for such periods of time as the director determines. 2857

The rentals received under the terms of such a lease or permit shall be paid into the state treasury to the credit of the Lake Erie submerged lands fund, which is hereby created, and shall be distributed from that fund as follows:

(1) Fifty per cent of each rental shall be paid to the department of natural resources for the administration of this section and section 1506.10 of the Revised Code and for the coastal management assistance grant program required to be established under division (C) of section 1506.02 of the Revised Code;

(2) Fifty per cent of each rental shall be paid to the municipal corporation, county, or port authority making the finding provided for in this section.

All leases and permits shall be executed in the manner provided by section 5501.01 of the Revised Code and shall contain, in addition to the provisions required in this section, a reservation to the state of all mineral rights and a provision that the removal of any minerals shall be conducted in such manner as not to damage any improvements placed by the littoral owner, lessee, or permit holder on the lands. No lease or permit of the lands defined in this section shall express or imply any control of fisheries or aquatic wildlife now vested in the division of wildlife of the department.

(D) Upland owners who, prior to October 13, 1955, have erected, developed, or maintained structures, facilities, buildings, or improvements or made use of waters in the part of the territory in front of those uplands shall be granted a lease or permit by the state upon the presentation of a certification by the chief executive of a municipal corporation, resolution of the board of county commissioners, or resolution of the board of directors of the port authority establishing that the structures,

facilities, buildings, improvements, or uses do not constitute an 2889
unlawful encroachment on navigation and water commerce. The lease 2890
or permit shall specifically enumerate the structures, facilities, 2891
buildings, improvements, or uses so included. 2892

(E) Persons having secured a lease or permit under this 2893
section are entitled to just compensation for the taking, whether 2894
for navigation, water commerce, or otherwise, by any governmental 2895
authority having the power of eminent domain, of structures, 2896
facilities, buildings, improvements, or uses erected or placed 2897
upon the territory pursuant to the lease or permit or the littoral 2898
rights of the person and for the taking of the leasehold and the 2899
littoral rights of the person pursuant to the procedure provided 2900
in Chapter 163. of the Revised Code. The compensation shall not 2901
include any compensation for the site in the territory except to 2902
the extent of any interest in the site theretofore acquired by the 2903
person under this section or by prior acts of the general assembly 2904
or grants from the United States government. The failure of any 2905
person to apply for or obtain a lease or permit under this section 2906
does not prejudice any right the person may have to compensation 2907
for a taking of littoral rights or of improvements made in 2908
accordance with a lease, a permit, or littoral rights. 2909

(F) If any taxes or assessments are levied or assessed upon 2910
property that is the subject of a lease or permit under this 2911
section, the taxes or assessments are the obligation of the lessee 2912
or permit holder. 2913

(G) If a lease or permit secured under this section requires 2914
the lessee or permit holder to obtain the approval of the 2915
department or any of its divisions for any changes in structures, 2916
facilities, or buildings, for any improvements, or for any changes 2917
or expansion in uses, no lessee or permit holder shall change any 2918
structures, facilities, or buildings, make any improvements, or 2919
expand or change any uses unless the director first determines 2920

that the proposed action will not adversely affect any current or
prospective exercise of the public right of recreation in the
territory and in the state's reversionary interest in any
territory leased or permitted under this section.

Proposed changes or improvements shall be deemed to
"adversely affect" the public right of recreation if the changes
or improvements cause or will cause any significant demonstrable
negative impact upon any present or prospective recreational use
of the territory by the public during the term of the lease or
permit or any renewals and of any public recreational use of the
leased or permitted premises in which the state has a reversionary
interest.

Sec. 1507.05. All moneys derived from the granting of permits
and leases under section 1505.07 of the Revised Code for the
removal of sand, gravel, stone, gas, oil, and other minerals and
substances from and under the bed of Lake Erie and from
applications for construction permits submitted under section
1507.04 of the Revised Code shall be paid into the state treasury
to the credit of the permit and lease fund, which is hereby
created. Notwithstanding any section of the Revised Code relating
to the distribution or crediting of fines for violations of the
Revised Code, all fines imposed under ~~sections~~ division (A) of
section 1505.99 and section 1507.99 of the Revised Code shall be
paid into that fund. The fund shall be administered by the
department of natural resources for the protection of Lake Erie
shores and waters; investigation and prevention of erosion; the
planning, development, and construction of facilities for
recreational use of Lake Erie; implementation of section 1507.04
of the Revised Code; preparation of the state shore erosion plan
under section 1507.10 of the Revised Code; and state
administration of Lake Erie coastal erosion areas under sections

1506.06 and 1506.07 of the Revised Code.	2952
Sec. 1509.01. As used in this chapter:	2953
(A) "Well" means any borehole, whether drilled or bored, within the state, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.	2954 2955 2956 2957
(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.	2958 2959 2960 2961 2962
(C) "Gas" means all natural gas and all other fluid hydrocarbons <u>that are not defined above as</u> oil, including condensate.	2963 2964 2965
(D) "Condensate" means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.	2966 2967
(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.	2968 2969 2970 2971 2972
(F) "Field" means the general area underlaid by one or more pools.	2973 2974
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	2975 2976 2977
(H) "Waste" includes <u>all of the following</u> :	2978
(1) Physical waste, as such that term is generally <u>is</u> understood in the oil and gas industry;	2979 2980

- (2) Inefficient, excessive, or improper use, or the unnecessary dissipation of, of reservoir energy; 2981
2982
- (3) Inefficient storing of oil or gas; 2983
- (4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; 2984
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- (5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused. 2990
2991
- (I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under ~~his~~ the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense. 2992
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- (J) "Tract" means a single, individually taxed parcel of land appearing on the tax list. 2997
2998
- (K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit ~~and~~, to drill into and produce from a pool, and to appropriate the oil or gas ~~that he produces~~ produced therefrom either for ~~himself~~ the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. 2999
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- (L) "Royalty interest" means the fee holder's ~~interest~~ share in the production from a well, ~~usually one-eighth of the gross production.~~ 3007
3008
3009
- (M) "Discovery well" means the first well capable of 3010

producing oil or gas in commercial quantities from a pool. 3011

(N) "Prepared clay" means a clay ~~which~~ that is plastic and is 3012
thoroughly saturated with fresh water to a weight and consistency 3013
great enough to settle through saltwater in the well in which it 3014
is to be used, except as otherwise approved by the chief of the 3015
division of oil and gas. 3016

(O) "Rock sediment" means the combined cutting and residue 3017
from drilling sedimentary rocks and formation. 3018

(P) "Excavations and workings," "mine," and "pillar" have the 3019
~~meaning set forth~~ same meanings as in section 1561.01 of the 3020
Revised Code. 3021

(Q) "Coal bearing township" means a township designated as 3022
such by the chief of the division of mines and reclamation under 3023
section 1561.06 of the Revised Code. 3024

(R) "Gas storage reservoir" means a continuous area of a 3025
subterranean porous sand or rock stratum or strata into which gas 3026
is or may be injected for the purpose of storing it therein and 3027
removing it therefrom, and includes a gas storage reservoir as 3028
defined in ~~division (A) of~~ section 1571.01 of the Revised Code. 3029

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 3030
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), ~~and any amendments~~ 3031
~~thereto~~ as amended by the "Safe Drinking Water Amendments of 3032
1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water 3033
Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and 3034
the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 3035
42 U.S.C.A. 300(f), and regulations adopted under those acts. 3036

(T) "Person" includes any political subdivision, department, 3037
agency, or instrumentality of this state; the United States and 3038
any department, agency, or instrumentality thereof; and any legal 3039
entity defined as a person under section 1.59 of the Revised Code. 3040

(U) "Brine" means all saline geological formation water 3041
resulting from, obtained from, or produced in connection with the 3042
exploration, drilling, or production of oil or gas. 3043

(V) "Waters of the state" means all streams, lakes, ponds, 3044
marshes, watercourses, waterways, springs, irrigation systems, 3045
drainage systems, and other bodies of water, surface or 3046
underground, natural or artificial, that are situated wholly or 3047
partially within this state or within its jurisdiction, except 3048
those private waters that do not combine or effect a junction with 3049
natural surface or underground waters. 3050

(W) "Exempt Mississippian well" means a well that meets all 3051
of the following criteria: 3052

(1) Was drilled and completed before January 1, 1980; 3053

(2) Is located in an unglaciated part of the state; 3054

(3) Was completed in a reservoir no deeper than the 3055
Mississippian Big Injun sandstone in areas underlain by 3056
Pennsylvanian or Permian stratigraphy, or the Mississippian berea 3057
sandstone in areas directly underlain by Permian stratigraphy; ~~and~~ 3058

(4) Is used primarily to provide oil or gas for domestic use. 3059
3060

(X) "Exempt domestic well" means a well that meets all of the 3061
following criteria: 3062

(1) Is owned by the owner of the surface estate of the tract 3063
on which the well is located; 3064

(2) Is used primarily to provide gas for the owner's domestic 3065
use; 3066

(3) Is located more than two hundred feet horizontal distance 3067
from any inhabited private dwelling house, other than an inhabited 3068
private dwelling house located on the tract on which the well is 3069
located; 3070

(4) Is located more than two hundred feet horizontal distance 3071
from any public building that may be used as a place of resort, 3072
assembly, education, entertainment, lodging, trade, manufacture, 3073
repair, storage, traffic, or occupancy by the public. 3074

Sec. 1509.06. An application for a permit to drill a new 3075
well, drill an existing well deeper, reopen a well, convert a well 3076
to any use other than its original purpose, or plug back a well to 3077
a different source of supply shall be filed with the chief of the 3078
division of oil and gas upon such form as the chief prescribes and 3079
shall contain each of the following that is applicable: 3080

(A) The name and address of the owner and, if a corporation, 3081
the name and address of the statutory agent; 3082

(B) The signature of the owner or ~~his~~ the owner's authorized 3083
agent. When an authorized agent signs an application, it shall be 3084
accompanied by a certified copy of ~~his~~ the appointment as such 3085
agent. 3086

(C) The names and addresses of all persons holding the 3087
royalty interest in the tract upon which the well is located or is 3088
to be drilled or within a proposed drilling unit; 3089

(D) The location of the tract or drilling unit on which the 3090
well is located or is to be drilled identified by section or lot 3091
number, city, village, township, and county; 3092

(E) Designation of the well by name and number; 3093

(F) The geological formation to be tested or used and the 3094
proposed total depth of the well; 3095

(G) The type of drilling equipment to be used; 3096

(H) ~~The name and address of the corporate surety and the~~ 3097
~~identifying number of the bond;~~ 3098

~~(I) The plan for the storage and disposal of brine and other~~ 3099

~~waste substances resulting from, obtained from, or produced in~~ 3100
~~connection with exploration, drilling, or production of oil or~~ 3101
~~gas. The plan shall provide for compliance with sections 1509.22~~ 3102
~~to 1509.226 of the Revised Code.~~ 3103

~~(J)~~ If the well is for the injection of a liquid, identity of 3104
the geological formation to be used as the injection zone and the 3105
composition of the liquid to be injected; 3106

~~(K)~~(I) A sworn statement that all requirements of any 3107
municipal corporation, county, or township having jurisdiction 3108
over any activity related to the drilling or operation of an oil 3109
or gas well that have been filed with the division of oil and gas 3110
and are in effect at the time the application is filed, including, 3111
but not limited to, zoning ordinances and resolutions and the 3112
requirements of section 4513.34 of the Revised Code, will be 3113
complied with until abandonment of the well; 3114

~~(L)~~(J) A plan for restoration of the land surface disturbed 3115
by drilling operations. The plan shall provide for compliance with 3116
the restoration requirements of division (A) of section 1509.072 3117
of the Revised Code and any rules adopted by the chief pertaining 3118
to that restoration. 3119

~~(M)~~(K) A description by name or number of the county, 3120
township, and municipal corporation roads, streets, and highways 3121
that the applicant anticipates will be used for access to and 3122
egress from the well site; 3123

~~(N)~~(L) Such other relevant information as the chief 3124
prescribes by rule. 3125

Each application shall be accompanied by a map, on a scale 3126
not smaller than four hundred feet to the inch, prepared by an 3127
Ohio registered surveyor, showing the location of the well and 3128
containing such other data as may be prescribed by the chief. If 3129
the well is or is to be located within the excavations and 3130

workings of a mine, the map also shall include the location of the 3131
mine, the name of the mine, and the name of the person operating 3132
the mine. 3133

The chief shall cause a copy of the weekly circular prepared 3134
by the division ~~of oil and gas~~ to be provided to the county 3135
engineer of each county that contains active or proposed drilling 3136
activity. The weekly circular shall contain, in the manner 3137
prescribed by the chief, the names of all applicants for permits, 3138
the location of each well or proposed well, the information 3139
required by division ~~(M)~~(K) of this section, and any additional 3140
information the chief prescribes. 3141

The chief shall not issue a permit for at least ten days 3142
after the date of filing of the application for the permit unless, 3143
upon reasonable cause shown, ~~he~~ the chief waives that period or a 3144
request for expedited review is filed under this section. However, 3145
the chief shall issue a permit within twenty-one days of the 3146
filing of the application unless ~~he~~ the chief denies the 3147
application by order. 3148

An applicant may file a request with the chief for expedited 3149
review of ~~his~~ a permit application if the well is not or is not to 3150
be located in a gas storage reservoir or reservoir protective 3151
area, as "reservoir protective area" is defined in section 1571.01 3152
of the Revised Code. If the well is or is to be located in a coal 3153
bearing township, the application shall be accompanied by the 3154
affidavit of the landowner prescribed in section 1509.08 of the 3155
Revised Code. ~~On the first business day of each week, the chief~~ 3156
~~shall issue a policy memorandum indicating the number of requests~~ 3157
~~for expedited review that he will accept for review during the~~ 3158
~~week immediately following the week in which the policy memorandum~~ 3159
~~is issued. The chief shall make each policy memorandum available~~ 3160
~~to the public.~~ 3161

In addition to a complete application for a permit that meets 3162
the requirements of this section and the permit fee prescribed by 3163
this section, a request for expedited review shall be accompanied 3164
by a separate nonrefundable filing fee of five hundred dollars. 3165
Upon the filing of a request for expedited review, the chief shall 3166
cause the chief of the division of mines and reclamation and the 3167
county engineer of the county in which the well is or is to be 3168
located to be notified of the filing of the permit application and 3169
the request for expedited review by telephone or ~~such~~ other means 3170
~~as that~~ in the judgment of the chief ~~would~~ will provide timely 3171
notice of the application and request. ~~When a request for~~ 3172
~~expedited review is filed, the chief immediately shall begin to~~ 3173
~~process the application, but shall not issue the permit for at~~ 3174
~~least five days after the date of the filing of the request.~~ The 3175
chief shall issue a permit within seven days of the filing of the 3176
request unless ~~he~~ the chief denies the application by order. 3177
Notwithstanding the provisions of this section governing expedited 3178
review of permit applications, the chief may refuse to accept 3179
requests for expedited review if, in ~~his~~ the chief's judgment, the 3180
acceptance of the requests would prevent the issuance, within 3181
twenty-one days of their filing, of permits for which applications 3182
are pending. 3183

A well shall be drilled and operated in accordance with the 3184
plans, sworn statements, and other information submitted in the 3185
approved application. 3186

The chief shall issue an order denying a permit if the chief 3187
finds that there is a substantial risk that the operation will 3188
result in violations of this chapter or rules adopted ~~thereunder~~ 3189
under it that will present an imminent danger to public health or 3190
safety or damage to the environment, provided that where the chief 3191
finds that terms or conditions to the permit can reasonably be 3192
expected to prevent such violations, the chief shall issue the 3193

permit subject to those terms or conditions. 3194

Each application for a permit required by section 1509.05 of 3195
the Revised Code, except an application for a well drilled or 3196
reopened for purposes of section 1509.22 of the Revised Code, also 3197
shall be accompanied by a nonrefundable fee of two hundred fifty 3198
dollars. 3199

The chief may order the immediate suspension of drilling, 3200
operating, or plugging activities ~~if he finds~~ after finding that 3201
any person is causing, engaging in, or maintaining a condition or 3202
activity ~~which that~~ in his the chief's judgment presents an 3203
imminent danger to public health or safety or results in or is 3204
likely to result in immediate substantial damage to natural 3205
resources or for nonpayment of the fee required by this section. 3206
The chief may order the immediate suspension of the drilling or 3207
reopening of a well ~~if he is~~ after being so requested by the chief 3208
of the division of mines and reclamation under section 1509.08 of 3209
the Revised Code. Before issuing any such order, the chief shall 3210
notify the owner in such manner as in the chief's judgment would 3211
provide reasonable notification that ~~he~~ the chief intends to issue 3212
a suspension order. The chief may issue such an order without 3213
prior notification if reasonable attempts to notify the owner have 3214
failed, but in such an event notification shall be given as soon 3215
thereafter as practical. Within five calendar days after the 3216
issuance of the order, the chief shall provide the owner an 3217
opportunity to be heard and to present evidence that the condition 3218
or activity is not likely to result in immediate substantial 3219
damage to natural resources or does not present an imminent danger 3220
to public health or safety. Notwithstanding any provision of this 3221
chapter, the owner may appeal the order directly to the court of 3222
common pleas of the county in which the activity is located. 3223

Sec. 1509.07. An owner of any well, except an exempt 3224

Mississippian well or an exempt domestic well, shall ~~file with the~~ 3225
~~division of oil and gas a certificate issued by an insurance~~ 3226
~~company authorized to do business in this state certifying that~~ 3227
~~the owner has in force~~ obtain liability insurance coverage from a 3228
company authorized to do business in this state in an amount of 3229
not less than three hundred thousand dollars bodily injury 3230
coverage and three hundred thousand dollars property damage 3231
coverage to pay damages for injury to persons or damage to 3232
property caused by the drilling, operation, or plugging of all the 3233
owner's wells in this state. The owner shall maintain that 3234
coverage until all ~~his~~ the owner's wells are plugged and abandoned 3235
as required by law. The ~~policy or policies providing that coverage~~ 3236
owner shall ~~require the~~ provide proof of liability insurance 3237
~~company to give notice~~ coverage to the chief of the division of 3238
oil and gas ~~if the policy or policies lapse for any reason upon~~ 3239
request. Upon ~~any such termination of coverage~~ failure of the 3240
owner to provide that proof when requested, the chief may order 3241
the suspension of any outstanding permits and operations of the 3242
owner until the owner ~~obtains~~ provides proof of the required 3243
insurance coverage. 3244

~~An~~ Except as otherwise provided in this section, an owner of 3245
any well, before being issued a permit under section 1509.06 of 3246
the Revised Code, shall execute and file with the division of oil 3247
and gas a surety bond conditioned on compliance with the 3248
restoration requirements of section 1509.072, the plugging 3249
requirements of section 1509.12, the permit provisions of section 3250
1509.13 of the Revised Code, and all rules and orders of the chief 3251
relating thereto, in an amount set by rule of the chief. 3252

The owner may deposit with the chief, instead of a surety 3253
bond, cash in an amount equal to the surety bond as prescribed ~~in~~ 3254
pursuant to this section or negotiable certificates of deposit or 3255
irrevocable letters of credit, issued by any bank organized or 3256

transacting business in this state or by any savings and loan 3257
association as defined in section 1151.01 of the Revised Code, 3258
having a cash value equal to or greater than the amount of the 3259
surety bond as prescribed ~~in~~ pursuant to this section. Cash or 3260
certificates of deposit shall be deposited upon the same terms as 3261
those upon which surety bonds may be deposited. If certificates of 3262
deposit are deposited with the chief instead of a surety bond, ~~he~~ 3263
the chief shall require the bank or savings and loan association 3264
that issued any such certificate to pledge securities of a cash 3265
value equal to the amount of the certificate that is in excess of 3266
the amount insured by any of the agencies and instrumentalities 3267
created under the "Federal Deposit Insurance Act," 64 Stat. 873 3268
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 3269
it, including at least the federal deposit insurance corporation, 3270
bank insurance fund, and savings association insurance fund. The 3271
securities shall be security for the repayment of the certificate 3272
of deposit. 3273

Immediately upon a deposit of cash, certificates of deposit, 3274
or letters of credit with the chief, ~~he~~ the chief shall deliver 3275
them to the treasurer of state who shall hold them in trust for 3276
the purposes for which they have been deposited. 3277

Instead of a surety bond, the chief may accept proof of 3278
financial responsibility consisting of a sworn financial statement 3279
showing a net financial worth within this state equal to twice the 3280
amount of the bond for which it substitutes and, as may be 3281
required by the chief, a list of producing properties of the owner 3282
within this state or ~~such~~ other evidence showing ability and 3283
intent to comply with the law and rules concerning restoration and 3284
plugging ~~as~~ that may be required by rule of the chief. The owner 3285
of an exempt domestic or exempt Mississippian well is not required 3286
to file scheduled updates of the financial documents, but shall 3287
file updates of those documents if requested to do so by the 3288

chief. The owner of a nonexempt domestic or nonexempt 3289
Mississippian well shall file updates of the financial documents 3290
in accordance with a schedule established by rule of the chief. 3291
The chief ~~may require at any time updating of the documents filed~~ 3292
~~and~~, upon determining that an owner for whom the chief has 3293
accepted proof of financial responsibility instead of bond cannot 3294
demonstrate financial responsibility, shall order that the owner 3295
execute and file a bond or deposit cash, certificates of deposit, 3296
or irrevocable letters of credit as required by this section for 3297
the wells specified in the order within ten days of receipt of the 3298
order. If the order is not complied with, all wells of the owner 3299
that are specified in the order and for which no bond is filed or 3300
cash, certificates of deposit, or letters of credit are deposited 3301
shall be plugged. No owner shall fail or refuse to plug such a 3302
well. Each day on which such a well remains unplugged thereafter 3303
constitutes a separate offense. 3304

The surety bond provided for in this section shall be 3305
executed by a surety company authorized to do business in this 3306
state. 3307

The chief shall not approve any bond until it is personally 3308
signed and acknowledged by both principal and surety, or as to 3309
either by ~~his~~ the principal's or surety's attorney in fact, with a 3310
certified copy of the power of attorney attached thereto. The 3311
chief shall not approve a bond unless there is attached a 3312
certificate of the superintendent of insurance that the company is 3313
authorized to transact a fidelity and surety business in this 3314
state. 3315

All bonds shall be given in a form to be prescribed by the 3316
chief and shall run to the state as obligee. 3317

An owner of an exempt Mississippian well or an exempt 3318
domestic well, in lieu of filing a surety bond, cash in an amount 3319
equal to the surety bond, certificates of deposit, irrevocable 3320

letters of credit, or a sworn financial statement, may file a 3321
one-time fee of fifty dollars, which shall be deposited in the oil 3322
and gas well plugging fund created in section 1509.071 of the 3323
Revised Code. 3324

Sec. 1509.071. (A) When the chief of the division of oil and 3325
gas finds that an owner has failed to comply with the restoration 3326
requirements of section 1509.072, plugging requirements of section 3327
1509.12, or permit provisions of section 1509.13 of the Revised 3328
Code, or rules and orders relating thereto, the chief shall make a 3329
finding of that fact and declare any surety bond filed to ensure 3330
compliance with those sections and rules forfeited in the amount 3331
set by rule of the chief. The chief thereupon shall certify the 3332
total forfeiture to the attorney general, who shall proceed to 3333
collect the amount ~~thereof~~ of the forfeiture. 3334

In lieu of total forfeiture, the surety, at its option, may 3335
cause the well to be properly plugged and abandoned and the area 3336
properly restored or pay to the treasurer of state the cost 3337
~~thereof~~ of plugging and abandonment. 3338
3339

(B) All moneys collected ~~on account~~ because of forfeitures of 3340
bonds as provided in this section shall be deposited in the state 3341
treasury to the credit of the oil and gas well plugging fund, 3342
which is hereby created. The fund shall be expended by the chief 3343
for the following purposes: 3344

(1) In accordance with division (D) of this section, to plug 3345
wells or to restore the land surface properly as required in 3346
section 1509.072 of the Revised Code for which ~~such~~ the bonds have 3347
been forfeited, for abandoned wells for which no funds are 3348
available to plug ~~such~~ the wells in accordance with this chapter, 3349
or to use abandoned wells for the injection of oil or gas 3350
production wastes; 3351

(2) In accordance with division (E) of this section, to 3352
correct conditions that the chief reasonably has determined are 3353
causing imminent health or safety risks. 3354

Expenditures from the fund shall be made only for lawful 3355
purposes. 3356

(C)(1) Upon determining that the owner of a well has failed 3357
to properly plug and abandon it or to properly restore the land 3358
surface at the well site in compliance with the applicable 3359
requirements of this chapter and applicable rules adopted and 3360
orders issued under it or that a well is an abandoned well for 3361
which no funds are available to plug the well in accordance with 3362
this chapter, the chief shall do all of the following: 3363

(a) Determine from the records in the office of the county 3364
recorder of the county in which the well is located the identity 3365
of the owner of the land on which the well is located, the 3366
identity of the owner of the oil or gas lease under which the well 3367
was drilled or the identity of each person owning an interest in 3368
the lease, and the identities of the persons having legal title 3369
to, or a lien upon, any of the equipment appurtenant to the well; 3370

(b) Mail notice to the owner of the land on which the well is 3371
located informing the landowner that the well is to be plugged. If 3372
the owner of the oil or gas lease under which the well was drilled 3373
is different from the owner of the well or if any persons other 3374
than the owner of the well own interests in the lease, the chief 3375
also shall mail notice that the well is to be plugged to the owner 3376
of the lease or to each person owning an interest in the lease, as 3377
appropriate. 3378

(c) Mail notice to each person having legal title to, or a 3379
lien upon, any equipment appurtenant to the well, informing the 3380
person that the well is to be plugged and offering the person the 3381
opportunity to plug the well and restore the land surface at the 3382

well site at the person's own expense in order to avoid forfeiture 3383
of the equipment to this state. 3384

(2) If none of the persons described in division (C)(1)(c) of 3385
this section plugs the well within sixty days after the mailing of 3386
the notice required by that division, all equipment appurtenant to 3387
the well is hereby declared to be forfeited to this state without 3388
compensation and without the necessity for any action by the state 3389
for use to defray the cost of plugging and abandoning the well and 3390
restoring the land surface at the well site. 3391

(D) Expenditures from the fund for the purpose of division 3392
(B)(1) of this section shall be made in accordance with either of 3393
the following: 3394

(1) The expenditures may be made pursuant to contracts 3395
entered into by the chief with persons who agree to furnish all of 3396
the materials, equipment, work, and labor as specified and 3397
provided in such a contract. Agents or employees of persons 3398
contracting with the chief for the restoration, plugging, and 3399
injection projects may enter upon any land, public or private, for 3400
which a project has been approved by the controlling board and on 3401
which the well is located, for the purpose of performing the work. 3402
Prior to such entry, the chief shall give to the following persons 3403
written notice of the existence of a contract for a project to 3404
restore, plug, or inject oil or gas production wastes into a well, 3405
the names of the persons with whom the contract is made, and the 3406
date that the project will commence: the owner of the well, the 3407
owner of the land upon which the well is located, the owner or 3408
agents of adjoining land, and, if the well is located in the same 3409
township as or in a township adjacent to the excavations and 3410
workings of a mine and the owner or lessee of that mine has 3411
provided written notice identifying those townships to the chief 3412
at any time during the immediately preceding three years, the 3413
owner or lessee of the mine. 3414

The chief periodically shall submit project proposals under 3415
division (D)(1) of this section to the controlling board, together 3416
with benefit and cost data and other pertinent information. 3417
Expenditures from the fund for the purpose of division (D)(1) of 3418
this section may be made only for restoration, plugging, or 3419
injection projects that are approved by the controlling board, and 3420
expenditures for a particular project may not exceed any limits 3421
set by the board. 3422

(2)(a) The owner of the land on which a well is located who 3423
has received notice under division (C)(1)(b) of this section may 3424
plug the well and be reimbursed by the division for the reasonable 3425
cost of plugging the well. In order to plug the well, the 3426
landowner shall submit an application to the chief on a form 3427
prescribed by the chief and approved by the technical advisory 3428
council on oil and gas created in section 1509.38 of the Revised 3429
Code. The application, at a minimum, shall require the landowner 3430
to provide the same information as is required to be included in 3431
the application for a permit to plug and abandon under section 3432
1509.13 of the Revised Code. The application shall be accompanied 3433
by a copy of a proposed contract to plug the well prepared by a 3434
contractor regularly engaged in the business of plugging oil and 3435
gas wells. The proposed contract shall require the contractor to 3436
furnish all of the materials, equipment, work, and labor necessary 3437
to ~~properly~~ plug the well properly and shall specify the price for 3438
doing the work, including a credit for the equipment appurtenant 3439
to the well that was forfeited to the state through the operation 3440
of division (C)(2) of this section. The application also shall be 3441
accompanied by the permit fee required by section 1509.13 of the 3442
Revised Code unless the chief, in the chief's discretion, waives 3443
payment of the permit fee. If the chief waives payment of the 3444
permit fee in connection with an application, the chief shall 3445
certify the amount of the fee to the director of budget and 3446

management for transfer from the oil and gas well plugging fund to 3447
the oil and gas permit fund created in section 1509.02 of the 3448
Revised Code. The application constitutes an application for a 3449
permit to plug and abandon the well for the purposes of section 3450
1509.13 of the Revised Code. 3451

(b) Within thirty days after receiving an application and 3452
accompanying proposed contract under division (D)(2)(a) of this 3453
section, the chief shall determine whether the plugging would 3454
comply with the applicable requirements of this chapter and 3455
applicable rules adopted and orders issued under it and whether 3456
the cost of the plugging under the proposed contract is 3457
reasonable. If the chief determines that the proposed plugging 3458
would comply with those requirements and that the proposed cost of 3459
the plugging is reasonable, the chief shall notify the landowner 3460
of that determination and issue to the landowner a permit to plug 3461
and abandon the well under section 1509.13 of the Revised Code. 3462
Upon approval of the application and proposed contract, the chief 3463
shall transfer ownership of the equipment appurtenant to the well 3464
to the landowner. The chief may disapprove an application 3465
submitted under division (D)(2)(a) of this section if the chief 3466
determines that the proposed plugging would not comply with the 3467
applicable requirements of this chapter and applicable rules 3468
adopted and orders issued under it, that the cost of the plugging 3469
under the proposed contract is unreasonable, or that the proposed 3470
contract is not a bona fide, arms length contract. 3471

(c) After receiving the chief's notice of the approval of the 3472
application and permit to plug and abandon a well under division 3473
(D)(2)(b) of this section, the landowner shall enter into the 3474
proposed contract to plug the well. The plugging shall be 3475
completed within one hundred eight days after the landowner 3476
receives the notice of approval and permit. 3477

(d) Upon determining that the plugging has been completed 3478

within the time required by division (D)(2)(c) of this section and
has been completed in compliance with the applicable requirements
of this chapter and applicable rules adopted and orders issued
under it, the chief shall reimburse the landowner for the cost of
the plugging, as set forth in the proposed contract approved by
the chief. The reimbursement shall be paid from the oil and gas
well plugging fund. If the chief determines that the plugging was
not completed within the required time or was not completed in
accordance with the applicable requirements, the chief shall not
reimburse the landowner for the cost of the plugging, and the
landowner or the contractor, as applicable, promptly shall
transfer back to this state title to and possession of the
equipment appurtenant to the well that previously was transferred
to the landowner under division (D)(2)(b) of this section. If any
such equipment was removed from the well during the plugging and
sold, the landowner shall pay to the chief the proceeds from the
sale of the equipment, and the chief promptly shall pay the moneys
so received to the treasurer of state for deposit into the oil and
gas well plugging fund.

The chief may establish an annual limit on the number of
wells that may be plugged under division (D)(2) of this section or
an annual limit on the expenditures to be made under that
division.

As used in division (D)(2) of this section, "plug" and
"plugging" include the plugging of the well and the restoration of
the land surface disturbed by the plugging.

(E) Expenditures from the fund for the purpose of division
(B)(2) of this section may be made pursuant to contracts entered
into by the chief with persons who agree to furnish all of the
materials, equipment, work, and labor as specified and provided in
such a contract. The competitive bidding requirements of Chapter
153. of the Revised Code do not apply if the chief reasonably

determines that correction of the applicable health or safety risk 3511
requires immediate action. The chief, designated representatives 3512
of the chief, and agents or employees of persons contracting with 3513
the chief under this division may enter upon any land, public or 3514
private, for the purpose of performing the work. 3515

(F) Contracts entered into by the chief under this section 3516
are not subject to either of the following: 3517

(1) Chapter 4115. of the Revised Code; 3518

(2) Section 153.54 of the Revised Code, except that the 3519
contractor shall obtain and provide to the chief as a bid guaranty 3520
a surety bond or letter of credit in an amount equal to ten per 3521
cent of the amount of the contract. 3522

(G) The owner of land on which a well is located who has 3523
received notice under division (C)(1)(b) of this section, in lieu 3524
of plugging the well in accordance with division (D)(2) of this 3525
section, may cause ownership of the well to be transferred to an 3526
owner who is lawfully doing business in this state and who has met 3527
the financial responsibility requirements established under 3528
section 1509.07 of the Revised Code, subject to the approval of 3529
the chief. The transfer of ownership also shall be subject to the 3530
landowner's filing the appropriate forms required under this 3531
chapter and providing to the chief sufficient information to 3532
demonstrate the landowner's or owner's right to produce a 3533
formation or formations. That information may include a deed, a 3534
lease, or other documentation of ownership or property rights. 3535

The chief shall approve or disapprove the transfer of 3536
ownership of the well. If the chief approves the transfer, the 3537
owner is responsible for operating the well in accordance with 3538
this chapter and rules adopted under it, including, without 3539
limitation, all of the following: 3540

(1) Filing an application with the chief under section 3541

1509.06 of the Revised Code if the owner intends to drill deeper 3542
or produce a formation that is not listed in the records of the 3543
division for that well; 3544

(2) Taking title to and possession of the equipment 3545
appurtenant to the well that has been identified by the chief as 3546
having been abandoned by the former owner; 3547

(3) Complying with all applicable requirements that are 3548
necessary to drill deeper, plug the well, or plug back the well. 3549

Sec. 1509.072. No oil or gas well owner or ~~his~~ agent of an 3550
oil or gas well owner shall fail to restore the land surface 3551
within the area disturbed in siting, drilling, completing, and 3552
producing the well as required in this section. 3553

(A) Within five months after the date upon which the surface 3554
drilling of a well is commenced, the owner or ~~his~~ the owner's 3555
agent ~~shall~~, in accordance with ~~his~~ the restoration plan filed 3556
under division ~~(L)~~(J) of section 1509.06 of the Revised Code, 3557
shall fill all the pits for containing brine, other waste 3558
substances resulting, obtained, or produced in connection with 3559
exploration, or drilling for, or production of oil or gas, or oil 3560
that are not required by other state or federal law or regulation, 3561
and remove all concrete bases, drilling supplies, and drilling 3562
equipment. Within nine months after the date upon which the 3563
surface drilling of a well is commenced, the owner or ~~his~~ the 3564
owner's agent shall grade or terrace and plant, seed, or sod the 3565
area disturbed that is not required in production of the well, 3566
where necessary to bind the soil and prevent substantial erosion 3567
and sedimentation. If the chief of the division of oil and gas 3568
finds that a pit used for containing brine, other waste 3569
substances, or oil is in violation of section 1509.22 of the 3570
Revised Code or rules adopted or orders issued ~~thereunder~~ under 3571
it, the chief may require the pit to be emptied and closed before 3572

expiration of the five-month restoration period. 3573

(B) Within six months after a well that has produced oil or 3574
gas is plugged, or after the plugging of a dry hole, the owner or 3575
~~his~~ the owner's agent shall remove all production and storage 3576
structures, supplies, and equipment, and any oil, salt water, and 3577
debris, and fill any remaining excavations. Within ~~such~~ that 3578
period the owner or ~~his~~ the owner's agent shall grade or terrace 3579
and plant, seed, or sod the area disturbed, where necessary to 3580
bind the soil and prevent substantial erosion and sedimentation. 3581

The owner shall be released from responsibility to perform 3582
any or all restoration requirements of this section on any part or 3583
all of the area disturbed, upon the filing of a request for a 3584
waiver with and obtaining the written approval of the chief, which 3585
request shall be signed by the surface owner to certify the 3586
approval of the surface owner of the release sought. The chief 3587
shall approve ~~such~~ the request unless ~~he~~ the chief finds upon 3588
inspection that the waiver would be likely to result in 3589
substantial damage to adjoining property, substantial 3590
contamination of surface or underground water, or substantial 3591
erosion or sedimentation. 3592

The chief ~~may~~, by order, may shorten the time periods 3593
provided for under division (A) or (B) of this section if failure 3594
to shorten the periods would be likely to result in damage to 3595
public health or the waters or natural resources of the state. 3596

The chief ~~may~~, upon written application by an owner or ~~his~~ an 3597
owner's agent showing reasonable cause, may extend the period 3598
within which restoration shall be completed under divisions (A) 3599
and (B) of this section, but not to exceed a further six-month 3600
period, except under extraordinarily adverse weather conditions or 3601
when essential equipment, fuel, or labor is unavailable to the 3602
owner or ~~his~~ the owner's agent. 3603

If the chief refuses to approve a request for waiver or extension, ~~he~~ the chief shall do so by order.

Sec. 1509.13. No person shall plug and abandon a well without having a permit to do so issued by the chief of the division of oil and gas. The permit shall be issued by the chief in accordance with this chapter, and the chief may ~~by rule~~ establish by rule a period of time from date of issue during which permits will be valid. Application by the owner for a permit to plug and abandon shall be filed as many days in advance as will be necessary for an oil and gas well inspector or, if the well is located in a coal bearing township, the gas storage well inspector or a deputy mine inspector to be present at the plugging. The application shall be filed with the chief ~~of the division of oil and gas~~ upon such a form ~~as~~ that the chief prescribes and shall contain the following information:

(A) The name and address of the owner;

(B) The signature of the owner or ~~his~~ the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of ~~his~~ the appointment as ~~such~~ that agent.

(C) The location of the well identified by section or lot number, city, village, township, and county;

(D) Designation of well by name and number;

(E) The total depth of the well to be plugged;

(F) The date and amount of last production from the well;

(G) ~~Such other~~ Other data ~~as~~ that the chief may require.

If oil or gas has been produced from the well, the application shall be accompanied by a fee of fifty dollars. If a new dry well has been drilled in accordance with law and the

permit is still valid, the permit holder may receive approval to
plug the well from an oil and gas well inspector or, if the well
is located in a coal bearing township, the gas storage well
inspector or a deputy mine inspector so that the well can be
plugged and abandoned without undue delay. No well located outside
a coal bearing township shall be plugged and abandoned without an
oil and gas well inspector present unless permission has been
granted by the chief of the division of oil and gas, and no well
located within a coal bearing township shall be plugged and
abandoned without the gas storage well inspector or a deputy mine
inspector present unless permission has been granted by the chief
of the division of mines and reclamation. The owner of the well
shall give written notice at the same time to the owner of the
land upon which the well is located, the owners or agents of
adjoining land, adjoining well owners or agents, and, if the well
penetrates or passes within one hundred feet of the excavations
and workings of a mine, the owner or lessee of that mine, of ~~his~~
the well owner's intention to abandon the well and of the time
when ~~he~~ the well owner will be prepared to commence plugging it.

An applicant may file a request with the chief of the
division of oil and gas for expedited review of an application for
a permit to plug and abandon a well. The chief ~~shall~~ may refuse to
accept a request for expedited review ~~after three such requests~~
~~have been filed in a week, and shall not accept more than one~~
~~request from the same applicant in any week~~ if, in the chief's
judgment, acceptance of the request will prevent the issuance,
within twenty-one days of filing, of permits for which
applications filed under section 1509.06 Of the Revised Code are
pending. In addition to a complete application for a permit that
meets the requirements of this section and the permit fee
prescribed by this section, if applicable, a request shall be
accompanied by a nonrefundable filing fee of two hundred fifty

dollars unless the chief has ordered the applicant to plug and 3665
abandon the well. When a request for expedited review is filed, 3666
the chief shall immediately begin to process the application and 3667
shall issue a permit within seven days of the filing of the 3668
request unless ~~he~~ the chief, by order, denies the application. 3669

Upon filing of an application for a permit to plug and 3670
abandon a well that is located in a coal bearing township, the 3671
chief shall cause the chief of the division of mines and 3672
reclamation to be notified of the filing of the permit application 3673
by telephone or ~~such~~ other means ~~as~~ that in the judgment of the 3674
chief would provide timely notice of the application. 3675

This section does not apply to a well plugged or abandoned in 3676
compliance with section 1571.05 of the Revised Code. 3677

Sec. 1509.14. Any person who abandons a well, when written 3678
permission has been granted by the chief of the division of oil 3679
and gas or the chief of the division of mines and reclamation to 3680
abandon and plug ~~such~~ the well without an inspector being present 3681
to supervise the plugging, shall make a written report of ~~such~~ the 3682
abandonment to the chief ~~who~~ of the division of oil and gas 3683
regardless of which chief granted ~~such~~ permission for the 3684
abandonment. The report shall be submitted to the chief of the 3685
division of oil and gas not later than thirty days after the date 3686
of abandonment and shall include all of the following: 3687

(A) The date of abandonment; 3688

(B) The name of the owner or operator of ~~such~~ the well at the 3689
time of abandonment and ~~his~~ the post-office address of the owner 3690
or operator; 3691

(C) The location of ~~such~~ the well as to township and county 3692
and the name of the owner of the surface upon which ~~such~~ the well 3693
is drilled, with the address thereof; 3694

(D) The date of the permit to drill;	3695
(E) The date when drilled;	3696
(F) Whether such well has been mapped;	3697
(G) The depth of the well;	3698
(H) (G) The depth of the top of the formation to which the well was drilled;	3699 3700
(I) (H) The depth of each seam of coal drilled through;	3701
(J) (I) A detailed report as to how such <u>the</u> well was plugged, giving in particular the manner in which the coal and various formations were plugged, and the date of the plugging of such <u>the</u> well, including therein the names of those who witnessed the plugging of the well.	3702 3703 3704 3705 3706
Such <u>The</u> report shall be signed by the owner or operator, <u>or</u> <u>the</u> agent thereof <u>of the owner or operator</u> , who abandons and plugs such <u>the</u> well and verified by the oath of the party so signing. For the purposes of this section, the oil and gas well inspectors, gas storage well inspectors, or deputy mine inspectors may take acknowledgments and administer oaths to the parties signing such <u>the</u> report.	3707 3708 3709 3710 3711 3712 3713
Sec. 1509.22. (A) Except when acting in accordance with section 1509.226 of the Revised Code, no person shall place or cause to be placed brine in surface or ground water or in or on the land in such quantities or in such manner as actually causes or could reasonably be anticipated to cause <u>either of the</u> <u>following</u> :	3714 3715 3716 3717 3718 3719
(1) Water used for consumption by humans or domestic animals to exceed the standards of the "Safe Drinking Water Act"; or	3720 3721
(2) Damage or injury to public health or safety or the environment.	3722 3723

(B) No person shall store or dispose of brine in violation of a plan approved under ~~division (I) of section 1509.06 of the Revised Code,~~ division (A) of section 1509.222 ~~of the Revised Code,~~ or section 1509.226 of the Revised Code, in violation of a resolution submitted under section 1509.226 of the Revised Code, or in violation of rules or orders applicable to ~~such~~ those plans or resolutions.

(C) The chief of the division of oil and gas shall adopt rules and issue orders regarding storage and disposal of brine and other waste substances; however, the storage and disposal of brine and the chief's rules relating thereto to storage and disposal are subject to all of the following standards:

(1) Brine from any well except an exempt Mississippian well shall ~~only~~ be disposed of only by injection into an underground formation, including annular disposal if approved by rule of the chief, which injection shall be subject to division (D) of this section; by surface application in accordance with section 1509.226 of the Revised Code; in association with a method of enhanced recovery as provided in section 1509.21 of the Revised Code; or by other methods approved by the chief for testing or implementing a new technology or method of disposal. Brine from exempt Mississippian wells shall not be discharged directly into the waters of the state.

(2) Muds, cuttings, and other waste substances shall not be disposed of in violation of any rule;

(3) Pits may be used for containing brine and other waste substances resulting from, obtained from, or produced in connection with drilling, fracturing, reworking, reconditioning, plugging back, or plugging operations, but ~~such~~ the pits shall be constructed and maintained to prevent the escape of brine and ~~such~~ other waste substances. A dike or pit may be used for spill

prevention and control. A dike or pit so used shall be constructed 3755
and maintained to prevent the escape of brine, and the reservoir 3756
within such a dike or pit shall be kept reasonably free of brine 3757
and other waste substances. 3758

(4) Earthen impoundments constructed pursuant to the 3759
division's specifications may be used for the temporary storage of 3760
brine and other waste substances in association with a saltwater 3761
injection well, an enhanced recovery project, or a solution mining 3762
project; 3763

(5) No pit, earthen impoundment, or dike shall be used for 3764
the temporary storage of brine except in accordance with divisions 3765
(C)(3) and (4) of this section; ~~and~~ 3766

(6) No pit or dike shall be used for the ultimate disposal of 3767
brine. 3768

(D) No person ~~shall~~, without first having obtained a permit 3769
from the chief, shall inject brine or other waste substances 3770
resulting from, obtained from, or produced in connection with oil 3771
or gas drilling, exploration, or production into an underground 3772
formation, unless a rule of the chief expressly authorizes the 3773
injection without a permit. The permit shall be in addition to any 3774
permit required by section 1509.05 of the Revised Code, and the 3775
permit application shall be accompanied by a permit fee of one 3776
hundred dollars. The chief shall adopt rules in accordance with 3777
Chapter 119. of the Revised Code regarding the injection into 3778
wells of brine and other waste substances resulting from, obtained 3779
from, or produced in connection with oil or gas drilling, 3780
exploration, or production. The rules shall include provisions 3781
regarding applications for and issuance of the permits required by 3782
this division; entry to conduct inspections and to examine and 3783
copy records to ascertain compliance with this division and rules, 3784
orders, and terms and conditions of permits adopted or issued 3785
~~thereunder~~ under it; the provision and maintenance of information 3786

through monitoring, recordkeeping, and reporting; and other 3787
provisions in furtherance of the goals of this section and the 3788
"Safe Drinking Water Act." To implement the goals of the "Safe 3789
Drinking Water Act," ~~88 Stat. 1661, 42 U.S.C.A. 300(f), as~~ 3790
~~amended,~~ the chief shall not issue a permit for the injection of 3791
brine or other waste substances resulting from, obtained from, or 3792
produced in connection with oil or gas drilling, exploration, or 3793
production, unless the chief concludes that the applicant has 3794
demonstrated that the injection will not result in the presence of 3795
any contaminant in ground water that supplies or can reasonably be 3796
expected to supply any public water system, such that the presence 3797
of the contaminant may result in the system's not complying with 3798
any national primary drinking water regulation or may otherwise 3799
adversely affect the health of persons. This division and rules, 3800
orders, and terms and conditions of permits adopted or issued 3801
~~thereunder~~ under it shall be construed to be no more stringent 3802
than required for compliance with the Safe Drinking Water Act, 3803
unless essential to ensure that underground sources of drinking 3804
water will not be endangered. 3805

(E) The owner holding a permit, or an assignee or transferee 3806
who has assumed the obligations and liabilities imposed by ~~Chapter~~ 3807
~~1509. of the Revised Code~~ this chapter and any rules adopted or 3808
orders issued ~~thereunder~~ under it pursuant to section 1509.31 of 3809
the Revised Code, and the operator of a well shall be liable for a 3810
violation of this section or any rules adopted or orders or terms 3811
or conditions of a permit issued under ~~this section~~ it. 3812

(F) An owner shall replace the water supply of the holder of 3813
an interest in real property who obtains all or part of ~~his~~ the 3814
holder's supply of water for domestic, agricultural, industrial, 3815
or other legitimate use from an underground or surface source 3816
where the supply has been substantially disrupted by 3817
contamination, diminution, or interruption proximately resulting 3818

from the owner's oil or gas operation, or the owner may elect to 3819
compensate the holder of the interest in real property for the 3820
difference between the fair market value of the interest before 3821
the damage occurred to the water supply and the fair market value 3822
after the damage occurred, if the cost of replacing the water 3823
supply exceeds this difference in fair market values. However, 3824
during the pendency of any order issued under this division, the 3825
owner shall obtain for the holder or shall reimburse the holder 3826
for the reasonable cost of obtaining a water supply from the time 3827
of the contamination, diminution, or interruption by the operation 3828
until the owner has complied with an order of the chief for 3829
compliance with this division or such an order has been revoked or 3830
otherwise becomes not effective. If the owner elects to pay the 3831
difference in fair market values, but the owner and the holder 3832
have not agreed on the difference within thirty days after the 3833
chief issues an order for compliance with this division, ~~then~~ 3834
within ten days after the expiration of ~~this~~ that thirty-day 3835
period, the owner and the chief ~~shall~~ each shall appoint an 3836
appraiser to determine the difference in fair market values, 3837
except that the holder of the interest in real property may elect 3838
to appoint and compensate ~~his~~ the holder's own appraiser, in which 3839
case the chief shall not appoint an appraiser. The two appraisers 3840
appointed shall appoint a third appraiser, and within thirty days 3841
after the appointment of the third appraiser, the three appraisers 3842
shall hold a hearing to determine the difference in fair market 3843
values. Within ten days after the hearing, the appraisers shall 3844
make their determination by majority vote and issue their final 3845
determination of the difference in fair market values. The chief 3846
shall accept a determination of the difference in fair market 3847
values made by agreement of the owner and holder or by appraisers 3848
under this division and shall make and dissolve orders 3849
accordingly. This division does not affect in any way the right of 3850
any person to enforce or protect, under applicable law, ~~his~~ the 3851

person's interest in water resources affected by an oil or gas 3852
operation. 3853

(G) In any action brought by the state for a violation of 3854
division (A) of this section involving any well at which annular 3855
disposal is used, there shall be a rebuttable presumption 3856
available to the state that the annular disposal caused the 3857
violation if the well is located within a one-quarter mile radius 3858
of the site of the violation. 3859

Sec. 1509.222. (A)(1) Except as provided in section 1509.226 3860
of the Revised Code, no person shall transport brine by vehicle in 3861
this state unless the business entity that employs the person 3862
first registers with and obtains a registration certificate and 3863
identification number from the chief of the division of oil and 3864
gas. 3865

(2) No more than one registration certificate shall be 3866
required of any business entity. Registration certificates issued 3867
under this section are not ~~transferable~~ TRANSFERABLE. An 3868
applicant shall file an application with the chief, containing 3869
such information in such form as the chief prescribes, but 3870
including a plan for disposal that provides for compliance with 3871
the requirements of this chapter and rules of the chief pertaining 3872
to the transportation of brine by vehicle and the disposal of 3873
brine so transported and that lists all disposal sites that the 3874
applicant intends to use, the bond required by section 1509.225 of 3875
the Revised Code, and a certificate issued by an insurance company 3876
authorized to do business in this state certifying that the 3877
applicant has in force a liability insurance policy in an amount 3878
not less than three hundred thousand dollars bodily injury 3879
coverage and three hundred thousand dollars property damage 3880
coverage to pay damages for injury to persons or property caused 3881
by the collecting, handling, transportation, or disposal of brine. 3882

The policy shall be maintained in effect during the term of the 3883
registration certificate. The policy or policies providing ~~such~~ 3884
the coverage shall require the insurance company to give notice to 3885
the chief if the policy or policies lapse for any reason. Upon 3886
such termination of the policy, the chief may suspend the 3887
registration certificate until proper insurance coverage is 3888
obtained. Each application for a registration certificate shall be 3889
accompanied by a nonrefundable fee of five hundred dollars. 3890

(B) The chief shall issue an order denying an application for 3891
a registration certificate if the chief finds that either of the 3892
following applies: 3893

(1) The applicant, at the time of applying for the 3894
registration certificate, has been found liable by a final 3895
nonappealable order of a court of competent jurisdiction for 3896
damage to streets, roads, highways, bridges, culverts, or 3897
drainways pursuant to section 4513.34 or 5577.12 of the Revised 3898
Code until the applicant provides the chief with evidence of 3899
compliance with the order; 3900

(2) The applicant's plan for disposal does not provide for 3901
compliance with the requirements of this chapter and rules of the 3902
chief pertaining to the transportation of brine by vehicle and the 3903
disposal of brine so transported. 3904

(C) No applicant shall attempt to circumvent division (B) of 3905
this section by applying for a registration certificate under a 3906
different name or business organization name, by transferring 3907
responsibility to another person or entity, or by any similar act. 3908

(D) A registered transporter shall apply to revise a disposal 3909
plan under procedures that the chief shall prescribe by rule. 3910
However, at a minimum, an application for a revision shall list 3911
all sources and disposal sites of brine currently transported. ~~If~~ 3912
~~the chief approves a revision of a plan under this division, the~~ 3913

~~approval also constitutes approval of a revision of affected~~ 3914
~~disposal plans required by division (I) of section 1509.06 of the~~ 3915
~~Revised Code, except as the chief otherwise specifically provides~~ 3916
~~in the order approving the revision.~~ The chief shall deny any 3917
application for a revision of a plan under this division if the 3918
chief finds that the proposed revised plan does not provide for 3919
compliance with the requirements of this chapter and rules of the 3920
chief pertaining to the transportation of brine by vehicle and the 3921
disposal of brine so transported. Approvals and denials of 3922
revisions shall be by order of the chief. 3923

(E) The chief may adopt rules, issue orders, and attach terms 3924
and conditions to registration certificates as may be necessary to 3925
administer, implement, and enforce sections 1509.222 to 1509.226 3926
of the Revised Code for protection of public health or safety or 3927
conservation of natural resources. 3928

Sec. 1509.31. Whenever the entire interest of an oil and gas 3929
lease is assigned or otherwise transferred, the assignor or 3930
transferor shall notify the holders of the royalty interests, and, 3931
if a well or wells exist on the lease, the division of oil and 3932
gas, of the name and address of the assignee or transferee by 3933
certified mail, return receipt requested, not later than thirty 3934
days after the date of the assignment or transfer. When notice of 3935
any such assignment or transfer is required to be provided to the 3936
division, it shall be provided on a form prescribed and provided 3937
by the division and verified by both the assignor or transferor 3938
and by the assignee or transferee. The notice form applicable to 3939
assignments or transfers of a well to the owner of the surface 3940
estate of the tract on which the well is located shall contain a 3941
statement informing the landowner that the well may require 3942
periodic servicing to maintain its productivity; that, upon 3943
assignment or transfer of the well to ~~him~~ the landowner, the 3944
landowner becomes responsible for compliance with the requirements 3945

of this chapter and rules adopted under it, including, without 3946
limitation, the proper disposal of brine obtained from the well, 3947
the plugging of the well when it becomes incapable of producing 3948
oil or gas, and the restoration of the well site; and that, upon 3949
assignment or transfer of the well to ~~him~~ the landowner, the 3950
landowner becomes responsible for the costs of compliance with the 3951
requirements of this chapter and rules adopted under it and the 3952
costs for operating and servicing the well. 3953

The owner holding a permit under section 1509.05 of the 3954
Revised Code is responsible for all obligations and liabilities 3955
imposed by this chapter and any rules, orders, and terms and 3956
conditions of a permit adopted or issued thereunder under it, and 3957
no assignment or transfer by the owner relieves the owner of the 3958
obligations and liabilities until and unless the assignee or 3959
transferee files with the division ~~of oil and gas~~ the information 3960
described in divisions (A), (B), (C), (D), (E), ~~(H)~~(I), (J), (K), 3961
and (L), ~~(M)~~, and ~~(N)~~ of section 1509.06 of the Revised Code; 3962
~~files or has filed the certificate of~~ obtains liability insurance 3963
coverage required by section 1509.07 of the Revised Code, except 3964
when none is required by that section; and executes and files a 3965
surety bond, negotiable certificates of deposit or irrevocable 3966
letters of credit, or cash, as described in that section ~~1509.07~~ 3967
~~of the Revised Code~~. Instead of a bond, but only upon acceptance 3968
by the chief, the assignee or transferee may file proof of 3969
financial responsibility, described in section 1509.07 of the 3970
Revised Code. Section 1509.071 of the Revised Code applies to the 3971
surety bond, cash, and negotiable certificates of deposit and 3972
irrevocable letters of credit described in this section. Unless 3973
the chief approves a modification, each assignee or transferee 3974
shall operate in accordance with the plans and information filed 3975
by the permit holder pursuant to section 1509.06 of the Revised 3976
Code. 3977

Sec. 1511.02. The chief of the division of soil and water 3978
conservation, subject to the approval of the director of natural 3979
resources, shall do all of the following: 3980

(A) Provide administrative leadership to local soil and water 3981
conservation districts in planning, budgeting, staffing, and 3982
administering district programs and the training of district 3983
supervisors and personnel in their duties, responsibilities, and 3984
authorities as prescribed in this chapter and Chapter 1515. of the 3985
Revised Code; 3986

(B) Administer this chapter and Chapter 1515. of the Revised 3987
Code pertaining to state responsibilities and provide staff 3988
assistance to the Ohio soil and water conservation commission in 3989
exercising its statutory responsibilities; 3990

(C) Assist in expediting state responsibilities for watershed 3991
development and other natural resource conservation works of 3992
improvement; 3993

(D) Coordinate the development and implementation of 3994
cooperative programs and working agreements between local soil and 3995
water conservation districts and divisions or sections of the 3996
department of natural resources, or other agencies of local, 3997
state, and federal government; 3998

(E) Subject to the approval of the Ohio soil and water 3999
conservation commission, adopt, amend, or rescind rules pursuant 4000
to Chapter 119. of the Revised Code. Rules adopted pursuant to 4001
this section: 4002

(1) Shall establish technically feasible and economically 4003
reasonable standards to achieve a level of management and 4004
conservation practices in farming or silvicultural operations that 4005
will abate wind or water erosion of the soil or abate the 4006
degradation of the waters of the state by animal waste or by soil 4007

sediment including substances attached thereto, and establish 4008
criteria for determination of the acceptability of such management 4009
and conservation practices; 4010

(2) Shall establish technically feasible and economically 4011
reasonable standards to achieve a level of management and 4012
conservation practices that will abate wind or water erosion of 4013
the soil or abate the degradation of the waters of the state by 4014
soil sediment in conjunction with land grading, excavating, 4015
filling, or other soil-disturbing activities on land used or being 4016
developed for nonfarm commercial, industrial, residential, or 4017
other nonfarm purposes, and establish criteria for determination 4018
of the acceptability of such management and conservation 4019
practices. The standards shall be designed to implement applicable 4020
areawide waste treatment management plans prepared under section 4021
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 4022
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 4023
shall not apply in any municipal corporation or county that adopts 4024
ordinances or rules pertaining to sediment control, nor to lands 4025
being used in a strip mine operation as defined in section 1513.01 4026
of the Revised Code, nor to lands being used in a surface mining 4027
operation as defined in section 1514.01 of the Revised Code. 4028

(3) May recommend criteria and procedures for the approval of 4030
urban sediment pollution abatement plans and issuance of permits 4031
prior to any grading, excavating, filling, or other whole or 4032
partial disturbance of five or more contiguous acres of land owned 4033
by one person or operated as one development unit and require 4034
implementation of such a plan. Areas of less than five contiguous 4035
acres are not exempt from compliance with other provisions of this 4036
chapter and rules adopted under them. 4037

(4) Shall establish procedures for administration of rules 4038
for agricultural pollution abatement and urban sediment pollution 4039

abatement and for enforcement of rules for agricultural pollution 4040
abatement; 4041

(5) Shall specify the pollution abatement practices eligible 4042
for state cost sharing and determine the conditions for 4043
eligibility, the construction standards and specifications, the 4044
useful life, the maintenance requirements, and the limits of cost 4045
sharing for those practices. Eligible practices shall be limited 4046
to practices that address agricultural or silvicultural operations 4047
and that require expenditures that are likely to exceed the 4048
economic returns to the owner or operator and that abate soil 4049
erosion or degradation of the waters of the state by animal waste 4050
or soil sediment including pollutants attached thereto. 4051

(6) Until June 1, 1996, shall specify the multiflora rose 4052
control practices eligible for state cost sharing, the conditions 4053
of eligibility for state cost sharing, the limits of cost sharing 4054
for those practices, specifications for carrying out those 4055
practices to ensure effective control of the multiflora rose and 4056
to safeguard the health and safety of human beings and domestic 4057
animals and the environment, and the contract provisions to be 4058
included in cost-sharing agreements with landowners; 4059

(7) Until June 1, 1996, shall establish procedures for 4060
administering grants to soil and water conservation districts for 4061
control of multiflora rose; 4062

(8) Shall establish procedures for administering grants to 4063
owners or operators of agricultural land or concentrated animal 4064
feeding operations for the implementation of operation and 4065
management plans; 4066

(9) Shall establish procedures for administering grants to 4067
soil and water conservation districts for urban sediment pollution 4068
abatement programs, specify the types of projects eligible for 4069
grants, establish limits on the availability of grants, and 4070

establish requirements governing the execution of projects to 4071
encourage the reduction of erosion and sedimentation associated 4072
with soil-disturbing activities; 4073

(10) Shall do all of the following with regard to composting 4074
conducted in conjunction with agricultural operations: 4075

(a) Provide for the distribution of educational material 4076
concerning composting to the offices of the Ohio cooperative 4077
extension service for the purposes of section 1511.022 of the 4078
Revised Code; 4079

(b) Establish methods, techniques, or practices for 4080
composting dead animals, or particular types of dead animals, that 4081
are to be used at such operations, as the chief considers to be 4082
necessary or appropriate; 4083

(c) Establish requirements and procedures governing the 4084
review and approval or disapproval of composting plans by the 4085
supervisors of soil and water conservation districts under 4086
division ~~(T)~~(U) of section 1515.08 of the Revised Code. 4087

(11) Shall be adopted, amended, or rescinded after the chief 4088
does all of the following: 4089

(a) Mails notice to each statewide organization that ~~he~~ the 4090
chief determines represents persons or local governmental agencies 4091
who would be affected by the proposed rule, amendment thereto, or 4092
rescission thereof at least thirty-five days before any public 4093
hearing thereon; 4094

(b) Mails a copy of each proposed rule, amendment thereto, or 4095
rescission thereof to any person who requests a copy, within five 4096
days after receipt of the request; 4097

(c) Consults with appropriate state and local governmental 4098
agencies or their representatives, including statewide 4099
organizations of local governmental officials, industrial 4100

representatives, and other interested persons;

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(d) If the rule relates to agricultural pollution abatement,
develops an economic impact statement concerning the effect of the
proposed rule or amendment.

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(12) Shall not conflict with air or water quality standards
adopted pursuant to section 3704.03 or 6111.041 of the Revised
Code. Compliance with rules adopted pursuant to this section ~~shall~~
does not affect liability for noncompliance with air or water
quality standards adopted pursuant to section 3704.03 or 6111.041
of the Revised Code. The application of a level of management and
conservation practices recommended under this section to control
windblown soil from farming operations ~~shall create~~ creates a
presumption of compliance with section 3704.03 of the Revised Code
as that section applies to windblown soil.

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(13) Insofar as the rules relate to urban sediment pollution,
shall not be applicable in a municipal corporation or county that
adopts ordinances or rules for urban sediment control, except that
a municipal corporation or county that adopts such ordinances or
rules may receive moneys for urban sediment control that are
disbursed by the board of supervisors of the applicable soil and
water conservation district under division (R) of section 1515.08
of the Revised Code. The rules shall not exempt any person from
compliance with municipal ordinances enacted pursuant to Section 3
of Article XVIII, Ohio Constitution.

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(F) Cost share with landowners on practices established
pursuant to division (E)(5) of this section as moneys are
appropriated and available for that purpose. Any practice for
which cost share is provided shall be maintained for its useful
life. Failure to maintain a cost share practice for its useful
life shall subject the landowner to full repayment to the
division.

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(G) Issue orders requiring compliance with any rule adopted 4132
under division (E)(1) of this section or with section 1511.022 of 4133
the Revised Code. Before the chief issues an order, ~~he~~ the chief 4134
shall afford each person allegedly liable an adjudication hearing 4135
under Chapter 119. of the Revised Code. The chief may require in 4136
an order that a person who has caused agricultural pollution by 4137
failure to comply with the standards established under division 4138
(E)(1) of this section operate under an operation and management 4139
plan approved by the chief under this section. The chief shall 4140
require in an order that a person who has failed to comply with 4141
division (A) of section 1511.022 of the Revised Code prepare a 4142
composting plan in accordance with rules adopted under division 4143
(E)(10)(c) of this section and operate in accordance with that 4144
plan or that a person who has failed to operate in accordance with 4145
such a plan begin to operate in accordance with it. Each order 4146
shall be issued in writing and contain a finding by the chief of 4147
the facts upon which the order is based and the standard that is 4148
not being met. 4149

(H) Refrain from issuing any order requiring a pollution 4150
abatement practice that is eligible for cost sharing under 4151
division (E)(5) of this section unless public funds are available 4152
for cost sharing on those practices at not less than seventy-five 4153
per cent of the cost, but not more than fifteen thousand dollars 4154
per person per year for practices for abating agricultural 4155
pollution. The fifteen thousand dollar per person per year limit 4156
may be waived by majority vote of the Ohio soil and water 4157
conservation commission. 4158

(I) Employ field assistants and such other employees as are 4159
necessary for the performance of the work prescribed by Chapter 4160
1515. of the Revised Code, for performance of work of the 4161
division, and as agreed to under working agreements or contractual 4162
arrangements with local soil and water conservation districts, 4163

prescribe their duties, and fix their compensation in accordance 4164
with such schedules as are provided by law for the compensation of 4165
state employees. 4166

All employees of the division, unless specifically exempted 4167
by law, shall be employed subject to the classified civil service 4168
laws in force at the time of employment. 4169

(J) In connection with new or relocated projects involving 4170
highways, underground cables, pipelines, railroads, and other 4171
improvements affecting soil and water resources, including surface 4172
and subsurface drainage: 4173

(1) Provide engineering service as is mutually agreeable to 4174
the Ohio soil and water conservation commission and the director 4175
to aid in the design and installation of soil and water 4176
conservation practices as a necessary component of such projects; 4177

(2) Maintain close liaison between the owners of lands on 4178
which the projects are executed, local soil and water conservation 4179
districts, and authorities responsible for such projects; 4180

(3) Review plans for such projects to ensure their compliance 4181
with standards developed under division (E) of this section in 4182
cooperation with the department of transportation or with any 4183
other interested agency that is engaged in soil or water 4184
conservation projects in the state in order to minimize adverse 4185
impacts on soil and water resources adjacent to or otherwise 4186
affected by these projects; 4187

(4) Recommend measures to retard erosion and protect soil and 4188
water resources through the installation of water impoundment or 4189
other soil and water conservation practices; 4190

(5) Cooperate with other agencies and subdivisions of the 4191
state to protect the agricultural status of rural lands adjacent 4192
to such projects and control adverse impacts on soil and water 4193

resources.	4194
(K) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;	4195 4196 4197
(L) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;	4198 4199 4200 4201
(M) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.	4202 4203 4204 4205 4206 4207 4208
(N) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;	4209 4210 4211
(O)	4212
(P)	4213
(Q)	4214
(R)	4215
(S)	4216
(P) <u>(O)</u> When necessary for the purposes of this chapter or Chapter 1515. of the Revised Code, develop or approve operation and management plans.	4217 4218 4219
This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal feeding operation or runoff therefrom into the waters of the	4220 4221 4222

state.

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Sec. 1511.022. (A) Any person who owns or operates an
agricultural operation, or owns the animals raised by the owner or
operator of an agricultural operation, and who wishes to conduct
composting of dead animals resulting from the agricultural
operation shall do both of the following:

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(1) Participate in an educational course concerning
composting conducted by the Ohio cooperative extension service and
obtain a certificate of completion for the course;

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(2) Use the appropriate method, technique, or practice of
composting established in rules adopted under division (E)(10) of
section 1511.02 of the Revised Code.

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(B) Any person who fails to comply with division (A) of this
section shall prepare and operate under a composting plan in
accordance with an order issued by the chief of the division of
soil and water conservation under division (H) of section 1511.02
of the Revised Code. If the person's proposed composting plan is
disapproved by the board of supervisors of the appropriate soil
and water conservation district under division ~~(T)~~(U)(3) of
section 1515.08 of the Revised Code, the person may appeal the
plan disapproval to the chief, who shall afford the person a
hearing. Following the hearing, the chief shall uphold the plan
disapproval or reverse it. If the chief reverses the disapproval,
the plan shall be deemed approved.

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Sec. 1513.02. (A) The division of mines and reclamation shall
administer, enforce, and implement this chapter. The chief of the
division of mines and reclamation shall do all of the following:

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(1) Adopt, amend, and rescind rules:

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(a) To administer and enforce this chapter;	4252
(b) To implement the requirements of this chapter for the reclamation of lands affected by coal mining, including such rules governing mining practices and procedures, segregation and placement of soil and topsoil, backfilling, grading, terracing, resoiling, soil conditioning and reconditioning, planting, establishment of drainage patterns, construction of impoundments, and the construction, maintenance, and disposition of haul roads, ditches, and dikes, as may be necessary or desirable, under varying conditions of slope, drainage, physical and chemical characteristics of soil and overburden, erodability of materials, season, growth characteristics of plants, and other factors affecting coal mining and reclamation, to facilitate the return of the land to a condition required by this chapter; to prevent pollution or substantial diminution of waters of the state, substantial erosion, substantial deposition of sediment, landslides, accumulation and discharge of acid water, and flooding, both during mining and reclamation and thereafter; to restore the recharge capacity of the mined area to approximate premining conditions; and to ensure full compliance with all requirements of this chapter relating to reclamation, and the attainment of those objectives in the interest of the public health, safety, and welfare to which these reclamation requirements are directed;	4253 4254 4255 4256 4257 4258 4259 4260 4261 4262 4263 4264 4265 4266 4267 4268 4269 4270 4271 4272 4273 4274 4275
(c) To meet the requirements of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C. 1201.	4276 4277
(2) Issue orders to enforce this chapter and rules adopted under it;	4278 4279
(3) Adopt rules for the internal management of the division that do not affect private rights;	4280 4281
(4) Adopt programs, rules, and procedures designed to assist	4282

the coal operator in this state with the permitting process and
complying with the environmental standards of this chapter. Upon
request of the applicant for a permit, the chief shall make a
determination of the probable hydrologic consequences required in
division (B)(2)(k) of section 1513.07 of the Revised Code within
sixty days after a permit has been submitted to the division for
those applications requesting the chief to perform the study. The
chief shall perform the chemical analysis of test borings or core
samplings for operators who have a total annual production of coal
at all locations that does not exceed one hundred thousand tons.

(5) Adopt programs, rules, and procedures designed to ensure
that reclamation is performed on operations for which the
performance bond has been forfeited pursuant to section 1513.16 of
the Revised Code. ~~For this purpose, the chief may transfer up to
one million dollars annually from the coal mining administration
and reclamation reserve fund, created in section 1513.181 of the
Revised Code, to the reclamation supplemental forfeiture fund,
created in section 1513.18 of the Revised Code.;~~

(6) Receive, administer, and expend moneys obtained from the
United States department of the interior and other federal
agencies to implement the state's permanent coal regulatory
program;

(7)(a) Regulate the beneficial use of coal combustion
byproducts at coal mining and reclamation operations and abandoned
mine lands that are regulated under this chapter and rules adopted
under it. The beneficial use of coal combustion byproducts at such
coal mining and reclamation operations and abandoned mine lands is
subject to all applicable performance standards and requirements
established under this chapter and rules adopted under it,
including, without limitation, standards and requirements
established under section 1513.16 of the Revised Code and rules
adopted pursuant to it.

The beneficial use of coal combustion byproducts that is 4315
authorized at coal mining and reclamation operations and abandoned 4316
mine lands that are regulated under this chapter and rules adopted 4317
under it is not subject to the following provisions of Chapters 4318
3734. and 6111. of the Revised Code and rules adopted under those 4319
provisions: 4320

(i) Permit and license requirements for solid waste 4321
facilities established under sections 3734.02 and 3734.05 of the 4322
Revised Code; 4323

(ii) The prohibition against the open dumping of solid wastes 4324
established in section 3734.03 of the Revised Code; 4325

(iii) Solid waste generation and disposal fees established 4326
under sections 3734.57 to 3734.574 of the Revised Code; 4327

(iv) Permit to install and plan approval requirements 4328
established under sections 6111.03, 6111.44, and 6111.45 of the 4329
Revised Code. 4330

Nothing in division (A)(7) of this section shall be construed 4331
to limit any other requirements that are applicable to the 4332
beneficial use of coal combustion byproducts and that are 4333
established under Chapter 3704., 3714., 3734., or 6111. of the 4334
Revised Code or under local or federal laws, including, without 4335
limitation, requirements governing air pollution control permits, 4336
hazardous waste, national pollutant discharge elimination system 4337
permits, and section 401 water quality certifications. 4338

(b) As used in division (A)(7) of this section: 4339

(i) "Coal combustion byproducts" means fly ash, bottom ash, 4340
coal slag, flue gas desulphurization and fluidized bed combustion 4341
byproducts, air or water pollution control residues from the 4342
operation of a coal-fired electric or steam generation facility, 4343
and any material from a clean coal technology demonstration 4344

project or other innovative process at a coal-fired electric or 4345
steam generation facility. 4346

(ii) "Beneficial use" means the use of coal combustion 4347
byproducts in a manner that is not equivalent to the establishment 4348
of a disposal system or a solid waste disposal facility and that 4349
is unlikely to affect human health or safety or the environment 4350
adversely or to degrade the existing quality of the land, air, or 4351
water. "Beneficial use" includes, without limitation, land 4352
application uses for agronomic value; land reclamation uses; and 4353
discrete, controlled uses for structural fill, pavement aggregate, 4354
pipe bedding aggregate, mine sealing, alternative drainage or 4355
capping material, and pilot demonstration projects. 4356

(iii) "Structural fill" means the discrete, controlled use of 4357
a coal combustion byproduct as a substitute for a conventional 4358
aggregate, raw material, or soil under or immediately adjacent to 4359
a building or structure. "Structural fill" does not include uses 4360
that involve general filling or grading operations or valley 4361
fills. 4362

(iv) "Pavement aggregate" means the discrete, controlled use 4363
of a coal combustion byproduct as a subbase material or drainage 4364
layer under or immediately adjacent to a paved road or a paved 4365
parking lot where the coal combustion byproduct is a substitute 4366
for a conventional aggregate, raw material, or soil. 4367

(v) "Pipe bedding aggregate" means the discrete, controlled 4368
use of a coal combustion byproduct as a substitute for a 4369
conventional aggregate, raw material, or soil under, around, or 4370
immediately adjacent to a water, sewer, or other pipeline. 4371

(vi) "Coal-fired electric or steam generation facility" 4372
includes any boiler that is fired with coal or with coal in 4373
combination with petroleum coke, oil, natural gas, or any other 4374
fossil fuel. 4375

(vii) "Solid waste disposal facility" means a facility for the disposal of solid wastes as provided in Chapter 3734. of the Revised Code and rules adopted under it. 4376
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(viii) "Disposal system" has the same meaning as in section 6111.01 of the Revised Code. 4379
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(B) The chief, by rule, may designate as unsuitable for coal mining natural areas maintained on the registry of natural areas of the department of natural resources pursuant to ~~that chapter~~ Chapter 1517. Of the Revised Code, wild, scenic, or recreational river areas designated pursuant to ~~Chapter 1501. of the Revised Code~~ that chapter, publicly owned or dedicated parks, and other areas of unique and irreplaceable natural beauty or condition, or areas within specified distances of a public road, occupied dwelling, public building, school, church, community, or institutional building, public park, or cemetery. Such a designation may include land adjacent to the perimeters of those areas that may be necessary to protect their integrity. 4381
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(C)(1) The adoption, amendment, and rescission of rules under divisions (A)(1) and (B) of this section are subject to Chapter 119. of the Revised Code. 4393
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(2) The issuance of orders under division (A)(2) of this section and appeals therefrom are not governed by or subject to Chapter 119. of the Revised Code, but are governed by this chapter. 4396
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(D)(1) When the chief or an authorized representative of the chief determines that any condition or practice exists or that any permittee is in violation of any requirement of this chapter or any permit condition required by this chapter, which condition, practice, or violation creates an imminent danger to the health or safety of the public or is causing, or can reasonably be expected to cause, significant, imminent environmental harm to land, air, 4400
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or water resources, the chief or the authorized representative 4407
immediately shall order the cessation of coal mining and 4408
reclamation operations or the portion thereof relevant to the 4409
condition, practice, or violation. The cessation order shall 4410
remain in effect until the chief or the authorized representative 4411
determines that the condition, practice, or violation has been 4412
abated or until the order is modified, vacated, or terminated by 4413
the chief or the authorized representative pursuant to division 4414
(D)(4) of this section or by the reclamation commission pursuant 4415
to section 1513.13 of the Revised Code. When the chief or ~~an~~ the 4416
authorized representative ~~of the chief~~ finds that the ordered 4417
cessation of coal mining and reclamation operations or any portion 4418
thereof will not completely abate the imminent danger to the 4419
health or safety of the public or the significant, imminent 4420
environmental harm to land, air, or water resources, the chief or 4421
the authorized representative, in addition to the cessation order, 4422
shall order the operator to take whatever steps the chief or the 4423
authorized representative considers necessary to abate the 4424
imminent danger or the significant environmental harm. 4425

(2) When the chief or an authorized representative of the 4426
chief determines that any person is in violation of any 4427
requirement of this chapter or any permit condition required by 4428
this chapter, but the violation does not create an imminent danger 4429
to the health or safety of the public or cannot reasonably be 4430
expected to cause significant, imminent environmental harm to 4431
land, air, or water resources, the chief or the authorized 4432
representative shall issue a notice of violation to the person or 4433
the person's agent fixing a reasonable time for the abatement of 4434
the violation, provided that the time afforded a person to abate 4435
the violation shall not exceed the time limitations prescribed by 4436
the secretary of the interior in 30 C.F.R. Part 843 for an 4437
approvable state regulatory program under the "Surface Mining 4438

Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C. 4439
1201. 4440

If, upon expiration of the period of time as originally fixed 4441
or subsequently extended for good cause shown and upon the written 4442
finding of the chief or ~~an~~ the authorized representative ~~of the~~ 4443
~~chief~~, the chief or the authorized representative finds that the 4444
violation has not been abated, the chief or the authorized 4445
representative immediately shall order the cessation of coal 4446
mining and reclamation operations or the portion thereof relevant 4447
to the violation. The cessation order shall remain in effect until 4448
the chief or the authorized representative determines that the 4449
violation has been abated or until the order is modified, vacated, 4450
or terminated by the chief or the authorized representative 4451
pursuant to division (D)(4) of this section or by the reclamation 4452
commission pursuant to section 1513.13 of the Revised Code. In a 4453
cessation order issued under ~~this~~ division (D)(2) of this section, 4454
the chief or the authorized representative shall prescribe the 4455
steps necessary to abate the violation in the most expeditious 4456
manner possible. 4457

(3) When in the judgment of the chief or an authorized 4458
representative of the chief a pattern of violations of any 4459
requirements of this chapter or any permit conditions required by 4460
this chapter exists or has existed and the violations are caused 4461
by the unwarranted failure of the permittee to comply with any 4462
requirements of this chapter or any permit conditions or are 4463
willfully caused by the permittee, the chief or the authorized 4464
representative immediately shall issue an order to the permittee 4465
to show cause why the permit should not be suspended or revoked. 4466
If a hearing is requested, the chief shall inform all interested 4467
parties of the time and place of the hearing and conduct the 4468
hearing pursuant to division (D) of section 1513.13 of the Revised 4469
Code. Upon the permittee's failure to show cause why the permit 4470

should not be suspended or revoked, the chief or the authorized
representative immediately shall suspend or revoke the permit.

(4) Notices of violation and orders issued pursuant to this
section shall set forth with reasonable specificity the nature of
the violation and the remedial action required, the period of time
established for abatement, and a reasonable description of the
portion of the coal mining and reclamation operation to which the
notice or order applies. Each notice or order issued under this
section shall be given promptly to the alleged violator or the
agent of the alleged violator by the chief or ~~the~~ an authorized
representative of the chief who issues the notice or order.
Notices and orders shall be in writing and shall be signed by the
chief or the authorized ~~representatives~~ representative and may be
modified, vacated, or terminated by the chief or the authorized
representative. Any notice or order issued pursuant to this
section that requires cessation of mining by the operator shall
expire within thirty days after actual notice to the operator
unless a public hearing pursuant to section 1513.13 of the Revised
Code is held at the site or within such reasonable proximity to
the site that any viewings of the site can be conducted during the
course of the public hearing.

(E) The chief may appoint, under section 121.13 of the
Revised Code, an advisory committee of experts in the fields of
hydrology, soil conservation, historic preservation, and related
fields to provide advice on coal mining and reclamation practices,
the environmental impact of coal mining, the adoption of rules,
the approval of plans, and the issuance of permits under section
1513.07 of the Revised Code.

(F)(1) A person who violates a permit condition or any other
provision of this chapter may be assessed a civil penalty by the
chief, except that if the violation leads to the issuance of a
cessation order under division (D) of this section, the civil

penalty shall be assessed for each day until the person initiates
the necessary corrective steps. The penalty shall not exceed five
thousand dollars for each violation. Each day of continuing
violation may be deemed a separate violation for purposes of
penalty assessments. In determining the amount of the penalty,
consideration shall be given to the person's history of previous
violation at the particular coal mining operation; the seriousness
of the violation, including any irreparable harm to the
environment and any hazard to the health or safety of the public;
whether the person was negligent; and the demonstrated diligence
of the person charged in attempting to achieve rapid compliance
after notification of the violation.

(2) A civil penalty shall be assessed by the chief only after
the person charged with a violation under division (F)(1) of this
section has been given an opportunity for a public hearing. If a
person charged with such a violation fails to avail self of the
opportunity for a public hearing, a civil penalty shall be
assessed by the chief after the chief has determined that a
violation did occur, and the amount of the penalty ~~which~~ that is
warranted, and has issued an order requiring that the penalty be
paid.

(3) Upon the issuance of a notice or order charging that a
violation of this chapter has occurred, the chief shall inform the
operator within thirty days of the proposed amount of the penalty
and provide opportunity for an adjudicatory hearing pursuant to
section 1513.13 of the Revised Code. The person charged with the
penalty then shall have thirty days to pay the proposed penalty in
full or, if the person wishes to contest either the amount of the
penalty or the fact of the violation, file a petition for review
of the proposed assessment with the secretary of the reclamation
commission pursuant to section 1513.13 of the Revised Code. If,
after the hearing, the commission affirms or modifies the proposed

amount of the penalty, the person charged with the penalty then 4535
shall have thirty days after receipt of the written decision to 4536
pay the amount in full or file an appeal with the court of appeals 4537
in accordance with section 1513.14 of the Revised Code. At the 4538
time the petition for review of the proposed assessment is filed 4539
with the secretary, the person shall forward the amount of the 4540
penalty to the secretary for placement in the reclamation penalty 4541
fund, which is hereby created. The fund shall be in the custody of 4542
the treasurer of state, but shall not be a part of the state 4543
treasury. Pursuant to administrative or judicial review of the 4544
penalty, the secretary, within thirty days, shall remit the 4545
appropriate amount of the penalty to the person, with interest, if 4546
it is determined that no violation occurred or that the amount of 4547
the penalty should be reduced, and the secretary shall forward the 4548
balance of the penalty or, if the penalty was not reduced, the 4549
entire amount of the penalty, with interest, to the chief for 4550
deposit in the coal mining administration and reclamation reserve 4551
fund created in section 1513.181 of the Revised Code. Failure to 4552
forward the money to the secretary within thirty days after the 4553
chief informs the operator of the proposed amount of the penalty 4554
shall result in a waiver of all legal rights to contest the 4555
violation or the amount of the penalty. Within fifteen days after 4556
being informed of the penalty, the person charged with the penalty 4557
may request in writing an informal assessment conference to review 4558
the amount of the penalty. The conference shall be presided over 4559
by the chief or ~~someone~~ an individual appointed by the chief other 4560
than the inspector that issued the notice of violation or order 4561
upon which the penalty is based. The chief shall adopt rules 4562
governing procedures to be followed in informal conferences. Time 4563
allowed for payment of the penalty or appeal to the commission 4564
shall be tolled while the penalty is being reviewed in an informal 4565
conference. 4566

(4) An operator who fails to correct a violation for which a notice of violation or order has been issued under division (D) of this section within the period permitted for its correction shall be assessed a civil penalty of not less than seven hundred fifty dollars for each day during which the failure or violation continues. However, a civil penalty shall not be assessed under ~~this~~ division (F)(4) of this section if the commission orders the suspension of the abatement requirement after determining, based upon the findings of an expedited hearing held under section 1513.13 of the Revised Code at the request of the operator, that the operator will suffer irreparable loss or damage from the application of the abatement requirement or if the court orders suspension of the abatement requirement pursuant to review proceedings held under section 1513.14 of the Revised Code at the request of the operator.

(G) The chief may enter into a cooperative agreement with the secretary of the interior to provide for state regulation of coal mining and reclamation operations on federal lands within the state.

(H) The chief may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts.

(I) The chief shall transmit copies of all schedules submitted under section 1513.07 of the Revised Code pertaining to violations of air or water quality laws and rules adopted and orders issued ~~thereunder~~ under those laws in connection with coal mining operations to the director of environmental protection for verification.

(J) For the purposes of sections 1513.18, 1513.24, 1513.37, and 1514.06 of the Revised Code, the chief triennially shall determine the average wage rate for companies performing

reclamation work for the division under those sections by 4598
averaging the wage rate paid by all companies performing such 4599
reclamation work during the three years immediately preceding the 4600
determination. However, in making the initial determination under 4601
this division, the chief shall average the wage rate paid by all 4602
companies performing such reclamation work during the ten years 4603
immediately preceding October 29, 1995. 4604

Sec. 1513.18. (A) All money that becomes the property of the 4605
state under ~~divisions (A) to~~ division (G) of section 1513.16 of 4606
the Revised Code shall be deposited in the reclamation forfeiture 4607
fund, which is hereby created in the state treasury. Disbursements 4608
from the fund shall be made by the chief of the division of mines 4609
and reclamation only for the purpose of reclaiming areas of land 4610
affected by coal mining under a coal mining and reclamation permit 4611
issued on or after September 1, 1981, on which an operator has 4612
defaulted. 4613

(B) All cash that becomes the property of the state under 4614
division (H) of section 1513.16 of the Revised Code shall be 4615
deposited in the ~~defaulted areas~~ reclamation supplemental 4616
forfeiture fund, which is hereby created in the state treasury. 4617
The fund shall consist of all moneys so deposited, any moneys 4618
transferred to it under this division from the unreclaimed lands 4619
fund created in section 1513.30 of the Revised Code, any moneys 4620
transferred to it under section 1513.181 of the Revised Code from 4621
the coal mining and reclamation reserve fund created in that 4622
section, and moneys collected and credited to it pursuant to 4623
section 5749.02 of the Revised Code. Disbursements from the fund 4624
shall be made by the chief only for the purpose of reclaiming 4625
areas of land affected by coal mining under a permit issued under 4626
~~this chapter after April 10, 1972, but before September 1, 1981,~~ 4627
~~on which an operator has defaulted. The~~ that an operator has 4628

affected by mining and failed to reclaim under a coal mining and 4629
reclamation permit issued under this chapter or under a surface 4630
mining permit issued under Chapter 1514. of the Revised Code. The 4631
chief's priority for management of the fund, including the 4632
selection of projects and transfer of moneys, shall be to ensure 4633
that sufficient moneys are available for the reclamation of areas 4634
affected by mining under a coal mining and reclamation permit. 4635

The chief may expend moneys from the defaulted areas fund to 4636
pay necessary administrative costs, including engineering and 4637
design services, incurred by the division in reclaiming these 4638
areas. Expenditures from the fund to pay such administrative costs 4639
need not be made under contract. 4640

As moneys are spent from the fund, the director of budget and 4641
management, upon the certification of the chief, shall transfer 4642
additional moneys from the unreclaimed lands fund created in 4643
section 1513.30 of the Revised Code that the chief requests, 4644
provided that the director shall not transfer more than one 4645
million dollars from the unreclaimed lands fund to the reclamation 4646
supplemental forfeiture fund during any fiscal year. 4647

(C) Except when paying necessary administrative costs 4648
authorized by division (B) of this section, expenditures from 4649
either fund shall be made under contracts entered into by the 4650
chief, with the approval of the director of natural resources, in 4651
accordance with procedures established by the chief, by rules 4652
adopted in accordance with section 1513.02 of the Revised Code. 4653
The chief may reclaim the land in the same manner as set forth in 4654
sections 1513.21 to 1513.24 of the Revised Code. Each contract 4655
awarded by the chief shall be awarded to the lowest responsive and 4656
responsible bidder, in accordance with section 9.312 of the 4657
Revised Code, after sealed bids are received, opened, and 4658
published at the time and place fixed by the chief. The chief 4659
shall publish notice of the time and place at which bids will be 4660

received, opened, and published, at least once and at least ten
days before the date of the opening of the bids, in a newspaper of
general circulation in the county in which the area of land to be
reclaimed under the contract is located. If, after advertising, no
bids are received ~~by the chief~~ at the time and place fixed for
receiving them, the chief may advertise again for bids, or, if ~~he~~
the chief considers the public interest will best be served, ~~he~~
the chief may enter into a contract for the reclamation of the
area of land without further advertisement for bids. The chief may
reject any or all bids received and again publish notice of the
time and place at which bids for contracts will be received,
opened, and published. The chief, with the approval of the
director, may enter into a contract with the landowner, a coal
mine operator or surface mine operator mining under a current,
valid permit issued under this chapter or Chapter 1514. of the
Revised Code, or a contractor hired by the surety to complete
reclamation to carry out reclamation on land affected by coal
mining on which an operator has defaulted without advertising for
bids.

~~(D) There is hereby created the reclamation supplemental
forfeiture fund in the state treasury, to be used by the chief to
reclaim areas that any operator has affected by mining and failed
to reclaim under a coal mining and reclamation permit issued on or
after September 1, 1981. The chief's priority for management of
the fund, including the selection of projects and transfer of
moneys, shall be to ensure that sufficient moneys are available
for reclamation of such areas.~~

~~The chief may expend moneys from the fund to pay necessary
administrative costs, including engineering and design services,
incurred by the division in reclaiming these areas. Expenditures
from the fund to pay such administrative costs need not be made
under contract. As moneys are spent from the fund, the director of~~

~~budget and management, upon the certification of the chief, shall
transfer such additional moneys from the unreclaimed lands fund
created in section 1513.30 of the Revised Code as are needed to
keep the balance of the reclamation supplemental forfeiture fund
at two million dollars, provided that the director shall not
transfer more than one million dollars to that fund during any
fiscal year.~~

~~(E) If the amount of money credited to the reclamation
forfeiture fund from the forfeiture of the bond applicable to the
area of land is not sufficient to pay the cost of doing all of the
reclamation work on land that the operator should have done, but
failed to do under a coal mining and reclamation permit issued on
or after September 1, 1981, the chief may expend from the moneys
credited to the reclamation supplemental forfeiture fund created
in this under section 5749.02 of the Revised Code or transferred
to the fund under division (B) of this section or under section
1513.181 of the Revised Code the amount of money necessary to
complete the reclamation work to the standards required by this
chapter.~~

~~(F) If the amount of money credited to the defaulted areas
fund from the forfeiture of the bond applicable to the area of
land is not sufficient to pay the cost of doing all of the
reclamation work on land that the operator should have done, but
failed to do under a permit issued under this chapter after April
10, 1972, but before September 1, 1981, the chief may expend the
additional amount of money necessary to complete the reclamation
work to the standards required by this chapter from moneys
credited to the fund under Chapter 5749. of the Revised Code or
transferred to the fund under section 1513.181 of the Revised
Code.~~

~~(G)(E) The chief shall keep a detailed accounting of the
expenditures from the reclamation supplemental forfeiture fund and~~

~~of the additional expenditures from the defaulted areas fund to~~ 4725
complete reclamation of the land and, upon completion of the 4726
reclamation, shall certify the expenditures to the attorney 4727
general. Upon the chief's certification of the expenditures from 4728
the reclamation supplemental forfeiture fund ~~or the additional~~ 4729
~~expenditures from the defaulted areas fund,~~ the attorney general 4730
shall bring an action for that amount of money. The operator is 4731
liable for ~~such~~ that expense in addition to any other liabilities 4732
imposed by law. Moneys so recovered shall be credited to the 4733
reclamation supplemental forfeiture fund ~~or the defaulted areas~~ 4734
~~fund, as appropriate.~~ The chief shall not postpone the reclamation 4735
because of any action brought by the attorney general under this 4736
division. Prior to completing reclamation, the chief may collect 4737
through the attorney general any additional amount that the chief 4738
believes will be necessary for reclamation in excess of the 4739
forfeited bond amount applicable to the land that the operator 4740
should have, but failed to, reclaim. 4741

~~(H)~~(F) If any part of the moneys in the reclamation 4742
forfeiture fund remains in the fund after the chief has caused the 4743
area of land to be reclaimed and has paid all the reclamation 4744
costs and expenses, the chief may expend those moneys to complete 4745
other reclamation work performed under this section on forfeiture 4746
areas affected under a coal mining and reclamation permit issued 4747
on or after September 1, 1981. 4748

~~(I)~~ If any part of the moneys in the defaulted areas fund 4749
~~remains in the fund after the chief has caused the area of land to~~ 4750
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 4751
~~the chief may expend those moneys to complete other reclamation~~ 4752
~~work performed under this section on forfeiture areas affected~~ 4753
~~under a coal mining and reclamation permit issued after April 10,~~ 4754
~~1972, but before September 1, 1981.~~ 4755

~~(J)~~(G) The chief shall require every contractor performing 4756

reclamation work pursuant to this section to pay workers at the 4757
greater of their regular rate of pay, as established by contract, 4758
agreement, or prior custom or practice, or the average wage rate 4759
paid in this state for the same or similar work as determined by 4760
the chief under section 1513.02 of the Revised Code. 4761

Sec. 1513.181. There is hereby created in the state treasury 4762
the coal mining administration and reclamation reserve fund. The 4763
fund shall be used for the administration and enforcement of this 4764
chapter. The chief of the division of mines and reclamation ~~shall~~ 4765
~~expend the balance of moneys paid into the fund in accordance with~~ 4766
may transfer not more than one million dollars annually from the 4767
fund to the reclamation supplemental forfeiture fund created in 4768
section 1513.18 of the Revised Code to complete reclamation of 4769
lands affected by coal mining under a permit issued under this 4770
chapter ~~after April 10, 1972, but before September 1, 1981, or by~~ 4771
surface mining under a surface mining permit issued under Chapter 4772
1514. Of the Revised Code, that the operator failed to reclaim and 4773
for which the operator's bond is insufficient to complete the 4774
reclamation. Within ten days before or after the beginning of each 4775
calendar quarter, the chief shall certify to the director of 4776
budget and management the amount of money needed to perform such 4777
reclamation during the quarter for transfer from the coal mining 4778
administration and reclamation reserve fund to the ~~defaulted areas~~ 4779
reclamation supplemental forfeiture fund created in division (B) 4780
~~of section 1513.18 of the Revised Code. The total amount of such~~ 4781
~~transfers during a fiscal year shall not exceed the amount of~~ 4782
~~moneys paid into the coal mining administration and reclamation~~ 4783
~~reserve fund not used for administration and enforcement of this~~ 4784
~~chapter.~~ 4785

Fines collected under division (F) of section 1513.02 and 4786
section 1513.99 of the Revised Code, and fines collected for a 4787
violation of section 2921.31 of the Revised Code that, prior to 4788

~~the effective date of this amendment July 1, 1996~~, would have been 4789
a violation of division (G) of section 1513.17 of the Revised Code 4790
as it existed prior to that date, shall be paid into the coal 4791
mining administration and reclamation reserve fund. 4792

Sec. 1513.20. The chief of the division of mines and 4793
reclamation, with the approval of the director of natural 4794
resources, may purchase or acquire by gift, donation, or 4795
contribution any eroded land, including land affected by strip 4796
mining, for which no cash is held in the ~~strip mining~~ reclamation 4797
forfeiture fund created by section 1513.18 of the Revised Code. 4798
For this purpose the chief may expend moneys deposited in the 4799
unreclaimed lands fund created by section 1513.30 of the Revised 4800
Code. All lands purchased or acquired shall be deeded to the 4801
state, but no deed shall be accepted or the purchase price paid 4802
until the title has been approved by the attorney general. 4803

Sec. 1513.30. There is hereby created in the state treasury 4804
the unreclaimed lands fund, to be administered by the chief of the 4805
division of mines and reclamation and used for the purpose of 4806
reclaiming land, public or private ~~land~~, affected by mining or 4807
controlling mine drainage, for which no cash is held in the ~~strip~~ 4808
~~mining~~ reclamation forfeiture fund created in section 1513.18 of 4809
the Revised Code or the surface mining reclamation fund created in 4810
section 1514.06 of the Revised Code, and also for the purpose of 4811
paying the expenses and compensation of the council on unreclaimed 4812
strip mined lands as required by section 1513.29 of the Revised 4813
Code. 4814

In order to direct expenditures from the unreclaimed lands 4815
fund toward reclamation projects that fulfill priority needs and 4816
provide the greatest public benefits, the chief ~~shall~~ periodically 4817
shall submit to the council project proposals to be financed from 4818
the unreclaimed lands fund, together with benefit and cost data 4819

**As Reported by the Senate Energy, Natural Resources and Environment
Committee**

and other pertinent information. For the purpose of selecting 4820
project areas and determining the boundaries of project areas, the 4821
council shall consider the feasibility, cost, and public benefits 4822
of reclaiming the areas, their potential for being mined, the 4823
availability of federal or other financial assistance for 4824
reclamation, and the geographic distribution of project areas to 4825
ensure fair distribution among affected areas. 4826

The council shall give priority to areas where there is 4827
little or no likelihood ~~that the area will be mined~~ of mining 4828
within the foreseeable future, reclamation is feasible at 4829
reasonable cost with available funds, and either of the following 4830
applies: 4831

(A) The pollution of the waters of the state and damage to 4832
adjacent property are most severe and widespread-; 4833

(B) Reclamation will make possible public uses for soil, 4834
water, forest, or wildlife conservation or public recreation 4835
purposes, will facilitate orderly commercial or industrial site 4836
development, or will facilitate the use or improve the enjoyment 4837
of nearby public conservation or recreation lands. 4838

At least two weeks before any meeting of the council on 4839
unreclaimed strip mined lands at which the chief will submit a 4840
project proposal, a project area will be selected, or the 4841
boundaries of a project area will be determined, the chief shall 4842
mail notice by first class mail to the board of county 4843
commissioners of the county and the board of township trustees of 4844
the township in which the proposed project lies and the chief 4845
executive and the legislative authority of each municipal 4846
corporation within the proposed project area. The chief also shall 4847
give reasonable notice to the news media in the county where the 4848
proposed project lies. 4849

Expenditures from the unreclaimed lands fund for reclamation 4850

projects may be made only for projects that are within the 4851
boundaries of project areas approved by the council, and 4852
expenditures for a particular project may not exceed any 4853
applicable limits set by the council. Expenditures from the 4854
unreclaimed lands fund shall be made by the chief, with the 4855
approval of the director of natural resources. 4856

The controlling board may transfer excess funds from the oil 4857
and gas well plugging fund, after recommendation by the council on 4858
unreclaimed strip mined lands, to meet deficiencies in the 4859
unreclaimed lands fund. 4860

The chief may expend an amount not to exceed twenty per cent 4861
of the moneys credited annually by the treasurer of state to the 4862
unreclaimed lands fund for the purpose of administering the 4863
unreclaimed lands fund. 4864

The chief may engage in cooperative projects under this 4865
section with any agency of the United States, appropriate state 4866
agencies, or state universities or colleges as defined in section 4867
3345.27 Of the Revised Code and may transfer money from the fund, 4868
with the approval of the council, to other appropriate state 4869
agencies or to state universities or colleges in order to carry 4870
out the reclamation activities authorized by this section. 4871

Sec. 1513.37. (A) There is hereby created in the state 4872
treasury the abandoned mine reclamation fund, which shall be 4873
administered by the chief of the division of mines and 4874
reclamation. The fund shall consist of grants from the ~~United~~ 4875
~~States~~ secretary of the interior ~~out of~~ from the federal abandoned 4876
mine reclamation fund established by Title IV of the "Surface 4877
Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 4878
U.S.C.A. 1201, regulations adopted ~~thereunder~~ under it, and 4879
amendments ~~thereto~~ to the act and regulations. Expenditures from 4880
the abandoned mine reclamation fund shall be made by the chief for 4881

the following purposes:	4882
(1) Reclamation and restoration of land and water resources adversely affected by past coal mining, including, but not limited to, reclamation and restoration of abandoned strip mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling of abandoned deep mine entries and voids; planting of land adversely affected by past coal mining; prevention of erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage, including restoration of streambeds and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; and prevention, abatement, and control of coal mine subsidence;	4883 4884 4885 4886 4887 4888 4889 4890 4891 4892 4893 4894 4895
(2) Acquisition and filling of voids and sealing of tunnels, shafts, and entryways of non-coal lands;	4896 4897
(3) Acquisition of land as provided for in this section;	4898
(4) Administrative expenses incurred in accomplishing the purposes of this section;	4899 4900
(5) All other necessary expenses to accomplish the purposes of this section.	4901 4902
(B) Expenditures of moneys from the fund on land and water eligible pursuant to division (C) of this section shall reflect the following priorities in the order stated:	4903 4904 4905
(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;	4906 4907 4908
(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	4909 4910
(3) The restoration of land and water resources and the	4911

environment previously degraded by adverse effects of coal mining	4912
practices, including measures for the conservation and development	4913
of soil and water (excluding channelization), woodland, fish and	4914
wildlife, recreation resources, and agricultural productivity;	4915
(4) Research and demonstration projects relating to the	4916
development of coal mining reclamation and water quality control	4917
program methods and techniques;	4918
(5) The protection, repair, replacement, construction, or	4919
enhancement of public facilities such as utilities, roads,	4920
recreation facilities, and conservation facilities adversely	4921
affected by coal mining practices;	4922
(6) The development of publicly owned land adversely affected	4923
by coal mining practices, including land acquired as provided in	4924
this section for recreation and historic purposes, conservation	4925
and reclamation purposes, and open space benefits.	4926
(C)(1) Lands and water eligible for reclamation or drainage	4927
abatement expenditures under this section are those that were	4928
mined for coal or were affected by such mining, wastebanks, coal	4929
processing, or other coal mining processes and that meet one of	4930
the following criteria:	4931
(a) Are lands that were and abandoned or left in an	4932
inadequate reclamation status prior to August 3, 1977, and for	4933
which there is no continuing reclamation responsibility under	4934
state or federal laws;	4935
(b) Are lands for which the chief finds that surface coal	4936
mining operations occurred at any time between August 4, 1977, and	4937
August 16, 1982, and that any moneys for reclamation or abatement	4938
that are available pursuant to a bond or other form of financial	4939
guarantee or from any other source are not sufficient to provide	4940
for adequate reclamation or abatement at the site;	4941

(c) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and November 5, 1990, that the surety of the mining operator became insolvent during that time, and that, as of November 5, 1990, any moneys immediately available from proceedings relating to that insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.

(2) In determining which sites to reclaim pursuant to divisions (C)(1)(b) and (c) of this section, the chief shall follow the priorities stated in divisions (B)(1) and (2) of this section and shall ensure that priority is given to those sites that are in the immediate vicinity of a residential area or that have an adverse economic impact on a local community.

(3) Surface coal mining operations on lands eligible for remining shall not affect the eligibility of those lands for reclamation and restoration under this section after the release of the bond for any such operation as provided under division (F) of section 1513.16 of the Revised Code. If the bond for a surface coal mining operation on lands eligible for remining is forfeited, moneys available under this section may be used if the amount of the bond is not sufficient to provide for adequate reclamation or abatement, except that if conditions warrant, the chief immediately shall exercise the authority granted under division (L) of this section.

(D) The chief may submit to the secretary of the interior a state reclamation plan and annual projects to carry out the purposes of this section.

(1) The reclamation plan generally shall identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the

proposed reclamation to surrounding areas, the specific criteria 4973
for ranking and identifying projects to be funded, and the legal 4974
authority and programmatic capability to perform ~~such~~ the work in 4975
accordance with this section. 4976

(2) On an annual basis, the chief may submit to the secretary 4977
an application for support of the abandoned mine reclamation fund 4978
and implementation of specific reclamation projects. The annual 4979
requests shall include such information as may be requested by the 4980
secretary. 4981

Before submitting an annual application to the secretary, the 4982
chief first shall submit it to the council on unreclaimed strip 4983
mined lands for review and approval by the council. The chief 4984
shall not submit such an application to the secretary until it has 4985
been approved by the council. The chief shall submit applications 4986
for administrative costs, imminent hazards, or emergency projects 4987
to the council for review. 4988

(3) The costs for each proposed project under this section 4989
shall include actual construction costs, actual operation and 4990
maintenance costs of permanent facilities, planning and 4991
engineering costs, construction inspection costs, and other 4992
necessary administrative expenses. 4993

(4) Before making any expenditure of funds from the fund to 4994
implement any specific reclamation project under this section, the 4995
chief first shall submit to the council a project proposal and any 4996
other pertinent information regarding the project requested by the 4997
council for review and approval of the specific project by the 4998
council. 4999

(5) The chief may submit ~~such~~ annual and other reports 5000
required by the secretary when funds are provided by the secretary 5001
under Title IV of the "Surface Mining Control and Reclamation Act 5002
of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, regulations adopted 5003

~~thereunder~~ under it, and amendments ~~thereto~~ to the act and
regulations. 5004
5005

(E) There is hereby created in the state treasury the acid 5006
mine drainage abatement and treatment fund, which shall be 5007
administered by the chief. The fund shall consist of grants from 5008
the ~~United States~~ secretary of the interior ~~out of~~ from the 5009
federal abandoned mine reclamation fund pursuant to section 5010
402(g)(6) of Title IV of the "Surface Mining Control and 5011
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201. All 5012
investment earnings of the fund shall be credited to the fund. 5013

The chief shall make expenditures from the fund, in 5014
consultation with the United States department of agriculture, 5015
soil conservation service, to implement acid mine drainage 5016
abatement and treatment plans approved by the ~~United States~~ 5017
secretary ~~of the interior~~. The plans shall provide for the 5018
comprehensive abatement of the causes and treatment of the effects 5019
of acid mine drainage within qualified hydrologic units affected 5020
by coal mining practices and shall include at least all of the 5021
following: 5022

(1) An identification of the qualified hydrologic unit. As 5023
used in division (E) of this section, "qualified hydrologic unit" 5024
means a hydrologic unit that meets all of the following criteria: 5025

(a) The water quality in the unit has been significantly 5026
affected by acid mine drainage from coal mining practices in a 5027
manner that has an adverse impact on biological resources; 5028

(b) The unit contains lands and waters that meet the 5029
eligibility requirements established under division (C) of this 5030
section and any of the priorities established in divisions (B)(1) 5031
to (3) of this section; 5032

(c) The unit contains lands and waters that are proposed to 5033
be the subject of expenditures from the reclamation forfeiture 5034

fund created in section 1513.18 of the Revised Code, the ~~defaulted~~ 5035
~~areas~~ reclamation supplemental forfeiture fund created in that 5036
section, or the unreclaimed lands fund created in section 1513.30 5037
of the Revised Code. 5038

(2) The extent to which acid mine drainage is affecting the 5039
water quality and biological resources within the hydrologic unit; 5040

(3) An identification of the sources of acid mine drainage 5041
within the hydrologic unit; 5042

(4) An identification of individual projects and the measures 5043
proposed to be undertaken to abate and treat the causes or effects 5044
of acid mine drainage within the hydrologic unit; 5045

(5) The cost of undertaking the proposed abatement and 5046
treatment measures; 5047

(6) An identification of existing and proposed sources of 5048
funding for those measures; 5049

(7) An analysis of the cost-effectiveness and environmental 5050
benefits of abatement and treatment measures. 5051

(F)(1) If the chief makes a finding of fact that land or 5052
water resources have been adversely affected by past coal mining 5053
practices; the adverse effects are at a stage where, in the public 5054
interest, action to restore, reclaim, abate, control, or prevent 5055
the adverse effects should be taken; the owners of the land or 5056
water resources where entry must be made to restore, reclaim, 5057
abate, control, or prevent the adverse effects of past coal mining 5058
practices are not known or are not readily available; or the 5059
owners will not give permission for the state, political 5060
subdivisions, or their agents, employees, or contractors to enter 5061
upon the property to restore, reclaim, abate, control, or prevent 5062
the adverse effects of past coal mining practices; then, upon 5063
giving notice by mail to the owners, if known, or, if not known, 5064

by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipal corporation or county in which the land lies, the chief or the chief's agents, employees, or contractors may enter upon the property adversely affected by past coal mining practices and any other property to have access to the property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. The entry shall be construed as an exercise of the police power for the protection of the public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass ~~thereon~~ on it. The moneys expended for the work and the benefits accruing to any such premises so entered upon shall be chargeable against the land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the premises for any alleged damages by virtue of the entry, but this provision is not intended to create new rights of action or eliminate existing immunities.

(2) The chief or the chief's authorized representatives may enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. The entry shall be construed as an exercise of the police power for the protection of the public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass ~~thereon~~ on it.

(3) The chief may acquire any land by purchase, donation, or condemnation that is adversely affected by past coal mining practices if the chief determines that acquisition of the land is necessary to successful reclamation and that all of the following apply:

(a) The acquired land, after restoration, reclamation,

abatement, control, or prevention of the adverse effects of past
coal mining practices, will serve recreation and historic
purposes, serve conservation and reclamation purposes, or provide
open space benefits;

(b) Permanent facilities such as a treatment plant or a
relocated stream channel will be constructed on the land for the
restoration, reclamation, abatement, control, or prevention of the
adverse effects of past coal mining practices;

(c) Acquisition of coal refuse disposal sites and all coal
refuse thereon will serve the purposes of this section or that
public ownership is desirable to meet emergency situations and
prevent recurrences of the adverse effects of past coal mining
practices.

(4)(a) Title to all lands acquired pursuant to this section
shall be in the name of the state. The price paid for land
acquired under this section shall reflect the market value of the
land as adversely affected by past coal mining practices.

(b) The chief may receive grants on a matching basis from the
secretary of the interior for the purpose of carrying out this
section.

(5)(a) Where land acquired pursuant to this section is
considered to be suitable for industrial, commercial, residential,
or recreational development, the chief may sell the land by public
sale under a system of competitive bidding at not less than fair
market value and under ~~such~~ other requirements imposed by rule to
ensure that the lands are put to proper use consistent with local
and state land use plans, if any, as determined by the chief.

(b) The chief, when requested, and after appropriate public
notice, shall hold a public meeting in the county, counties, or
other appropriate political subdivisions of the state in which
lands acquired pursuant to this section are located. The meetings

shall be held at a time ~~which~~ that shall afford local citizens and 5128
governments the maximum opportunity to participate in the decision 5129
concerning the use or disposition of the lands after restoration, 5130
reclamation, abatement, control, or prevention of the adverse 5131
effects of past coal mining practices. 5132

(6) In addition to the authority to acquire land under 5133
division (F)(3) of this section, the chief may use money in the 5134
fund to acquire land by purchase, donation, or condemnation, and 5135
to reclaim and transfer acquired land to a political subdivision, 5136
or to any person, if the chief determines that it is an integral 5137
and necessary element of an economically feasible plan for the 5138
construction or rehabilitation of housing for persons disabled as 5139
the result of employment in the mines or work incidental ~~thereto~~ 5140
to that employment, persons displaced by acquisition of land 5141
pursuant to this section, persons dislocated as the result of 5142
adverse effects of coal mining practices that constitute an 5143
emergency as provided in the "Surface Mining Control and 5144
Reclamation Act of 1977," 91 Stat. 466, 30 U.S.C.A. 1240, or 5145
amendments ~~thereto~~ to it, or persons dislocated as the result of 5146
natural disasters or catastrophic failures from any cause. Such 5147
activities shall be accomplished under such terms and conditions 5148
as the chief requires, which may include transfers of land with or 5149
without monetary consideration, except that to the extent that the 5150
consideration is below the fair market value of the land 5151
transferred, no portion of the difference between the fair market 5152
value and the consideration shall accrue as a profit to those 5153
persons. No part of the funds provided under this section may be 5154
used to pay the actual construction costs of housing. The chief 5155
may carry out the purposes of ~~this~~ division (F)(6) of this section 5156
directly or by making grants and commitments for grants, and may 5157
advance money under such terms and conditions as the chief may 5158
require to any agency or instrumentality of the state or any 5159

public body or nonprofit organization designated by the chief. 5160

(G)(1) Within six months after the completion of projects to 5161
restore, reclaim, abate, control, or prevent adverse effects of 5162
past coal mining practices on privately owned land, the chief 5163
shall itemize the moneys so expended and may file a statement 5164
~~thereof~~ of the expenditures in the office of the county recorder 5165
of the county in which the land lies, together with a notarized 5166
appraisal by an independent appraiser of the value of the land 5167
before the restoration, reclamation, abatement, control, or 5168
prevention of adverse effects of past coal mining practices if the 5169
moneys so expended result in a significant increase in property 5170
value. The statement shall constitute a lien upon the land as of 5171
the date of the expenditures of the moneys and shall have priority 5172
as a lien second only to the lien of real property taxes imposed 5173
upon the land. The lien shall not exceed the amount determined by 5174
the appraisal to be the increase in the fair market value of the 5175
land as a result of the restoration, reclamation, abatement, 5176
control, or prevention of the adverse effects of past coal mining 5177
practices. No lien shall be filed under ~~this~~ division (G) of this 5178
section against the property of any person who owned the surface 5179
prior to May 2, 1977, and did not consent to, participate in, or 5180
exercise control over the mining operation that necessitated the 5181
reclamation performed. 5182

(2) The landowner may petition, within sixty days after the 5183
filing of the lien, to determine the increase in the fair market 5184
value of the land as a result of the restoration, reclamation, 5185
abatement, control, or prevention of the adverse effects of past 5186
coal mining practices. The amount reported to be the increase in 5187
value of the premises shall constitute the amount of the lien and 5188
shall be recorded with the statement provided in this section. Any 5189
party aggrieved by the decision may appeal as provided by state 5190
law. 5191

(3) The lien provided in ~~this~~ division (G) of this section 5192
shall be recorded and indexed, under the name of the state and the 5193
landowner, in a lien index in the office of the county recorder of 5194
the county in which the land lies. The county recorder shall 5195
impose no charge for the recording or indexing of the lien. If the 5196
land is registered, the county recorder shall make a notation and 5197
enter a memorial of the lien upon the page of the register in 5198
which the last certificate of title to the land is registered, 5199
stating the name of the claimant, amount claimed, volume and page 5200
of the record where recorded, and exact time the memorial was 5201
entered. 5202

(4) The lien shall continue in force so long as any portion 5203
of the amount of the lien remains unpaid. If the lien remains 5204
unpaid at the time of conveyance of the land on which the lien was 5205
placed, the conveyance may be set aside. Upon repayment in full of 5206
the moneys expended under this section, the chief promptly shall 5207
issue a certificate of release of the lien. Upon presentation of 5208
the certificate of release, the county recorder of the county in 5209
which the lien is recorded shall record the lien as having been 5210
discharged. 5211

(5) A lien imposed under this section shall be foreclosed 5212
upon the substantial failure of a landowner to pay any portion of 5213
the amount of the lien. Before foreclosing any lien under this 5214
section, the chief shall make a written demand upon the landowner 5215
for payment. If the landowner does not pay the amount due within 5216
sixty days, the chief shall refer the matter to the attorney 5217
general, who shall institute a civil action to foreclose the lien. 5218

(H)(1) The chief may fill ~~such~~ voids, seal ~~such~~ abandoned 5219
tunnels, shafts, and entryways, and reclaim surface impacts of 5220
underground or strip mines that the chief determines could 5221
endanger life and property, constitute a hazard to the public 5222
health and safety, or degrade the environment. 5223

(2) In those instances where mine waste piles are being 5224
reworked for conservation purposes, the incremental costs of 5225
disposing of the wastes from those operations by filling voids and 5226
sealing tunnels may be eligible for funding, provided that the 5227
disposal of these wastes meets the purposes of this section. 5228

(3) The chief may acquire by purchase, donation, easement, or 5229
otherwise such interest in land as the chief determines necessary 5230
to carry out ~~this~~ division (H) of this section. 5231

(I) ~~Not later than January 1, 1978, and annually thereafter,~~ 5232
~~the~~ The chief shall report annually to the secretary of the 5233
interior on operations under the fund and include recommendations 5234
as to its future uses. 5235

(J)(1) The chief may engage in any work and do all things 5236
necessary or expedient, including the adoption of rules, to 5237
implement and administer this section. 5238

(2) The chief may engage in cooperative projects under this 5239
section with any agency of the United States, any other state, or 5240
their governmental agencies or with any state university or 5241
college as defined in section 3345.27 Of the Revised Code. 5242

(3) The chief may request the attorney general to initiate in 5243
any court of competent jurisdiction an action in equity for an 5244
injunction to restrain any interference with the exercise of the 5245
right to enter or to conduct any work provided in this section, 5246
which remedy is in addition to any other remedy available under 5247
this section. 5248

(4) The chief may construct or operate a plant or plants for 5249
the control and treatment of water pollution resulting from mine 5250
drainage. The extent of this control and treatment may be 5251
dependent upon the ultimate use of the water. Division (J)(4) of 5252
this section does not repeal or supersede any portion of the 5253
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 5254

U.S.C.A. 1151, as amended, and no control or treatment under 5255
division (J)(4) of this section, in any way, shall be less than 5256
that required by that act. The construction of a plant or plants 5257
may include major interceptors and other facilities appurtenant to 5258
the plant. 5259

(5) The chief may transfer money from the abandoned mine 5260
reclamation fund and the acid mine drainage abatement and 5261
treatment fund to other appropriate state agencies or to state 5262
universities or colleges in order to carry out the reclamation 5263
activities authorized by this section. 5264

(K) The chief may contract for any part of work to be 5265
performed under this section, with or without advertising for 5266
bids, if the chief determines that a condition exists that could 5267
reasonably be expected to cause substantial physical harm to 5268
persons, property, or the environment and to which persons or 5269
improvements on real property are currently exposed. 5270

The chief shall require every contractor performing 5271
reclamation work under this section to pay its workers at the 5272
greater of their regular rate of pay, as established by contract, 5273
agreement, or prior custom or practice, or the average wage rate 5274
paid in this state for the same or similar work as determined by 5275
the chief under section 1513.02 of the Revised Code. 5276

(L)(1) The chief may contract for the emergency restoration, 5277
reclamation, abatement, control, or prevention of adverse effects 5278
of mining practices on eligible lands if the chief determines that 5279
an emergency exists constituting a danger to the public health, 5280
safety, or welfare and that no other person or agency will act 5281
expeditiously to restore, reclaim, abate, control, or prevent 5282
those adverse effects. The chief may enter into a contract for 5283
emergency work under ~~this~~ division (L) of this section without 5284
advertising for bids. Any such contract or any purchase of 5285

materials for emergency work under ~~this~~ division (L) of this 5286
section is not subject to division (B) of section 127.16 of the 5287
Revised Code. 5288

(2) The chief or the chief's agents, employees, or 5289
contractors may enter on any land where such an emergency exists, 5290
and on other land in order to have access to that land, in order 5291
to restore, reclaim, abate, control, or prevent the adverse 5292
effects of mining practices and to do all things necessary or 5293
expedient to protect the public health, safety, or welfare. Such 5294
an entry shall be construed as an exercise of the police power and 5295
shall not be construed as an act of condemnation of property or of 5296
trespass. The moneys expended for the work and the benefits 5297
accruing to any premises so entered upon shall be chargeable 5298
against the land and shall mitigate or offset any claim in or any 5299
action brought by any owner of any interest in the premises for 5300
any alleged damages by virtue of the entry. This provision is not 5301
intended to create new rights of action or eliminate existing 5302
immunities. 5303

Sec. 1515.03. Each county shall have a soil and water 5304
conservation district coextensive with the geographic area of the 5305
county, and each district shall constitute a political subdivision 5306
of this state. ~~On May 2, 1980, each existing district created~~ 5307
~~pursuant to former section 1515.03 of the Revised Code shall~~ 5308
~~include the entire county in which it is located.~~ 5309

~~A municipal corporation may remove itself from or reinstate~~ 5310
~~itself in the territory of a soil and water conservation district~~ 5311
~~by filing a resolution of its legislative authority with the soil~~ 5312
~~and water conservation commission at least sixty days before the~~ 5313
~~effective date of the removal or reinstatement.~~ 5314

Sec. 1515.08. The supervisors of a soil and water 5315

conservation district have the following powers in addition to 5316
their other powers: 5317

(A) To conduct surveys, investigations, and research relating 5318
to the character of soil erosion, floodwater and sediment damages, 5319
and the preventive and control measures and works of improvement 5320
for flood prevention and the conservation, development, 5321
utilization, and disposal of water needed within the district, and 5322
to publish the results of those surveys, investigations, or 5323
research, provided that no district shall initiate any research 5324
program except in cooperation or after consultation with the Ohio 5325
agricultural research and development center; 5326
5327

(B) To develop plans for the conservation of soil resources, 5328
for the control and prevention of soil erosion, and for works of 5329
improvement for flood prevention and the conservation, 5330
development, utilization, and disposal of water within the 5331
district, and to publish those plans and information; 5332

(C) To implement, construct, repair, maintain, and operate 5333
preventive and control measures and other works of improvement for 5334
natural resource conservation and development and flood 5335
prevention, and the conservation, development, utilization, and 5336
disposal of water within the district on lands owned or controlled 5337
by this state or any of its agencies and on any other lands within 5338
the district, which works may include any facilities authorized 5339
under state or federal programs, and to acquire, by purchase or 5340
gift, to hold, encumber, or dispose of, and to lease real and 5341
personal property or interests in such property for those 5342
purposes; 5343

(D) To cooperate or enter into agreements with any occupier 5344
of lands within the district in the carrying on of natural 5345
resource conservation operations and works of improvement for 5346

flood prevention and the conservation, development, utilization, 5347
and management of natural resources within the district, subject 5348
to such conditions as the supervisors consider necessary; 5349

(E) To accept donations, gifts, grants, and contributions in 5350
money, service, materials, or otherwise, and to use or expend them 5351
according to their terms; 5352

(F) To adopt, amend, and rescind rules to carry into effect 5353
the purposes and powers of the district; 5354

(G) To sue and plead in the name of the district, and be sued 5355
and impleaded in the name of the district, with respect to its 5356
contracts and, as indicated in section 1515.081 of the Revised 5357
Code, certain torts of its officers, employees, or agents acting 5358
within the scope of their employment or official responsibilities, 5359
or with respect to the enforcement of its obligations and 5360
covenants made under this chapter; 5361

(H) To make and enter into all contracts, leases, and 5362
agreements and execute all instruments necessary or incidental to 5363
the performance of the duties and the execution of the powers of 5364
the district under this chapter, provided that all of the 5365
following apply: 5366

(1) ~~When~~ Except as provided in section 307.86 Of the Revised 5367
Code regarding expenditures by boards of county commissioners, 5368
when the cost under any such contract, lease, or agreement, other 5369
than compensation for personal services or rental of office space, 5370
involves an expenditure of more than ~~ten thousand dollars~~ the 5371
amount established in that section regarding expenditures by 5372
boards of county commissioners, the supervisors shall make a 5373
written contract with the lowest and best bidder after 5374
advertisement, for not less than two nor more than four 5375
consecutive weeks preceding the day of the opening of bids, in a 5376
newspaper of general circulation within the district and in such 5377

other publications as the supervisors determine. The notice shall 5378
state the general character of the work and materials to be 5379
furnished, the place where plans and specifications may be 5380
examined, and the time and place of receiving bids. 5381

(2) Each bid for a contract shall contain the full name of 5382
every person interested in it-; 5383

(3) Each bid for a contract for the construction, demolition, 5384
alteration, repair, or reconstruction of an improvement shall meet 5385
the requirements of section 153.54 of the Revised Code-; 5386

5387

(4) Each bid for a contract, other than a contract for the 5388
construction, demolition, alteration, repair, or reconstruction of 5389
an improvement, at the discretion of the supervisors, may be 5390
accompanied by a bond or certified check on a solvent bank in an 5391
amount not to exceed five per cent of the bid, conditioned that, 5392
if the bid is accepted, a contract shall be entered into-; 5393

(5) The supervisors may reject any and all bids. 5394

(I) To make agreements with the department of natural 5395
resources giving it control over lands of the district for the 5396
purpose of construction of improvements by the department under 5397
section 1501.011 of the Revised Code; 5398

(J) To charge, alter, and collect rentals and other charges 5399
for the use or services of any works of the district; 5400

(K) To enter, either in person or by designated 5401
representatives, upon lands, private or public, in the necessary 5402
discharge of their duties; 5403

(L) To enter into agreements or contracts with the department 5404
for the determination, implementation, inspection, and funding of 5405
agricultural pollution abatement and urban sediment pollution 5406
abatement measures whereby landowners, operators, managers, and 5407

developers may meet adopted state standards for a quality
environment, except that failure of a district board of
supervisors to negotiate an agreement or contract with the
department shall authorize the division of soil and water
conservation to implement the required program;

(M) To conduct demonstrations and provide information to the
public regarding practices and methods for natural resource
conservation, development, and utilization;

(N) Until June 1, 1996, to conduct surveys and investigations
relating to the incidence of the multiflora rose within the
district and of the nature and extent of the adverse effects of
the multiflora rose on agriculture, forestry, recreation, and
other beneficial land uses;

(O) Until June 1, 1996, to develop plans for the control of
the multiflora rose within the district and to publish those plans
and information related to control of the multiflora rose;

(P) Until June 1, 1996, to enter into contracts or agreements
with the chief of the division of soil and water conservation to
implement and administer a program for control of the multiflora
rose and to receive and expend funds provided by the chief for
that purpose;

(Q) Until June 1, 1996, to enter into cost-sharing agreements
with landowners for control of the multiflora rose. Before
entering into any such agreement, the board of supervisors shall
determine that the landowner's application meets the eligibility
criteria established under division (E)(6) of section 1511.02 of
the Revised Code. The cost-sharing agreements shall contain the
contract provisions required by the rules adopted under that
division and such other provisions as the board of supervisors
considers appropriate to ensure effective control of the
multiflora rose.

(R) To enter into contracts or agreements with the chief to 5439
implement and administer a program for urban sediment pollution 5440
abatement and to receive and expend moneys provided by the chief 5441
for that purpose; 5442

(S) To develop operation and management plans, as defined in 5443
section 1511.01 of the Revised Code, as necessary; 5444

(T) To determine whether operation and management plans 5445
developed under division (A) of section 1511.021 of the Revised 5446
Code comply with the standards established under division (E)(1) 5447
of section 1511.02 of the Revised Code and to approve or 5448
disapprove the plans, based on such compliance. If an operation 5449
and management plan is disapproved, the board shall provide a 5450
written explanation to the person who submitted the plan. The 5451
person may appeal the plan disapproval to the chief, who shall 5452
afford the person a hearing. Following the hearing, the chief 5453
shall uphold the plan disapproval or reverse it. If the chief 5454
reverses the plan disapproval, the plan shall be deemed approved 5455
under this division. In the event that any person operating or 5456
owning agricultural land or a concentrated animal feeding 5457
operation in accordance with an approved operation and management 5458
plan who, in good faith, is following that plan, causes 5459
agricultural pollution, the plan shall be revised in a fashion 5460
necessary to mitigate the agricultural pollution, as determined 5461
and approved by the board of supervisors of the soil and water 5462
conservation district. 5463

~~(T)~~(U) With regard to composting conducted in conjunction 5464
with agricultural operations, to do all of the following: 5465

(1) Upon request or upon their own initiative, inspect 5466
composting at any such operation to determine whether the 5467
composting is being conducted in accordance with section 1511.022 5468
of the Revised Code; 5469

(2) If the board determines that composting is not being so 5470
conducted, request the chief to issue an order under division (H) 5471
of section 1511.02 of the Revised Code requiring the person who is 5472
conducting the composting to prepare a composting plan in 5473
accordance with rules adopted under division (E)(10)(c) of that 5474
section and to operate in accordance with that plan or to operate 5475
in accordance with a previously prepared plan, as applicable; 5476

(3) In accordance with rules adopted under division 5477
(E)(10)(c) of section 1511.02 of the Revised Code, review and 5478
approve or disapprove any such composting plan. If a plan is 5479
disapproved, the board shall provide a written explanation to the 5480
person who submitted the plan. 5481

As used in division ~~(T)~~(U) of this section, "composting" has 5482
the same meaning as in section 1511.01 of the Revised Code. 5483

~~(U)~~(V) To do all acts necessary or proper to carry out the 5484
powers granted in this chapter. 5485

The director of natural resources shall make recommendations 5486
to reduce the adverse environmental effects of each project that a 5487
soil and water conservation district plans to undertake under 5488
division (A), (B), (C), or (D) of this section and that will be 5489
funded in whole or in part by moneys authorized under section 5490
1515.16 of the Revised Code and shall disapprove any such project 5491
~~which he~~ that the director finds will adversely affect the 5492
environment without equal or greater benefit to the public. The 5493
director's disapproval or recommendations, upon the request of the 5494
district filed in accordance with rules adopted by the Ohio soil 5495
and water conservation commission, shall be reviewed by the 5496
commission, which may confirm the director's decision, modify it, 5497
or add recommendations to or approve a project the director has 5498
disapproved. 5499

Sec. 1515.24. Upon receipt of a certification made by the 5500
supervisors of a soil and water conservation district pursuant to 5501
section 1515.20 of the Revised Code, the board of county 5502
commissioners may levy upon the property within the project area 5503
an assessment at a uniform or varied rate based upon the benefit 5504
to the area certified by the supervisors, as necessary to pay the 5505
cost of construction of the improvement not otherwise funded and 5506
to repay advances made for purposes of the improvement from the 5507
fund created by section 1515.15 of the Revised Code. The board of 5508
county commissioners shall direct the person or authority 5509
preparing assessments to give primary consideration, in 5510
determining a parcel's estimated assessments relating to the 5511
disposal of water, to the potential increase in productivity that 5512
the parcel may experience as a result of the improvement and also 5513
to give consideration to the amount of water disposed of, the 5514
location of the property relative to the project, the value of the 5515
project to the watershed, and benefits as defined in ~~division (F)~~ 5516
~~of~~ section 6131.01 of the Revised Code. ~~Such~~ The part of the 5517
assessment ~~as~~ that is found to benefit state, county, or township 5518
roads or highways or municipal streets shall be assessed against 5519
the state, county, township, or municipal corporation, 5520
respectively, payable from motor vehicle revenues. ~~Such~~ The part 5521
of the assessment ~~as~~ that is found to benefit property owned by 5522
any public corporation, any political subdivision of the state, or 5523
the state shall be assessed against the public corporation, the 5524
political subdivision, or the state and shall be paid out of the 5525
general funds or motor vehicle revenues of the public corporation, 5526
the political subdivision of the state, or the state, except as 5527
otherwise provided by law. ~~The~~ 5528

The assessment shall be certified to the county auditor, and 5529
by ~~him~~ the county auditor to the county treasurer. The collection 5530
of ~~such~~ the assessment shall conform in all matters to Chapter 5531

323. of the Revised Code. Any land owned and managed by the 5532
department of natural resources for wildlife, recreation, nature 5533
preserve, or forestry purposes is exempt from assessments if the 5534
director of natural resources determines that the land derives no 5535
benefit from the improvement. In making such a determination, the 5536
director shall consider the purposes for which the land is owned 5537
and managed and any relevant articles of dedication or existing 5538
management plans for the land. If the director determines that the 5539
land derives no benefit from the improvement, ~~he~~ the director 5540
shall notify the board of county commissioners, within thirty days 5541
after receiving the assessment notification required by this 5542
section, indicating that ~~he~~ the director has determined that the 5543
land is to be exempt and explaining ~~his~~ the specific reason for 5544
making this determination. The board of county commissioners ~~may~~, 5545
within thirty days after receiving the director's exemption 5546
notification, may appeal ~~this~~ the determination to the court of 5547
common pleas. If the court of common pleas finds in favor of the 5548
board of county commissioners, the department of natural resources 5549
shall pay all court costs and legal fees. 5550

If the assessment is to be made at a varied rate, the board 5551
shall give notice by first class mail to every public and private 5552
property owner whose property is subject to assessment, at the tax 5553
mailing or other known address of the owner. ~~Such~~ the notice shall 5554
contain a statement of the amount to be assessed against the 5555
property of the addressee and a statement that ~~he~~ the addressee 5556
may file an objection in writing at the office of the board of 5557
county commissioners within thirty days after the mailing of 5558
notice. If the residence of any owner cannot be ascertained, or if 5559
any mailed notice is returned undelivered, the board shall publish 5560
~~such~~ the notice to all such owners in a newspaper of general 5561
circulation within the project area, at least once each week for 5562
three weeks, which notice shall include the information contained 5563
in the mailed notice, but ~~it~~ shall state that the owner may file 5564

an objection in writing at the office of the board of county 5565
commissioners within thirty days after the last publication of 5566
~~such~~ the notice. 5567

Upon receipt of objections as provided in this section, the 5568
board shall proceed within thirty days to hold a final hearing 5569
~~upon~~ on the objections by fixing a date and giving notice by first 5570
class mail to the objectors at ~~such~~ the address ~~as~~ provided in 5571
filing ~~his~~ the objection. If any mailed notice is returned 5572
undelivered, the board shall give due notice to ~~such~~ the objectors 5573
in a newspaper of general circulation in the project area, stating 5574
the time, place, and purpose of the hearing. Upon hearing the 5575
objectors, the board may amend and shall approve the final 5576
schedule of assessments by journal entry. 5577

Any owner whose objection is not allowed may appeal within 5578
thirty days to the court of common pleas of the county in which 5579
the property is located. 5580

Any moneys collected in excess of the amount needed for 5581
construction of the improvement and the subsequent first year's 5582
maintenance may be maintained in a fund to be used for maintenance 5583
of the improvement. In any year subsequent to a year in which an 5584
assessment for construction of an improvement levied under this 5585
section has been collected, and upon determination by the board of 5586
county commissioners that funds are not otherwise available for 5587
maintenance or repair of the improvement, the board shall levy 5588
~~upon~~ on the property within the project area an assessment for 5589
maintenance at a uniform percentage of all construction costs 5590
based upon the assessment schedule used in determining the 5591
construction assessment. ~~Such~~ The assessment is not subject to the 5592
provisions concerning notice and petition contained in section 5593
1515.25 of the Revised Code. An assessment for maintenance shall 5594
not be levied in any year in which the unencumbered balance of 5595
funds available for maintenance of the ~~improvements~~ improvement 5596

exceeds twenty per cent of the cost of construction of the 5597
improvement, except that the board may adjust the level of 5598
assessment within the twenty per cent limitation, or suspend 5599
temporarily the levying of an assessment, for maintenance purposes 5600
as maintenance funds are needed. 5601

For the purpose of levying an assessment for maintenance of 5602
an improvement, a board may use the procedures established in 5603
Chapter 6137. of the Revised Code regarding maintenance of 5604
improvements as defined in section 6131.01 of the Revised Code in 5605
lieu of using the procedures established under this section. 5606

The board of county commissioners may issue bonds and notes 5607
as authorized by section 131.23 or 133.17 of the Revised Code. 5608

Sec. 1517.10. (A) As used in this section, "felony" has the 5609
same meaning as in section 109.511 of the Revised Code. 5610

(B)(1) Any person selected by the chief of the division of 5611
natural areas and preserves for custodial or patrol service on the 5612
lands and waters operated or administered by the division shall be 5613
employed in conformity with the law applicable to the classified 5614
civil service of the state. Subject to division (C) of this 5615
section, the chief may designate that person as a preserve 5616
officer. A preserve officer ~~has~~, in any nature preserve, in any 5617
natural area owned or managed through easement, license, or lease 5618
by the department of natural resources and administered by the 5619
division, and on lands owned or managed through easement, license, 5620
or lease by the department and administered by the division that 5621
are within or adjacent to any wild, scenic, or recreational river 5622
area established under this chapter and along any trail 5623
established under Chapter 1519. of the Revised Code, has the 5624
authority ~~vested in police officers specified~~ under section 5625
2935.03 of the Revised Code for peace officers of the department 5626
of natural resources to keep the peace, to enforce all laws and 5627

rules governing those lands and waters, and to make arrests for 5628
violation of those laws and rules, provided that ~~such~~ the 5629
authority shall be exercised on lands or waters administered by 5630
another division of the department only pursuant to an agreement 5631
with the chief of that division or to a request for assistance by 5632
an enforcement officer of that division in an emergency. A 5633
preserve officer, in or along any watercourse within, abutting, or 5634
upstream from the boundary of any area administered by the 5635
department, has the authority to enforce section 3767.32 of the 5636
Revised Code and any other laws prohibiting the dumping of refuse 5637
into or along waters, and to make arrests for violation of those 5638
laws. The jurisdiction of a preserve officer shall be concurrent 5639
with that of the peace officers of the county, township, or 5640
municipal corporation in which the violation occurs. 5641

The governor, upon the recommendation of the chief, shall 5642
issue to each preserve officer a commission indicating authority 5643
to make arrests as provided in this section. 5644

The chief shall furnish a suitable badge to each commissioned 5645
preserve officer as evidence of the preserve officer's authority. 5646

(2) If any person employed under this section is designated 5647
by the chief to act as an agent of the state in the collection of 5648
money resulting from the sale of licenses, fees of any nature, or 5649
other money belonging to the state, the chief shall require a 5650
surety bond from the person in an amount not less than one 5651
thousand dollars. 5652

(C)(1) The chief of the division of natural areas and 5653
preserves shall not designate a person as a preserve officer 5654
pursuant to division (B)(1) of this section on a permanent basis, 5655
on a temporary basis, for a probationary term, or on other than a 5656
permanent basis if the person previously has been convicted of or 5657
has pleaded guilty to a felony. 5658

(2)(a) The chief of the division of natural areas and preserves shall terminate the employment as a preserve officer of a person designated as a preserve officer under division (B)(1) of this section if that person does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.29 of the Revised Code in which the preserve officer agrees to surrender the certificate awarded to the preserve officer under section 109.77 of the Revised Code.

(b) The chief shall suspend from employment as a preserve officer a person designated as a preserve officer under division (B)(1) of this section if that person is convicted, after trial, of a felony. If the preserve officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the preserve officer does not file a timely appeal, the chief shall terminate the employment of that preserve officer. If the preserve officer files an appeal that results in the preserve officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the preserve officer, the chief shall reinstate that preserve officer. A preserve officer who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that preserve officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the preserve officer of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a preserve officer under division (C)(2) of this

section shall be in accordance with Chapter 119. of the Revised
Code.

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Sec. 1517.14. As used in sections 1517.14 to 1517.18 of the
Revised Code, "watercourse" means a substantially natural channel
with recognized banks and bottom, in which a flow of water occurs,
with an average of at least ten feet mean surface water width and
at least five miles of length. The director of natural resources
or ~~his~~ the director's representative may create, supervise,
operate, protect, and maintain wild, scenic, and recreational
river areas under the classifications established in section
1517.15 of the Revised Code. The director or ~~his~~ the director's
representative may prepare and maintain a plan for the
establishment, development, use, and administration of those areas
as a part of the comprehensive state plans for water management
and outdoor recreation. The director or ~~his~~ the director's
representative may cooperate with federal agencies administering
any federal program concerning wild, scenic, or recreational river
areas.

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The director may propose for establishment as a wild, scenic,
or recreational river area a part or parts of any watercourse in
this state, with adjacent lands, ~~which~~ that in ~~his~~ the director's
judgment possesses water conservation, scenic, fish, wildlife,
historic, or outdoor recreation values ~~which~~ that should be
preserved, using the classifications established in section
1517.15 of the Revised Code. The area shall include lands adjacent
to the watercourse in sufficient width to preserve, protect, and
develop the natural character of the watercourse, but shall not
include any lands more than one thousand feet from the normal
waterlines of the watercourse unless an additional width is
necessary to preserve water conservation, scenic, fish, wildlife,
historic, or outdoor recreation values.

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The director shall publish ~~his~~ the intention to declare an area a wild, scenic, or recreational river area at least once in a newspaper of general circulation in each county, any part of which is within the area, and shall send written notice of ~~his~~ the intention to the legislative authority of each county, township, and municipal corporation and to each conservancy district established under Chapter 6101. of the Revised Code, any part of which is within the area, and to the director of transportation, the director of development, the director of administrative services, and the director of environmental protection. The notices shall include a copy of a map and description of the area.

After thirty days from the last date of publication or dispatch of written notice as required in this section, the director shall enter a declaration in ~~his~~ the director's journal that the area is a wild, scenic, or recreational river area. When so entered, the area is a wild, scenic, or recreational river area. The director, after thirty days' notice as prescribed in this section and upon the approval of the ~~recreational~~ recreation and resources commission created in section 1501.04 Of the Revised Code, may terminate the status of an area as a wild, scenic, or recreational river area by an entry in ~~his~~ the director's journal.

Declaration by the director that an area is a wild, scenic, or recreational river area does not authorize the director or any governmental agency or political subdivision to restrict the use of land by the owner thereof or any person acting under ~~his~~ the landowner's authority or to enter upon the land and does not expand or abridge the regulatory authority of any governmental agency or political subdivision over the area.

The chief of the division of natural areas and preserves or ~~his~~ the chief's representative may participate in watershed-wide planning with federal, state, and local agencies in order to protect the values of wild, scenic, and recreational river areas.

Sec. 1517.99. (A) ~~Whoever (1) Except as provided in division (A)(2) of this section, whoever~~ violates ~~division (A) of section 1517.021 or section 1517.051~~ of the Revised Code ~~shall be fined not less than twenty five nor more than five hundred dollars for a first offense; for each subsequent offense the person shall be fined not less than two hundred nor more than one thousand dollars~~ is guilty of a minor misdemeanor.

(2) Whoever violates section 1517.021 of the Revised Code with regard to a species of plant identified in a rule adopted under or included on a list prepared under section 1518.01 of the Revised Code or a species of wildlife identified in a rule adopted under section 1531.25 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense. For each subsequent offense, the person is guilty of a misdemeanor of the second degree.

(B) Whoever violates division (A) of section 1517.24 or section 1517.25 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) Whoever violates division (B) of section 1517.24 of the Revised Code is guilty of a misdemeanor of the second degree.

(D) Whoever violates section 1517.051 of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 1518.99. (A) Whoever violates section 1518.02 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates section 1518.05 of the Revised Code shall be fined not less than one thousand dollars nor more than five thousand dollars for the first offense; for each subsequent offense the person shall be fined not less than two thousand dollars nor more than ten thousand dollars.

~~(C) Whoever violates section 1518.23 or 1518.24 of the Revised Code is guilty of a misdemeanor of the first degree.~~ 5782
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Sec. 1520.01. As used in this chapter: 5784

(A) "Canal lands" includes any part of the bed, berm, bank, 5785
or slope of any canal, canal basin, or canal reservoir or of any 5786
lock, aqueduct, dam, culvert, tunnel, feeder, or side cut formerly 5787
a part of any canal system in this state, whether or not 5788
abandoned; the outer slope of any towing path embankment formerly 5789
a part of any canal system in this state; and any tract of land 5790
that was a part of or intended for the use of any canal system in 5791
this state. "Canal lands" means only those canal lands that are 5792
the property of the state. 5793

(B) "~~Reservoir~~ Canal reservoir" means any ~~man-made~~ artificial 5794
lake or impoundment, ~~including any run of the river reservoir,~~ 5795
that was constructed to provide water to any canal system in this 5796
state. 5797

(C) "Domestic use" means the withdrawal of water from a canal 5798
or canal reservoir by an individual for use on residential 5799
property by means of a pump or other device that generally has a 5800
discharge line with an outside diameter of not more than one and 5801
one-half inches. 5802

Sec. 1520.02. (A) The director of natural resources has 5803
exclusive authority to administer, manage, and establish policies 5804
governing canal lands. 5805

(B)(1) Except as provided in division (C) of this section, 5806
the director may sell, lease, exchange, give, or grant all or part 5807
of the state's interest in any canal lands in accordance with 5808
section 1501.01 of the Revised Code. The director may stipulate 5809
that an appraisal or survey need not be conducted for, and may 5810
establish any terms or conditions that ~~he~~ the director determines 5811

appropriate for, any such ~~convenyance~~ CONVEYANCE. 5812

(2) With regard to canal lands, the chief of the division of 5813
water, with the approval of the director, may sell, lease, or 5814
transfer minerals or mineral rights when the chief and the 5815
director determine that the sale, lease, or transfer is in the 5816
best interest of the state. Consideration for minerals and mineral 5817
rights shall be by rental or on a royalty basis as prescribed by 5818
the chief and payable as prescribed by contract. Moneys collected 5819
under division (B)(2) of this section shall be paid into the state 5820
treasury to the credit of the canal lands fund created in section 5821
1520.05 of the Revised Code. 5822

(C)(1) Not later than one year after July 1, 1989, the 5823
director of transportation and the director of the Ohio historical 5824
society shall ~~indentify~~ IDENTIFY all canal lands that are or may 5825
be of use to any program operated by the department of 5826
transportation or the Ohio historical society, respectively, and 5827
shall notify the director of natural resources of those lands. The 5828
director of natural resources may transfer any canal lands so 5829
identified to the exclusive care, custody, and control of the 5830
department of transportation or the Ohio historical society, as 5831
applicable, by means of a departmental transfer not later than six 5832
months after receiving notification under division (C)(1) of this 5833
section. 5834

(2) The director of natural resources may transfer to the 5835
Ohio historical society any equipment, maps, and records used on 5836
or related to canal lands that are of historical interest and that 5837
are not needed by the director to administer this chapter. 5838

(D) If the director of natural resources determines that any 5839
canal lands are a necessary part of a county's drainage or ditch 5840
system and are not needed for any purpose of the department of 5841
natural resources, the director may sell, grant, or otherwise 5842
convey those canal lands to that county in accordance with 5843

division (B) of this section. The board of county commissioners 5844
shall accept the transfer of canal lands. 5845

(E) Notwithstanding any other section of the Revised Code, 5846
the county auditor shall transfer any canal lands conveyed under 5847
this section, and the county recorder shall record the deed for 5848
those lands in accordance with section 317.12 of the Revised Code. 5849
This division does not apply to canal lands transferred under 5850
division (C)(1) of this section. 5851

Sec. 1520.03. (A) The director of natural resources may 5852
appropriate real property in accordance with Chapter 163. of the 5853
Revised Code for the purpose of administering this chapter. 5854

(B) The director shall operate and maintain all canals and 5855
canal reservoirs owned by the state except those canals that are 5856
operated by the Ohio historical society on July 1, 1989. 5857

(C) The director may sell or lease water from any canal or 5858
canal reservoir that ~~he~~ the director operates and maintains only 5859
to the extent that the water is in excess of the quantity that is 5860
required for navigation, recreation, and wildlife purposes. The 5861
director ~~shall~~ may adopt, ~~and may~~ amend, and rescind, rules in 5862
accordance with Chapter 119. of the Revised Code necessary to 5863
administer this division. 5864

The withdrawal of water from any canal or canal reservoir for 5865
domestic use is exempt from this division. However, the director 5866
may require water conservation measures for water that is 5867
withdrawn from any canal or canal reservoir for domestic use 5868
during drought conditions or other emergencies declared by the 5869
governor. 5870

(D) No person shall take or divert water from any canal or 5871
canal reservoir operated and maintained by the director except in 5872
accordance with ~~a sale or lease entered into under~~ division (C) of 5873

this section. 5874

(E) At the request of the director, the attorney general may 5875
commence a civil action for civil penalties and injunctions, in a 5876
court of common pleas, against any person who has violated or is 5877
violating division (D) of this section. The court of common pleas 5878
in which an action for injunctive relief is filed has jurisdiction 5879
to and shall grant preliminary and permanent injunctive relief 5880
upon a showing that the person against whom the action is brought 5881
has violated or is violating that division. 5882

Upon a finding of a violation, the court shall assess a civil 5883
penalty of not more than one thousand dollars for each day of each 5884
~~violation if the violator is an individual who took or diverted~~ 5885
~~the water in question for residential or agricultural use. The~~ 5886
~~court shall assess a civil penalty of not more than five thousand~~ 5887
~~dollars for each day of each violation if the violator is any~~ 5888
~~other person who took or diverted the water in question for~~ 5889
~~industrial or commercial use excluding agricultural use. Moneys~~ 5890
from civil penalties assessed under this division shall be paid 5891
into the state treasury to the credit of the canal lands fund 5892
created in section 1520.05 of the Revised Code. 5893

Any action under this division is a civil action, governed by 5894
the rules of civil procedure and other rules of practice and 5895
procedure applicable to civil actions. 5896

(F) As used in this section, "person" means any agency of 5897
this state, any political subdivision of this state or of the 5898
United States, or any legal entity defined as a person under 5899
section 1.59 of the Revised Code. 5900

Sec. 1521.03. The chief of the division of water shall do all 5901
of the following: 5902

(A) Assist in an advisory capacity any properly constituted 5903

watershed district, conservancy district, or soil and water
conservation district or any county, municipal corporation, or
other government agency of the state in the planning of works for
ground water recharge, flood mitigation, floodplain management,
flood control, flow capacity and stability of streams, rivers, and
watercourses, or the establishment of water conservation
practices, within the limits of the appropriations for ~~that~~
purpose those purposes;

(B) Have authority to conduct basic inventories of the water
and related natural resources in each drainage basin in the state;
to develop a plan on a watershed basis that will recognize the
variety of uses to which water may be put and the need for its
~~retention and control~~ management for those uses; with the approval
of the director of natural resources and the controlling board, to
transfer appropriated or other funds, authorized for those
inventories and plan, to any division of the department of natural
resources or other state agencies for the purpose of developing
pertinent data relating to the plan of water management; and to
accept and expend moneys contributed by any person for
implementing the development of the plan;

(C) Have authority to make detailed investigations of all
factors relating to floods, floodplain management, and flood
control in the state with particular attention to those factors
bearing upon the ~~maintenance of the hydraulic efficiency of the~~
~~channels~~ and hydrologic characteristics of rivers, streams, and
watercourses ~~as a means of carrying off flood waters,~~ recognizing
the variety of uses to which water and watercourses may be put;

(D) Cooperate with the United States or any agency thereof
and with any political subdivision of the state in planning and
constructing flood control works;

(E) Hold meetings or public hearings, whichever is considered

appropriate by the chief, to assist in the resolution of conflicts 5935
between ground water users. Such meetings or hearings shall be 5936
called upon written request from boards of health of city or 5937
general health districts created by or under the authority of 5938
Chapter 3709. of the Revised Code or authorities having the duties 5939
of a board of health as authorized by section 3709.05 of the 5940
Revised Code, boards of county commissioners, boards of township 5941
trustees, legislative authorities of municipal corporations, or 5942
boards of directors of conservancy districts organized under 5943
Chapter 6101. of the Revised Code and may be called by the chief 5944
upon the request of any other person or at ~~his~~ the chief's 5945
discretion. The chief shall collect and present at such meetings 5946
or hearings the available technical information relevant to the 5947
conflicts and to the ground water resource. The chief shall 5948
prepare a report, and may make recommendations, based upon the 5949
available technical data and the record of the meetings or 5950
hearings, about the use of the ground water resource. In making 5951
the report and any recommendations, the chief also may consider 5952
the factors listed in division (B) of section 1521.17 of the 5953
Revised Code. The technical information presented, the report 5954
prepared, and any recommendations made under this division shall 5955
be presumed to be prima-facie authentic and admissible as evidence 5956
in any court pursuant to Evidence Rule 902. 5957

(F) Perform stream or ground water gauging and may contract 5958
with the United States government or any other agency for the 5959
gauging of any streams or ground water within the state; 5960

(G) Primarily with regard to water quantity, have authority 5961
to collect, study, map, and interpret all available information, 5962
statistics, and data pertaining to the availability, supply, use, 5963
conservation, and replenishment of the ground and surface waters 5964
in the state in coordination with other agencies of this state; 5965

(H) Primarily with regard to water quantity and availability, 5966

be authorized to cooperate with and negotiate for the state with 5967
any agency of the United States government, of this state, or of 5968
any other state pertaining to the water resources of the state. 5969

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Sec. 1521.05. (A) As used in this section: 5971

(1) "Construct" or "construction" includes drilling, boring, 5972
digging, deepening, altering, and logging. 5973

(2) "Altering" means changing the configuration of a well, 5974
including, without limitation, deepening a well, extending or 5975
replacing any portion of the inside or outside casing or wall of a 5976
well that extends below ground level, plugging a portion of a well 5977
back to a certain depth, and reaming out a well to enlarge its 5978
original diameter. 5979

(3) "Logging" means describing the lithology, grain size, 5980
color, and texture of the formations encountered during the 5981
drilling, boring, digging, deepening, or altering of a well. 5982

(4) "Grouting" means neat ~~cement~~ cement; bentonite products in 5983
slurry, granular, or pelletized form, excluding drilling mud or 5984
fluids; or any combination of neat cement and bentonite products 5985
that is placed within a well to seal the annular space or to seal 5986
an abandoned well and that is impervious to and capable of 5987
preventing the movement of water. 5988

(5) "Abandoned well" means a well whose use has been 5989
permanently discontinued and that poses potential health and 5990
safety hazards or that has the potential to transmit surface 5991
contaminants into the aquifer in which the well has been 5992
constructed. 5993

(6) "Sealing" means the complete filling of an abandoned well 5994
with grouting or other approved materials in order to permanently 5995
prevent the vertical movement of water in the well and thus 5996

prevent the contamination of ground water or the intermixing of	5997
water between aquifers.	5998
(B) Any person that constructs a well shall keep a careful	5999
and accurate log of the construction of the well. The log shall	6000
show all of the following:	6001
(1) The character, including, without limitation, the	6002
lithology, color, texture, and grain size, the name, if known, and	6003
the depth of all formations passed through or encountered;	6004
(2) The depths at which water is encountered;	6005
(3) The static water level of the completed well;	6006
(4) A copy of the record of all pumping tests and analyses	6007
related to those tests, if any;	6008
(5) Construction details, including lengths, diameters, and	6009
thicknesses of casing and screening and the volume, type of	6010
material, and method of introducing gravel packing and grouting	6011
into the well;	6012
(6) The type of pumping equipment installed, if any;	6013
(7) The name of the owner of the well, the address of the	6014
location where the well was constructed, and a description of the	6015
location of the property where the well was constructed;	6016
(8) The signature of the individual who constructed the well	6017
and filed the well log;	6018
(9) Any other information required by the chief of the	6019
division of water.	6020
The log shall be furnished to the division within thirty days	6021
after the completion of construction of the well, upon <u>on</u> forms	6022
prescribed and prepared by the division. The log shall be kept on	6023
file by the division.	6024
In accordance with Chapter 119. of the Revised Code, the	6025

chief may adopt, amend, and rescind rules requiring other persons 6026
that are involved in the construction or subsequent development of 6027
a well to submit well logs under this division containing any or 6028
all of the information specified in divisions (B)(1) to (9) of 6029
this section and requiring any person that seals an abandoned well 6030
to submit a well sealing report under this division containing any 6031
or all of the information specified in those divisions and any 6032
additional information specified in the rules. 6033

(C)(1) No person shall fail to keep and submit a well log as 6034
required by this section. 6035

(2) No person shall make a false statement in any well log 6036
required to be kept and submitted under this section. Violation of 6037
division (C)(2) of this section is falsification under section 6038
2921.13 of the Revised Code. 6039

(D) For the purposes of prosecution of a violation of 6040
division (C)(1) of this section, a prima-facie case is established 6041
when the division obtains either of the following: 6042

(1) A certified copy of a permit for a private water system 6043
issued in accordance with rules adopted under section 3701.344 of 6044
the Revised Code, or a certified copy of the invoice or a canceled 6045
check from the owner of a well indicating the construction 6046
services performed; 6047

(2) A certified copy of any permit issued under Chapter 3734. 6048
or 6111. of the Revised Code or plan approval granted under 6049
Chapter 6109. Of the Revised Code for any activity that includes 6050
the construction of a well. 6051

Sec. 1531.01. As used in this chapter and Chapter 1533. of 6052
the Revised Code: 6053

(A) "Person" means individual, company, partnership, 6054
corporation, municipal corporation, association, or any 6055

combination of individuals, or any employee, agent, or officer
thereof. 6056
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(B) "Resident" means any individual who has resided in this
state for not less than six months next preceding the date of
making application for a license. 6058
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(C) "Nonresident" means any individual who does not qualify
as a resident. 6061
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(D) "Division rule" or "rule" means any rule adopted by the
chief of the division of wildlife under section 1531.10 of the
Revised Code unless the context indicates otherwise. 6063
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(E) "Closed season" means that period of time during which
the taking of wild animals protected by this chapter and Chapter
1533. of the Revised Code is prohibited. 6066
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(F) "Open season" means that period of time during which the
taking of wild animals protected by this chapter and Chapter 1533.
of the Revised Code is permitted. 6069
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(G) "Take or taking" includes pursuing, shooting, hunting,
killing, trapping, angling, fishing with a trotline, or netting
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle,
wild bird, or wild quadruped, and any lesser act, such as
wounding, or placing, setting, drawing, or using any other device
for killing or capturing any wild animal, whether it results in
killing or capturing the animal or not. "Take or taking" includes
every attempt to kill or capture and every act of assistance to
any other person in killing or capturing or attempting to kill or
capture a wild animal. 6072
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(H) "Possession" means both actual and constructive
possession and any control of things referred to. 6082
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(I) "Bag limit" means the number, measurement, or weight of
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild
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birds, and wild quadrupeds permitted to be taken. 6086

(J) "Transport and transportation" means carrying or moving 6087
or causing to be carried or moved. 6088

(K) "Sell and sale" means barter, exchange, or offer or 6089
expose for sale. 6090

(L) "Whole to include part" means that every provision 6091
relating to any wild animal protected by this chapter and Chapter 6092
1533. of the Revised Code applies to any part ~~thereof~~ of the wild 6093
animal with the same effect as it applies to the whole. 6094

(M) "Angling" means fishing with not more than two hand 6095
lines, not more than two units of rod and line, or a combination 6096
of not more than one hand line and one rod and line, either in 6097
hand or under control at any time while fishing. The hand line or 6098
rod and line shall have attached to it not more than three baited 6099
hooks, not more than three artificial fly rod lures, or one 6100
artificial bait casting lure equipped with not more than three 6101
sets of three hooks each. 6102

(N) "Trotline" means a device for catching fish that consists 6103
of a line having suspended from it, at frequent intervals, 6104
vertical lines with hooks attached. 6105

(O) "Fish" means a cold-blooded vertebrate having fins. 6106

(P) "Measurement of fish" means length from the end of the 6107
nose to the longest tip or end of the tail. 6108

(Q) "Wild birds" includes game birds and nongame birds. 6109

(R) "Game" includes game birds, game quadrupeds, and 6110
fur-bearing animals. 6111

(S) "Game birds" includes mourning doves, ringneck pheasants, 6112
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 6113
grouse, wild turkey, Hungarian partridge, Chukar partridge, 6114
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 6115

jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 6116
duck, geese, brant, and crows. 6117

(T) "Nongame birds" includes all other wild birds not 6118
included and defined as game birds. 6119

(U) "Wild quadrupeds" includes game quadrupeds and 6120
fur-bearing animals. 6121

(V) "Game quadrupeds" includes ~~hares or~~ cottontail rabbits, 6122
gray squirrels, black squirrels, fox squirrels, red squirrels, 6123
flying squirrels, chipmunks, groundhogs or woodchucks, 6124
white-tailed deer, wild boar, and black bears. 6125

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 6126
skunks, opossums, muskrats, fox, beavers, badgers, otters, 6127
coyotes, and bobcats. 6128

(X) "Wild animals" includes mollusks, crustaceans, aquatic 6129
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 6130
and all other wild mammals. 6131

(Y) "Hunting" means pursuing, shooting, killing, following 6132
after or on the trail of, lying in wait for, shooting at, or 6133
wounding wild birds or wild quadrupeds while employing any device 6134
commonly used to kill or wound wild birds or wild quadrupeds 6135
whether or not the acts result in killing or wounding. "Hunting" 6136
includes every attempt to kill or wound and every act of 6137
assistance to any other person in killing or wounding or 6138
attempting to kill or wound wild birds or wild quadrupeds. 6139

(Z) "Trapping" means securing or attempting to secure 6140
possession of a wild bird or wild quadruped by means of setting, 6141
placing, drawing, or using any device that is designed to close 6142
upon, hold fast, confine, or otherwise capture a wild bird or wild 6143
quadruped whether or not the means results in capture. "Trapping" 6144
includes every act of assistance to any other person in capturing 6145
wild birds or wild quadrupeds by means of the device whether or 6146

not the means results in capture. 6147

(AA) "Muskrat spear" means any device used in spearing 6148
muskrats. 6149

(BB) "Channels and passages" means those narrow bodies of 6150
water lying between islands or between an island and the mainland 6151
in Lake Erie. 6152

(CC) "Island" means a rock or land elevation above the waters 6153
of Lake Erie having an area of five or more acres above water. 6154
6155

(DD) "Reef" means an elevation of rock, either broken or in 6156
place, or gravel shown by the latest United States chart to be 6157
above the common level of the surrounding bottom of the lake, 6158
other than the rock bottom, or in place forming the base or 6159
foundation rock of an island or mainland and sloping from the 6160
shore ~~thereof~~ of it. "Reef" also means all elevations shown by 6161
that chart to be above the common level of the sloping base or 6162
foundation rock of an island or mainland, whether running from the 6163
shore of an island or parallel with the contour of the shore of an 6164
island or in any other way and whether formed by rock, broken or 6165
in place, or from gravel. 6166

(EE) "Fur farm" means any area used exclusively for raising 6167
fur-bearing animals or in addition thereto used for hunting game, 6168
the boundaries of which are plainly marked as such. 6169

(FF) "Waters" includes any lake, pond, reservoir, stream, 6170
channel, lagoon, or other body of water, or any part thereof, 6171
whether natural or artificial. 6172

(GG) "Crib" or "car" refers to that particular compartment of 6173
the net from which the fish are taken when the net is lifted. 6174

(HH) "Commercial fish" means those species of fish permitted 6175
to be taken, possessed, bought, or sold unless otherwise 6176

restricted by the Revised Code or division rule and are alewife 6177
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 6178
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 6179
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 6180
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 6181
(*Ictalurus natalis*), brown ~~bullheads~~ bullhead (*Ictalurus* 6182
nebulosus), channel catfish (*Ictalurus punctatus*), flathead 6183
catfish (*Pylodictis olivaris*), whitefish (*Coregonus sp.*), cisco 6184
(*Coregonus sp.*), freshwater drum or sheepshead (*Aplodinotus* 6185
grunniens), gar (*Lepisosteus sp.*), gizzard shad (*Dorosoma* 6186
cepedianum), goldfish (*Carassius auratus*), lake trout (*Salvelinus* 6187
namaycush), mooneye (*Hiodon tergisus*), quillback (*Carpiodes* 6188
cyprinus), smelt (*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus* 6189
sp., *Spirinchus sp.*), sturgeon (*Acipenser sp.*, *Scaphirhynchus* 6190
sp.), sucker other than buffalo and quillback (*Carpiodes sp.*, 6191
Catostomus sp., *Hypentelium sp.*, *Minytrema sp.*, *Moxostoma sp.*), 6192
white bass (*Morone chrysops*), white perch (*Roccus americanus*), and 6193
yellow perch (*Perca flavescens*). When the common name of a fish is 6194
used in this chapter or Chapter 1533. of the Revised Code, it 6195
refers to the fish designated by the scientific name in this 6196
definition. 6197

(II) "Fishing" means taking or attempting to take fish by any 6198
method, and all other acts such as placing, setting, drawing, or 6199
using any device commonly used to take fish whether resulting in a 6200
taking or not. 6201

(JJ) "Fillet" means the pieces of flesh taken or cut from 6202
both sides of a fish, joined to form one piece of flesh. 6203

(KK) "Part fillet" means a piece of flesh taken or cut from 6204
one side of a fish. 6205

(LL) "Round" when used in describing fish means with head and 6206
tail intact. 6207

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) ~~"Small game" includes pheasants, quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, Hungarian partridge, Chukar~~

~~partridge, woodcocks, black-breasted plover, golden plover,~~ 6238
~~Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail,~~ 6239
~~eot, gallinules, ducks, geese, brant, crows, rabbits, gray~~ 6240
~~squirrels, black squirrels, fox squirrels, red squirrels, and~~ 6241
~~groundhogs or woodchucks.~~ 6242

~~(UU)~~ "Tag fishing tournament" means a contest in which a 6243
participant pays a fee, or gives other valuable consideration, for 6244
a chance to win a prize by virtue of catching a tagged or 6245
otherwise specifically marked fish within a limited period of 6246
time, but does not include a scheme of chance conducted under 6247
division (D)(1) of section 2915.02 of the Revised Code. 6248

~~(VV)~~(UU) "Tenant" means an individual who resides on land for 6249
which the individual pays rent and whose annual income is 6250
primarily derived from agricultural production conducted on that 6251
land, as "agricultural production" is defined in section 929.01 of 6252
the Revised Code. 6253

~~(WW)~~(VV) "Nonnative wildlife" means any wild animal not 6254
indigenous to this state. 6255

(WW) "Reptiles" includes common musk turtle (sternotherus 6256
odoratus), common snapping turtle (Chelydra serpentina 6257
serpentina), spotted turtle (Clemmys guttata), eastern box turtle 6258
(Terrapene carolina carolina), Blanding's turtle (Emydoidea 6259
blandingii), common map turtle (Graptemys geographica), ouachita 6260
map turtle (Graptemys pseudogeographica ouachitensis), midland 6261
painted turtle (Chrysemys picta marginata), red-eared slider 6262
(trachemys scripta elegans), eastern spiny softshell turtle 6263
(Apalone spinifera spinifera), midland smooth softshell turtle 6264
(Apalone mutica mutica), northern fence lizard (Sceloporus 6265
undulatus hyacinthinus), ground skink (Scincella lateralis), 6266
five-lined skink (Eumeces fasciatus), broadhead skink (Eumeces 6267
laticeps), northern coal skink (Eumeces anthracinus anthracinus), 6268
European wall lizard (Podarcis muralis), queen snake (Regina 6269

As Reported by the Senate Energy, Natural Resources and Environment Committee

<u>septemvittata), Kirtland's snake (Clonophis kirtlandii), northern</u>	6270
<u>water snake (Nerodia sipedon sipedon), Lake Erie watersnake</u>	6271
<u>(Nerodia sipedon insularum), copperbelly water snake (Nerodia</u>	6272
<u>erythrogaster neglecta), northern brown snake (Storeria dekayi</u>	6273
<u>dekayi), midland brown snake (Storeria dekayi wrightorum),</u>	6274
<u>northern redbelly snake (Storeria occipitomaculata</u>	6275
<u>occipitomaculata), eastern garter snake (Thamnophis sirtalis</u>	6276
<u>sirtalis), eastern plains garter snake (Thamnophis radix radix),</u>	6277
<u>Butler's garter snake (Thamnophis butleri), shorthead garter snake</u>	6278
<u>(Thamnophis brachystoma), eastern ribbon snake (Thamnophis</u>	6279
<u>sauritus sauritus), northern ribbon snake (Thamnophis sauritus</u>	6280
<u>septentrionalis), eastern hognose snake (Heterodon platirhinos),</u>	6281
<u>eastern smooth earth snake (Virginia valeriae valeriae), northern</u>	6282
<u>ringneck snake (Diadophis punctatus edwardsii), midwest worm snake</u>	6283
<u>(Carphophis amoenus helenae), eastern worm snake (Carphophis</u>	6284
<u>amoenus amoenus), black racer (Coluber constrictor constrictor),</u>	6285
<u>blue racer (Coluber constrictor foxii), rough green snake</u>	6286
<u>(opheodrys aestivus), smooth green snake (opheodrys vernalis</u>	6287
<u>vernalis), black rat snake (Elaphe obsoleta obsoleta), eastern fox</u>	6288
<u>snake (Elaphe vulpina gloydi), black kingsnake (Lampropeltis</u>	6289
<u>getula nigra), eastern milk snake (Lampropeltis triangulum</u>	6290
<u>triangulum), northern copperhead (Agkistrodon contortrix mokasen),</u>	6291
<u>eastern massasauga (Sistrurus catenatus catenatus), and timber</u>	6292
<u>rattlesnake (Crotalus horridus horridus).</u>	6293
<u>(XX) "Amphibians" includes eastern hellbender (Cryptobranchus</u>	6294
<u>alleganiensis alleganiensis), mudpuppy (Necturus maculosus</u>	6295
<u>maculosus), red-spotted newt (Notophthalmus viridescens</u>	6296
<u>viridescens), Jefferson salamander (ambystoma jeffersonianum),</u>	6297
<u>spotted salamander (Ambystoma maculatum), blue-spotted salamander</u>	6298
<u>(Ambystoma laterale), smallmouth salamander (ambystoma texanum),</u>	6299
<u>streamside salamander (Ambystoma barbouri), marbled salamander</u>	6300
<u>(Ambystoma opacum), eastern tiger salamander (Ambystoma tigrinum</u>	6301
<u>tigrinum), northern dusky salamander (Desmognathus fuscus fuscus),</u>	6302

mountain dusky salamander (Desmognathus ochrophaeus), redback 6303
salamander (Plethodon cinereus), ravine salamander (Plethodon 6304
richmondi), northern slimy salamander (Plethodon glutinosus), 6305
Wehrle's salamander (Plethodon wehrlei), four-toed salamander 6306
(Hemidactylium scutatum), Kentucky spring salamander (Gyrinophilus 6307
porphyriticus duryi), northern spring salamander (Gyrinophilus 6308
porphyriticus porphyriticus), mud salamander (Pseudotriton 6309
montanus), northern red salamander (Pseudotriton ruber ruber), 6310
green salamander (Aneides aeneus), northern two-lined salamander 6311
(Eurycea bislineata), longtail salamander (Eurycea longicauda 6312
longicauda), cave salamander (Eurycea lucifuga), southern 6313
two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo 6314
woodhousii fowleri), American toad (Bufo americanus), eastern 6315
spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris 6316
crepitans blanchardi), northern spring peeper (Pseudacris crucifer 6317
crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog 6318
(Hyla chrysoscelis), western chorus frog (Pseudacris triseriata 6319
triseriata), mountain chorus frog (Pseudacris brachyphona), 6320
bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota), 6321
northern leopard frog (Rana pipiens), pickerel frog (Rana 6322
palustris), southern leopard frog (Rana utricularia), and wood 6323
frog (Rana sylvatica). 6324

The chief shall not establish a season for the hunting of 6325
mourning doves that opens prior to the fifteenth day of September 6326
of any year. 6327

Sec. 1531.06. (A) The chief of the division of wildlife, with 6328
the approval of the director of natural resources, may acquire by 6329
gift, lease, purchase, or otherwise lands or surface rights upon 6330
lands and waters or surface rights upon waters for wild animals, 6331
fish or game management, preservation, propagation, and 6332
protection, outdoor and nature activities, public fishing and 6333
hunting grounds, and flora and fauna preservation. The chief, with 6334

the approval of the director, may receive by grant, devise, 6335
bequest, donation, or assignment evidences of indebtedness, the 6336
proceeds of which are to be used for the purchase of such lands or 6337
surface rights upon lands and waters or ~~the~~ surface rights upon 6338
waters. 6339

(B)(1) The chief shall adopt rules for the protection of 6340
state-owned or leased lands and waters and property under the 6341
division's control against wrongful use or occupancy that will 6342
ensure the carrying out of the intent of this section, protect 6343
those lands, waters, and property from depredations, and preserve 6344
them from molestation, spoilation, destruction, or any improper 6345
use or occupancy thereof, including rules with respect to 6346
recreational activities and for the government and use of such 6347
lands, waters, and property. 6348

(2) The chief may adopt rules benefiting wild animals, fish 6349
or game management, preservation, propagation, and protection, 6350
outdoor and nature activities, public fishing and hunting grounds, 6351
and flora and fauna preservation, and regulating the taking and 6352
possession of wild animals on any lands or waters owned or leased 6353
or under the division's supervision and control and, for a 6354
specified period of years, may prohibit or recall the taking and 6355
possession of any wild animal on any portion of such lands or 6356
waters. The division clearly shall define and mark the boundaries 6357
of the lands and waters owned or leased or under its supervision 6358
and control upon which the taking of any wild animal is 6359
prohibited. 6360

(C) The chief, with the approval of the director, may acquire 6361
by gift, lease, or purchase land for the purpose of establishing 6362
state fish hatcheries and game farms and may erect ~~thereon~~ on it 6363
buildings or structures ~~as~~ that are necessary. 6364

The title to or lease of such lands and waters shall be taken 6365

by the chief in the name of the state. The lease or purchase price 6366
of all such lands and waters may be paid from hunting and trapping 6367
and fishing licenses and any other funds. 6368

(D) To provide more public recreation, stream and lake 6369
agreements for public fishing only may be obtained under rules 6370
adopted by the chief. 6371

(E) The chief, with the approval of the director, may 6372
establish user fees for the use of special public facilities or 6373
participation in special activities on lands and waters 6374
administered by the division. The special facilities and 6375
activities may include hunting or fishing on special designated 6376
public lands and waters intensively managed or stocked with 6377
artificially propagated game birds or fish, field trial 6378
facilities, wildlife nature centers, firearm ranges, boat mooring 6379
facilities, camping sites, and other similar special facilities 6380
and activities. The chief shall determine whether the user fees 6381
are refundable and shall ensure that that information is provided 6382
at the time the user fees are paid. 6383

(F) The chief, with the approval of the director, may enter 6384
into lease agreements for rental of concessions or other special 6385
projects situated on state-owned or leased lands or waters or 6386
other property under the division's control. The chief shall set 6387
and collect the fees for concession rentals or other special 6388
projects; regulate through contracts between the division and 6389
concessionaires the sale of tangible objects at concessions or 6390
other special projects; and keep a record of all such fee payments 6391
showing the amount received, from whom ~~recieved~~ received, and for 6392
what purpose the fee was collected. 6393

(G) The chief may sell conservation-related items or items 6394
that promote wildlife conservation, including, but not limited to, 6395
pins, badges, books, bulletins, maps, publications, calendars, and 6396

any other educational article or artifact pertaining to wild 6397
animals; sell confiscated or forfeited items; and sell surplus 6398
structures and equipment, and timber or crops from lands owned, 6399
administered, leased, or controlled by the division. 6400

(H) The chief may sell, lease, or transfer minerals or 6401
mineral rights, with the approval of the director, when the chief 6402
and the director determine it to be in the best interest of the 6403
state. Upon approval of the director, the chief may make, execute, 6404
and deliver contracts, including leases, to mine, drill, or 6405
excavate iron ore, stone, coal, petroleum, gas, salt, and other 6406
minerals upon and under lands owned by the state and administered 6407
by the division to any person who complies with the terms of such 6408
a contract. No such contract shall be valid for more than fifty 6409
years from its effective date. Consideration for minerals and 6410
mineral rights shall be by rental or royalty basis as prescribed 6411
by the chief and payable as prescribed by contract. Moneys 6412
collected under this division shall be ~~deposited in accordance~~ 6413
~~with division (I) of this~~ paid into the state treasury to the 6414
credit of the wildlife habitat fund created in section 1531.33 Of 6415
the Revised Code. Contracts entered into under this division also 6416
may provide for consideration for minerals or mineral rights in 6417
the form of acquisition of lands as provided under divisions (A) 6418
and (C) of this section. 6419

(I) All moneys received under divisions (E), (F), and (G) ~~7~~ 6420
~~and (H)~~ of this section shall be paid into the state treasury to 6421
the credit of a fund ~~which~~ that shall be used for the purposes 6422
outlined in section 1533.15 of the Revised Code and for the 6423
management of other wild animals for their ecological and 6424
nonconsumptive recreational value or benefit. 6425

(J) The chief, with the approval of the director, may barter 6426
or sell wild animals to other states, state or federal agencies, 6427
and conservation or zoological organizations. Moneys received from 6428

the sale of wild animals shall be deposited into the wild animal 6429
fund created in section 1531.34 of the Revised Code. 6430

(K) The chief shall adopt rules establishing standards and 6431
guidelines for the administration of contraceptive chemicals to 6432
noncaptive wild animals. The rules may specify chemical delivery 6433
methods and devices and monitoring requirements. 6434

The chief shall establish criteria for the issuance of and 6435
shall issue permits for the administration of contraceptive 6436
chemicals to noncaptive wild animals. no person shall administer 6437
contraceptive chemicals to noncaptive wild animals without a 6438
permit issued by the chief. 6439

(L) All fees set by the chief under this section shall be 6440
approved by the wildlife council. 6441

Sec. 1531.13. The law enforcement officers of the division of 6442
wildlife shall be known as "wildlife officers." The chief of the 6443
division of wildlife, wildlife officers, and such other employees 6444
of the division as the chief of the division of wildlife 6445
designates, and other officers who are given like authority, shall 6446
enforce all laws pertaining to the taking, possession, protection, 6447
preservation, management, and propagation of wild animals and all 6448
division rules. They shall enforce all laws against hunting 6449
without permission of the owner or authorized agent of the land on 6450
which ~~such~~ the hunting is done. They may arrest on view and 6451
without issuance of a warrant. They may inspect any container or 6452
package at any time except when within a building and the owner or 6453
person in charge of the building objects. The inspection shall be 6454
only for bag limits of wild animals taken in open season or for 6455
wild animals taken during the closed season, or for any kind or 6456
species of those wild animals. 6457

The chief may visit all parts of the state and direct and 6458
assist wildlife officers and other employees in the discharge of 6459

their duties. The owners or tenants of private lands or waters are
not liable to wildlife officers for injuries suffered while
carrying out their duties while on the lands or waters of the
owners or tenants unless the injuries are caused by the willful or
wanton misconduct of the owners or tenants. Any regularly employed
salaried wildlife officer may enter any private lands or waters if
~~he~~ the wildlife officer has good cause to believe and does believe
that a law is being violated.

A wildlife officer, sheriff, deputy sheriff, constable, or
officer having a similar authority may search any place which ~~he~~
the officer has good reason to believe contains a wild animal or
any part of a wild animal taken or had in possession contrary to
law or division rule, or a boat, gun, net, seine, trap, ferret, or
device used in the violation, and seize any ~~he~~ the officer finds
so taken or possessed. If the owner or person in charge of the
place to be searched refuses to permit the search, upon filing an
affidavit in accordance with law with a court having jurisdiction
of the offense and upon receiving a search warrant issued, the
officer ~~may~~ forcibly may search the place described, and if in the
search ~~he~~ the officer finds any wild animal or part of a wild
animal, or any boat, gun, net, seine, trap, ferret, or device in
the possession of the owner or person in charge, contrary to this
chapter or Chapter 1533. of the Revised Code or division rule, ~~he~~
the officer shall seize ~~them~~ it and arrest the person in whose
custody or possession ~~they were~~ it was found. The wild animal or
parts of a wild animal or boat, gun, net, seine, trap, ferret, or
device so found shall escheat to the state.

Each wildlife officer shall post a bond in a sum not less
than one thousand dollars executed by a surety company authorized
to transact business in this state for the faithful performance of
the duties of ~~his~~ the wildlife officer's office.

The chief and wildlife officers ~~are vested with~~ have the

authority ~~of police officers~~ specified under section 2935.03 of 6492
the Revised Code for peace officers of the department of natural 6493
resources for the purpose of enforcing the criminal laws of the 6494
state on any property owned, controlled, maintained, or 6495
administered by the department of natural resources and may 6496
enforce sections 2923.12, 2923.15, and 2923.16 of the Revised Code 6497
throughout the state and may arrest without warrant any person 6498
who, in the presence of the chief or any wildlife officer, is 6499
engaged in the violation of any of those laws. 6500

A wildlife officer may render assistance to a state or local 6501
law enforcement officer at the request of that officer or may 6502
render assistance to a state or local law enforcement officer in 6503
the event of an emergency. Wildlife officers serving outside the 6504
division of wildlife under this section shall be considered as 6505
performing services within their regular employment for the 6506
purposes of compensation, pension or indemnity fund rights, 6507
workers' compensation, and other rights or benefits to which they 6508
may be entitled as incidents of their regular employment. 6509

Wildlife officers serving outside the division of wildlife 6510
under this section retain personal immunity from civil liability 6511
as specified in section 9.86 of the Revised Code and shall not be 6512
considered an employee of a political subdivision for purposes of 6513
Chapter 2744. of the Revised Code. A political subdivision that 6514
uses wildlife officers under this section is not subject to civil 6515
liability under Chapter 2744. of the Revised Code as the result of 6516
any action or omission of any wildlife officer acting under this 6517
section. 6518

Sec. 1531.20. Any motor vehicle, all-terrain vehicle, or 6519
boat, used in the unlawful taking or transporting of wild animals, 6520
and any net, seine, trap, ferret, gun, or other device used in the 6521
unlawful taking of wild animals, is a public nuisance. Each 6522

wildlife officer, or other officer with like authority, shall 6523
seize and safely keep such property and the illegal results of its 6524
use, and unless otherwise ordered by the chief of the division of 6525
wildlife shall institute, within five days, proceedings in a 6526
proper court of the county for its forfeiture. A writ of replevin 6527
shall not lie to take the property from the officer's custody or 6528
from the custody or jurisdiction of the court in which the 6529
proceeding is instituted, nor shall the proceeding affect a 6530
criminal prosecution for the unlawful use or possession of the 6531
property. 6532

An action for the forfeiture of any such property shall be 6533
commenced by the filing of an affidavit describing the property 6534
seized and stating the unlawful use made of it, the time and place 6535
of seizure, and the name of the person owning or using it at the 6536
time of seizure. If the name is unknown, that fact shall be 6537
stated. Upon the filing of the affidavit, the court shall issue a 6538
summons setting forth the facts stated in the affidavit and fixing 6539
a time and place for the hearing of the complaint. A copy of the 6540
summons shall be served on the owner or person using the property 6541
at the time of its seizure, if ~~he~~ the owner or user is known, or 6542
by leaving a copy thereof at ~~his~~ the owner's or user's usual 6543
residence or place of business in the county, at least three days 6544
before the time fixed for the hearing of the complaint. If the 6545
owner or user is unknown or a nonresident of the county or cannot 6546
be found therein, a copy of the summons shall be posted at a 6547
suitable place nearest the place of seizure, but if ~~his~~ the 6548
owner's or user's address is known, a copy of the summons shall be 6549
mailed to ~~him~~ the owner or user at least three days before the 6550
time fixed for the hearing of the complaint. On the date fixed for 6551
the hearing, the officer making the service shall make a return of 6552
the time and manner of making the service. Upon the proper cause 6553
shown, the court may postpone the hearing. 6554

If the owner or person unlawfully using the property at the 6555
time of its seizure is arrested, pleads guilty, and confesses that 6556
the property at the time of its seizure was being used by ~~him~~ the 6557
owner or user in violation of law or division rule, no proceeding 6558
of forfeiture shall be instituted, but the court in imposing 6559
sentence shall order the property so seized forfeited to the 6560
state, to be disposed of thereafter as the chief of the division 6561
of wildlife directs. 6562

Sec. 1531.202. Any person who is responsible for causing or 6563
allowing an unauthorized spill, release, or discharge of material 6564
into or on any land or any ground or surface water or into the air 6565
that results in the death of a wild animal and that necessitates 6566
an investigation by the division of wildlife, or who violates 6567
section 1531.02 of the Revised Code in a manner that necessitates 6568
an investigation by the division regarding the death of a wild 6569
animal, is liable to the division for costs incurred in the 6570
investigation. The costs may include wages and benefits of 6571
employees of the division. The chief of the division of wildlife 6572
or the chief's authorized representative shall bring a civil 6573
action against the responsible person to recover those costs. 6574

Sec. 1531.33. The wildlife habitat fund is hereby created in 6575
the state treasury, ~~which~~. The fund shall consist of the 6576
investment earnings of the wildlife habitat trust fund, ~~and~~ 6577
created in section 1531.32 of the Revised Code; gifts, donations, 6578
bequests, and other moneys contributed to the division of wildlife 6579
for the purposes of the fund; moneys collected under division (H) 6580
of section 1531.06 of the Revised Code; and moneys received by the 6581
division pursuant to negotiated mitigation settlements from 6582
persons who have adversely affected fish and wildlife, or their 6583
habitats, over which the division has jurisdiction under this 6584
chapter or Chapter 1533. of the Revised Code other than fish and 6585

wildlife of the Ohio river or their habitats. 6586

The fund shall be used by the division ~~of wildlife~~ to acquire 6587
and develop lands for the preservation, propagation, and 6588
protection of wild animals. All expenditures from the wildlife 6589
habitat fund ~~must~~ SHALL be approved by the director of natural 6590
resources. Quarterly each fiscal year, the treasurer of state 6591
shall transfer the investment earnings of the wildlife habitat 6592
trust fund to the wildlife habitat fund. 6593

Sec. 1531.34. There is hereby created in the state treasury 6594
the wild animal fund. The fund shall consist of moneys received 6595
from the sale of wild animals under division (J) of section 6596
1531.06 of the Revised Code. Moneys in the fund shall be spent on 6597
programs administered by the division of wildlife or contributed 6598
by the division to an appropriate nonprofit organization for the 6599
acquisition, development, and management of lands and waters 6600
within the state for wildlife purposes. 6601

Sec. 1531.99. (A) Whoever violates section 1531.02 of the 6602
Revised Code, or any division rule, other than a rule adopted 6603
under section 1531.25 of the Revised Code, is guilty of a 6604
misdemeanor of the fourth degree. 6605

(B) Whoever violates section 1531.02 of the Revised Code 6606
concerning the taking or possession of deer or violates division 6607
(K) of section 1531.06 or section 1531.07 or 1531.29 of the 6608
Revised Code is guilty of a misdemeanor of the third degree on a 6609
first offense; on each subsequent offense, that person is guilty 6610
of a misdemeanor of the first degree. 6611

(C) Whoever violates section 1531.25 of the Revised Code is 6612
guilty of a misdemeanor of the first degree. 6613

(D) Whoever violates section 1531.02 of the Revised Code 6614
concerning the selling or offering for sale of any wild animals or 6615

parts of wild animals, the minimum value of which animals or 6616
parts, in the aggregate, is more than one thousand dollars as 6617
established under section 1531.201 of the Revised Code, is guilty 6618
of a felony of the fifth degree. 6619

(E) A court that imposes sentence for a violation of any 6620
section of this chapter governing the holding, taking, or 6621
possession of wild animals, including, without limitation, section 6622
1531.11 of the Revised Code, shall require the person who is 6623
convicted of or pleads guilty to the offense, in addition to any 6624
fine, term of imprisonment, seizure, and forfeiture imposed, to 6625
make restitution for the minimum value of the wild animal 6626
illegally held, taken, or possessed as established under section 6627
1531.201 of the Revised Code. An officer who collects moneys paid 6628
as restitution under this section shall pay those moneys to the 6629
treasurer of state who shall deposit them in the state treasury to 6630
the credit of the wildlife fund established under section 1531.17 6631
of the Revised Code. 6632

Sec. 1533.01. As used in this chapter, "person," "resident," 6633
"nonresident," "division rule," "rule," "closed season," "open 6634
season," "take or taking," "possession," "bag limit," "transport 6635
and transportation," "sell and sale," "whole to include part," 6636
"angling," "trotline," "fish," "measurement of fish," "wild 6637
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 6638
"game quadrupeds," "fur-bearing animals," "wild animals," 6639
"hunting," "trapping," "muskrat spear," "channels and passages," 6640
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 6641
fish," "fishing," "fillet," "part fillet," "round," "migrate," 6642
"spreader bar," "fishing guide," "net," "commercial fishing gear," 6643
"native wildlife," "gill net," "~~small game~~," "tag fishing 6644
tournament," "tenant," ~~and~~ "nonnative wildlife," "reptiles," and 6645
"amphibians" have the same meanings as in section 1531.01 of the 6646

Revised Code. 6647

Sec. 1533.06. It is hereby provided that a "special hunting 6648
area" is established on the department of natural resources lands 6649
and waters situated in Lucas and Ottawa counties and known as the 6650
"Magee Marsh State Public Hunting Area." 6651

On ~~such that~~ area the chief of the division of wildlife ~~is~~ 6652
~~hereby empowered to~~ may provide a special daily hunting permit for 6653
all persons permitted to hunt on ~~such the~~ area. The fee for such a 6654
permit is five dollars per day unless the chief adopts rules 6655
establishing a lower fee. 6656

The permit shall be in ~~such a~~ form ~~as~~ prescribed by the 6657
director ~~of the department~~ of natural resources. All moneys 6658
received as fees shall be paid into the state treasury to the 6659
credit of a fund ~~which that~~ is hereby appropriated exclusively for 6660
the use of the department ~~of natural resources~~ for the purposes 6661
outlined in section 1533.15 of the Revised Code. 6662

Nothing in this section shall be construed to alter or 6663
supersede the laws requiring a hunting ~~and trapping~~ license. 6664

Sec. 1533.08. Except as otherwise provided by division rule, 6665
any person desiring to collect wild animals that are protected by 6666
law or their nests or eggs for scientific study, school 6667
instruction, other educational uses, or rehabilitation shall make 6668
application to the chief of the division of wildlife for a wild 6669
animal collecting permit on a form furnished by the chief. ~~The~~ 6670
~~applicant shall submit written recommendations of two well known~~ 6671
~~scientific persons or teachers of science, certifying to the good~~ 6672
~~character and fitness of the applicant.~~ Each applicant for a wild 6673
animal collecting permit, other than an applicant desiring to 6674
rehabilitate wild animals, shall pay an annual fee of ten dollars 6675
for each permit. No fee shall be charged to an applicant desiring 6676

to rehabilitate wild animals. When it appears that the application 6677
is made in good faith, the chief shall issue to the applicant a 6678
permit to take, possess, and transport at any time and in any 6679
manner specimens of wild animals protected by law or their nests 6680
and eggs for scientific study, school instruction, other 6681
educational uses, or rehabilitation and under any additional rules 6682
recommended by the wildlife council. Upon the receipt of a permit, 6683
the holder may take, possess, and transport ~~such~~ those wild 6684
animals in accordance with the permit. 6685

Each holder of a permit engaged in collecting such wild 6686
animals shall carry ~~his~~ the permit ~~with him~~ at all times and shall 6687
exhibit it upon demand to any wildlife officer, constable, 6688
sheriff, deputy sheriff, or police officer, to the owner or person 6689
in lawful control of the land upon which ~~he~~ the permit holder is 6690
collecting, or to any other person. Failure to so carry or exhibit 6691
the permit constitutes an offense under this section. 6692

Each permit holder shall keep a daily record of all specimens 6693
collected under the permit and the disposition of the specimens 6694
and shall exhibit the daily record to any official of the division 6695
upon demand. 6696

Each permit shall remain in effect for one year from the date 6697
of issuance unless it is revoked sooner by the chief. 6698

All moneys received as fees for the issuance of a wild animal 6699
collecting permit shall be transmitted to the director of natural 6700
resources to be paid into the state treasury to the credit of the 6701
fund created by section 1533.15 of the Revised Code. 6702

Sec. 1533.10. Except as provided in this section or division 6703
(A) of section 1533.12 of the Revised Code, no person shall hunt 6704
any wild bird or wild quadruped without a hunting license. Each 6705
day that any person hunts within the state without procuring such 6706

a license constitutes a separate offense. Every applicant for a
hunting license who is a resident of the state and ~~age~~ sixteen
years of age or ~~over~~ more shall procure a resident hunting
license, the fee for which shall be fourteen dollars, unless the
rules adopted under division (B) of section 1533.12 of the Revised
Code provide for issuance of a resident hunting license to the
applicant free of charge. Every applicant who is a resident of the
state and under the age of sixteen years shall procure a special
youth hunting license, the fee for which shall be one-half of the
regular hunting license fee. The owner of lands in the state and
the owner's children of any age and grandchildren under eighteen
years of age may hunt on the lands without a hunting license. The
tenant or manager and children of the tenant or manager, residing
on lands in the state, may hunt ~~thereon~~ on them without a hunting
license. Every applicant for a hunting license who is a
nonresident of the state shall procure a nonresident hunting
license, the fee for which shall be ninety dollars, unless the
applicant is a resident of a state that is a party to an agreement
under section 1533.91 of the Revised Code, in which case the fee
shall be fourteen dollars.

The chief of the division of wildlife may issue a tourist's
~~small-game~~ hunting license expiring three days from the effective
date of the license to a nonresident of the state, the fee for
which shall be twenty-four dollars. No person shall take or
possess deer, wild turkeys, fur-bearing animals, ducks, geese,
brant, or any nongame animal that is not small-game while
possessing only a tourist's ~~small-game~~ hunting license. A
tourist's ~~small-game~~ hunting license does not authorize the taking
or possessing of ducks, geese, or brant without having obtained,
in addition to the tourist's ~~small-game~~ hunting license, a
wetlands habitat stamp as provided in section 1533.112 of the
Revised Code. A tourist's hunting license does not authorize the

taking or possessing of deer, wild turkeys, or fur-bearing 6739
animals. A nonresident of the state who wishes to take or possess 6740
deer, wild turkeys, or fur-bearing animals in this state shall 6741
procure, respectively, a special deer or wild turkey permit as 6742
provided in section 1533.11 of the Revised Code or a fur taker 6743
permit as provided in section 1533.111 of the Revised Code in 6744
addition to a nonresident hunting license as provided in this 6745
section. 6746

No person shall procure or attempt to procure a hunting 6747
license by fraud, deceit, misrepresentation, or any false 6748
statement. 6749

This section does not authorize the taking and possessing of 6750
deer or wild turkeys without first having obtained, in addition to 6751
the hunting license required by this section, a special deer or 6752
wild turkey permit as provided in section 1533.11 of the Revised 6753
Code or the taking and possessing of ducks, geese, or brant 6754
without first having obtained, in addition to the hunting license 6755
required by this section, a wetlands habitat stamp as provided in 6756
section 1533.112 of the Revised Code. 6757

This section does not authorize the hunting or trapping of 6758
fur-bearing animals without first having obtained, in addition to 6759
a hunting license required by this section, a fur taker permit as 6760
provided in section 1533.111 of the Revised Code. 6761

No hunting license shall be issued unless it is accompanied 6762
by a written explanation of the law in section 1533.17 of the 6763
Revised Code and the penalty for its violation, including a 6764
description of terms of imprisonment and fines that may be 6765
imposed. 6766

No hunting license shall be issued unless the applicant 6767
presents to the agent authorized to issue the license a previously 6768
held hunting license or evidence of having held such a license in 6769

content and manner approved by the chief, a certificate of 6770
completion issued upon completion of a hunter education and 6771
conservation course approved by the chief, or evidence of 6772
equivalent training in content and manner approved by the chief. 6773

No person shall issue a hunting license to any person who 6774
fails to present the evidence required by this section. No person 6775
shall purchase or obtain a hunting license without presenting to 6776
the issuing agent the evidence required by this section. Issuance 6777
of a hunting license in violation of the requirements of this 6778
section is an offense by both the purchaser of the illegally 6779
obtained hunting license and the clerk or agent who issued the 6780
hunting license. Any hunting license issued in violation of this 6781
section is void. 6782

The chief, with approval of the wildlife council, shall adopt 6783
rules prescribing a hunter education and conservation course for 6784
first-time hunting license buyers and for volunteer instructors. 6785
The course shall consist of subjects including, but not limited 6786
to, hunter safety and health, use of hunting implements, hunting 6787
tradition and ethics, the hunter and conservation, the law in 6788
section 1533.17 of the Revised Code along with the penalty for its 6789
violation, including a description of terms of imprisonment and 6790
fines that may be imposed, and other law relating to hunting. 6791
Authorized personnel of the division or volunteer instructors 6792
approved by the chief shall conduct such courses with such 6793
frequency and at such locations throughout the state as to 6794
reasonably meet the needs of license applicants. The chief shall 6795
issue a certificate of completion to each person who successfully 6796
completes the course and passes an examination prescribed by the 6797
chief. 6798

Sec. 1533.12. (A) Every person on active duty in the armed 6799
forces of the United States, while on leave or furlough, may take 6800

or catch fish of the kind lawfully permitted to be taken or caught 6801
within the state, may hunt any wild bird or wild quadruped 6802
lawfully permitted to be hunted within the state, and may trap 6803
fur-bearing animals lawfully permitted to be trapped within the 6804
state, without procuring a fishing license, a hunting license, a 6805
fur taker permit, or a wetlands habitat stamp required by this 6806
chapter, provided that the person shall carry on ~~his person~~ self 6807
when fishing, hunting, or trapping, a card or other evidence 6808
identifying ~~him~~ the person as ~~a person~~ being on active duty in the 6809
armed forces of the United States, and provided that the person is 6810
not otherwise violating any of the hunting, fishing, and trapping 6811
laws of this state. 6812

In order to hunt deer or wild turkey, any such person shall 6813
obtain a special deer or wild turkey permit, as applicable, under 6814
section 1533.11 of the Revised Code. However, the person need not 6815
obtain a hunting license in order to obtain such a permit. 6816

(B) The chief of the division of wildlife shall provide by 6817
rule adopted under section 1531.10 of the Revised Code ~~that~~ all of 6818
the following: 6819

(1) Every resident of this state with a disability that has 6820
been determined by the veterans administration to be permanently 6821
and totally disabling, who receives a pension or compensation from 6822
the veterans administration, and who received an honorable 6823
discharge from the armed forces of the United States, and every 6824
veteran to whom the registrar of motor vehicles has issued a set 6825
of license plates under section 4503.41 of the Revised Code, shall 6826
be issued an annual fishing license, hunting license, fur taker 6827
permit, deer or wild turkey permit, or wetlands habitat stamp, or 6828
any combination of those licenses, permits, and stamp, free of 6829
charge when application is made to the chief in the manner 6830
prescribed by and on forms provided by the chief; 6831

(2) Every resident of the state who is sixty-six years of age 6832
or older shall be issued an annual fishing license, hunting 6833
license, fur taker permit, deer or wild turkey permit, or wetlands 6834
habitat stamp, or any combination of those licenses, permits, and 6835
stamp, free of charge when application is made to the chief in the 6836
manner prescribed by and on forms provided by the chief; 6837

(3) Every resident of state or county institutions, 6838
charitable institutions, and military homes in this state shall be 6839
issued an annual fishing license free of charge when application 6840
is made to the chief in the manner prescribed by and on forms 6841
provided by the chief; 6842

(4) Any mobility impaired or blind person, as defined in 6843
section 955.011 Of the Revised Code, who is a resident of this 6844
state and who is unable to engage in fishing without the 6845
assistance of another person ~~because of a physical handicap~~ shall 6846
be issued an annual fishing license free of charge when 6847
application is made to the chief in the manner prescribed by and 6848
on forms provided by the chief. The person who is assisting the 6849
~~handicapped~~ mobility impaired or blind person may assist in taking 6850
or catching fish of the kind permitted to be taken or caught 6851
without procuring the license required under section 1533.32 of 6852
the Revised Code, provided that only one line is used by both 6853
persons. 6854

(5) As used in ~~this~~ division (B)(5) of this section, 6855
"prisoner of war" means any regularly appointed, enrolled, 6856
enlisted, or inducted member of the military forces of the United 6857
States who was captured, separated, and incarcerated by an enemy 6858
of the United States. 6859

Any person who has been a prisoner of war, was honorably 6860
discharged from the military forces, and is a resident of this 6861
state shall be issued an annual fishing license, hunting license, 6862

fur taker permit, or wetlands habitat stamp, or any combination of 6863
those licenses, permits, and stamp, free of charge when 6864
application is made to the chief in the manner prescribed by and 6865
on forms provided by the chief. 6866

(C) The chief shall adopt rules pursuant to section 1531.08 6867
of the Revised Code designating not more than two days, which need 6868
not be consecutive, in each year as "free sport fishing days" on 6869
which any resident may exercise the privileges accorded the holder 6870
of a fishing license issued under section 1533.32 of the Revised 6871
Code without procuring such a license, provided that the person is 6872
not otherwise violating any of the fishing laws of this state. 6873

Sec. 1533.171. (A) No person, in the act of hunting, 6874
pursuing, taking, or killing ~~game~~ a wild animal, shall act in a 6875
negligent, careless, or reckless manner so as to injure persons or 6876
property. 6877

(B) The court before whom any person is convicted of or 6878
pleads guilty to a violation of division (A) of this section shall 6879
report that fact, together with the violator's name and address, 6880
to the chief of the division of wildlife not later than ten days 6881
after the date of conviction or plea. 6882

(C) Not later than seven days after receiving a notification 6883
under division (B) of this section, the chief shall revoke, for 6884
not less than one year nor more than five years, each hunting 6885
license, fur taker permit, special deer permit, special wild 6886
turkey permit, and wetlands habitat stamp issued to that person 6887
under this chapter. No fee paid for such a license, permit, or 6888
stamp shall be returned to the person. 6889

Upon revoking a license, permit, or stamp, or a combination 6890
thereof, under this division, the chief immediately shall send a 6891
notice of ~~his~~ that action by certified mail to the last known 6892

address of the person. The notice shall state the action taken, 6893
order the person to surrender the revoked license, permit, or 6894
stamp, or combination thereof, and state that the department of 6895
natural resources will not afford a hearing as required under 6896
section 119.06 of the Revised Code. 6897

(D) If, after receiving a notice under division (C) of this 6898
section, the person decides to petition for a review of the 6899
revocation, ~~he~~ the person shall file a petition for such a review 6900
not later than thirty days after receiving the notice in the 6901
municipal court or the county court, or, if the person is under 6902
eighteen years of age, the juvenile court, in whose jurisdiction 6903
the violation occurred. The review shall be limited to the 6904
question of the appropriateness of the period of revocation. The 6905
court shall send a copy of the petition to the chief by certified 6906
mail together with timely notice of the date, time, and place of a 6907
hearing on the petition. The filing of a petition for a review 6908
shall not stay the revocation during the pendency of the appeal. 6909

(E) No person whose license, permit, or stamp, or a 6910
combination thereof, has been revoked under this section shall 6911
attempt to purchase, purchase, apply for, or receive any hunting 6912
license, fur taker permit, special deer permit, special wild 6913
turkey permit, or wetlands habitat stamp issued under this chapter 6914
or engage in hunting during the time any such license, permit, or 6915
stamp, or a combination thereof, is revoked. 6916

Sec. 1533.24. Except as otherwise provided by division rule, 6917
every fur dealer shall keep a daily record on forms provided by 6918
the division of wildlife of all purchases and sales of furs, 6919
skins, or parts thereof of fur-bearing animals made during the 6920
previous year. The daily record shall include any pertinent 6921
information that the division may require. The information may 6922
include, but not be limited to, the number and kinds bought and 6923

sold, the dates of each purchase and sale, identification of all 6924
purchases from another fur dealer, and the state and counties in 6925
which the furs, skins, or parts thereof were taken, ~~and other~~ 6926
~~pertinent information that the division may require.~~ Every fur 6927
dealer shall submit completed forms to the division of all 6928
transactions made during the preceding season by the fifteenth day 6929
of May each year. All records required to be maintained by a fur 6930
dealer shall be open at all reasonable times to inspection by duly 6931
authorized division personnel who may inspect the furs, skins, or 6932
parts thereof on hand at any time and check and verify the records 6933
and reports required to be kept. 6934

No common carrier shall knowingly ship or transport or 6935
receive for transportation or shipment any green or dried furs, 6936
skins, or parts thereof of fur-bearing animals unless there is 6937
plainly written thereon the name of the shipper and the number of 6938
~~his~~ the shipper's hunting license or fur dealer's permit. 6939

Sec. 1533.67. The chief of the division of wildlife, wildlife 6940
officers, and ~~such~~ other employees of the division ~~as~~ that the 6941
chief specifies may serve and execute warrants and other processes 6942
of law issued in the enforcement of sections 2923.12, 2923.15, and 6943
2923.16 of the Revised Code and in the enforcement of any law or 6944
division rule governing the taking, possession, protection, 6945
preservation, or propagation of wild animals, or for protection 6946
against the wrongful use or occupancy of state owned or leased 6947
lands and waters, and property under division control, or in the 6948
enforcement of section 3767.32 or any other section of the Revised 6949
Code prohibiting the dumping of refuse into or along waters, or in 6950
the enforcement of a criminal law of the state when violation 6951
~~thereof of it~~ involves equipment or property owned, leased, or 6952
controlled by the division, in the same manner as a sheriff or 6953
constable may serve or execute a process, and may arrest on sight 6954

and without a warrant a person found violating any such law or 6955
rule. The chief or any wildlife officer has the same authority as 6956
sheriffs to require aid in executing a process or making an 6957
arrest. They may seize without process each part of a wild animal 6958
in the possession of a person violating any law or division rule 6959
governing the taking, possession, protection, preservation, or 6960
propagation of wild animals, together with any boat, gun, net, 6961
seine, trap, ferret, or device with which those animals were taken 6962
or killed, or that was used in taking or killing them, and any 6963
firearm, deadly weapon, or dangerous ordnance, as defined in 6964
section 2923.11 of the Revised Code, used or possessed contrary to 6965
sections 2923.12, 2923.15, and 2923.16 of the Revised Code, and 6966
immediately convey the person so offending before any judge of a 6967
county court or judge of a municipal court having jurisdiction 6968
over the area in which the offense was committed. ~~No~~ 6969

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No person shall interfere with, threaten, abuse, assault, 6971
resist, or in any manner deter or attempt to deter a wildlife 6972
officer or any other officer having like authority from carrying 6973
into effect any law or division rule governing the taking, 6974
possession, protection, preservation, or propagation of wild 6975
animals, or for protection against wrongful use or occupancy of 6976
state-owned or leased lands and waters, and property under 6977
division control, or any law pertaining to the ~~wearing or~~ 6978
exhibiting of any license or permit required by this chapter or 6979
Chapter 1531. of the Revised Code, or regulating hunting and 6980
trapping on the lands of another. No person shall interfere with, 6981
threaten, abuse, assault, resist, or in any manner deter or 6982
attempt to deter a wildlife officer or any other officer having 6983
like authority from enforcing or from serving or executing any 6984
warrant or other process issued in the enforcement of section 6985
3767.32 or any other section of the Revised Code prohibiting the 6986

dumping of refuse into or along waters, or a criminal law of the 6987
state when violation ~~thereof~~ of it involves equipment or property 6988
owned, leased, or controlled by the division, or any of the 6989
provisions set forth in section 2923.12, 2923.15, or 2923.16 of 6990
the Revised Code regulating use or possession of firearms, deadly 6991
weapons, or dangerous ordnance, as defined in section 2923.11 of 6992
the Revised Code. Arrests for such offenses may be made on Sunday, 6993
in which case the offender immediately shall be taken before any 6994
court or magistrate given jurisdiction in such cases by this 6995
section and required by that court or magistrate to give bond for 6996
~~his~~ the offender's appearance at a time fixed for hearing of the 6997
complaint on a weekday as soon after the arrest is made as is 6998
practicable. If a bond is required of an offender in such a case 6999
and ~~he~~ the offender fails to give it, the court shall order ~~him~~ 7000
the offender committed to the county jail or to some other 7001
suitable place of confinement until the time for the hearing. The 7002
court may make any other arrangements to insure the appearance of 7003
the offender at the designated time it considers advisable. The 7004
jailer or officer in charge of the place of confinement designated 7005
by the court shall receive the person so committed. 7006

Sec. 1533.68. If a person is convicted of a violation of any 7007
law relative to the taking, possession, protection, preservation, 7008
or propagation of wild animals, or a violation of division (C) of 7009
section 2909.08 of the Revised Code while hunting, or is convicted 7010
of a violation of any rule of the division of wildlife, the court 7011
or magistrate before whom the conviction is had, as an additional 7012
part of the penalty in each case, shall suspend or revoke each 7013
license or permit issued to the person in accordance with any 7014
section of the Revised Code pertaining to the hunting, fishing, 7015
trapping, breeding, and sale of wild animals or the sale of their 7016
hides, skins, or pelts. No fee paid for such a license or permit 7017
shall be returned to the person. 7018

No person having a license or permit suspended or revoked as
provided in this section, in the event of a hunting or trapping
violation, shall engage in hunting or trapping, in the event of a
violation of division (C) of section 2909.08 of the Revised Code
while hunting, shall engage in hunting, or in the event of a
fishing violation, shall engage in fishing, or purchase, apply
for, or receive any such license or permit for the following
periods of time, as applicable:

(A) Three years after the date of conviction, if the person
is convicted of taking or possessing a deer in violation of
section 1531.02 of the Revised Code;

(B) Not more than three years after the date of conviction,
if the person is convicted of taking or possessing any other wild
animal in violation of section 1531.02 of the Revised Code, is
convicted of a misdemeanor violation of division (C) of section
2909.08 of the Revised Code while hunting, or is convicted of a
second or subsequent violation of section 1533.17 of the Revised
Code within a period of three consecutive years after the date of
conviction of the immediately preceding violation of that section;

(C) Not more than five years after the date of conviction, if
the person is convicted of violating section 1533.171 or of taking
or possessing an eagle or osprey in violation of section 1533.07
of the Revised Code, or is convicted of a felony violation of
division (C) of section 2909.08 of the Revised Code while hunting;

(D) Not more than five years after the date of conviction if
the person is convicted of violating any section of this chapter
or Chapter 1531. Of the Revised Code not specified in division
(A), (B), or (C) of this section.

All licenses and permits suspended or revoked as provided in
this section shall be taken up by the magistrate and sent to the

department of natural resources where they shall be filed with a
record of the arrest until the person who held the suspended or
revoked license or permit is lawfully entitled to obtain another
license or permit.

Sec. 1533.70. As used in sections 1533.71 to 1533.80 of the
Revised Code:

(A) "Wholly enclosed preserve" means an area of land that is
surrounded by a fence that is at least six feet in height and is
constructed of a woven wire mesh, or ~~such other~~ another enclosure
~~as that~~ the division of wildlife may approve, where game birds,
game quadrupeds, reptiles, amphibians, or fur-bearing animals are
raised and may be sold under the authority of a commercial
propagating license obtained under section 1533.71 of the Revised
Code.

(B) "Commercial bird shooting preserve" means an area of land
where game birds are released and hunted by shooting as authorized
by a commercial bird shooting preserve license obtained under
section 1533.72 of the Revised Code.

(C) "Wild animal hunting preserve" means an area of land
where game and nonnative wildlife, other than game birds, are
released and hunted as authorized by a wild animal hunting
preserve license obtained under section 1533.721 of the Revised
Code.

(D) All definitions set forth in section 1531.01 of the
Revised Code apply to ~~these~~ sections 1533.70 to 1533.80 Of the
Revised Code.

Sec. 1533.71. ~~Any~~ Unless otherwise provided by division rule,
any person desiring to engage in the business of raising and
selling game birds, game quadrupeds, reptiles, amphibians, or
fur-bearing animals in a wholly enclosed preserve of which ~~he~~ the

person is the owner or lessee, or to have game birds, game 7080
quadrupeds, reptiles, amphibians, or fur-bearing animals in 7081
captivity, ~~may~~ shall apply in writing to the division of wildlife 7082
for a license to do so. 7083

The division, when it appears that the application is made in 7084
good faith, ~~shall,~~ and upon the payment of the fee for each 7085
license, shall issue to the applicant ~~such~~ any of the following 7086
licenses ~~as~~ that may be applied for: 7087

(A) "Commercial propagating license" permitting the licensee 7088
to propagate game birds, game quadrupeds, reptiles, amphibians, or 7089
fur-bearing animals in the wholly enclosed preserve the location 7090
of which is stated in the license and the application therefor, 7091
and to sell ~~such~~ the propagated game birds, game quadrupeds, 7092
reptiles, amphibians, or fur-bearing animals and ship them from 7093
the state alive at any time, and permitting the licensee and the 7094
licensee's employees to kill ~~such~~ the propagated game birds, game 7095
quadrupeds, or fur-bearing animals and sell the carcasses for food 7096
subject to sections 1533.70 to 1533.80 of the Revised Code. The 7097
fee for such a license is twenty-five dollars per annum. 7098

(B) "Noncommercial propagating license" permitting the 7099
licensee to propagate game birds, game quadrupeds, reptiles, 7100
amphibians, or fur-bearing animals and to hold ~~such~~ the animals in 7101
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 7102
fur-bearing animals propagated or held in captivity by authority 7103
of a noncommercial propagating license are for the licensee's own 7104
use and shall not be sold. The fee for such a license is ten 7105
dollars per annum. 7106

(C) A free "raise to release license" permitting duly 7107
organized clubs, associations, or individuals approved by the 7108
division to engage in the raising of game birds, game quadrupeds, 7109
or fur-bearing animals for release only and not for sale or 7110

personal use.

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Except as provided by law, no person shall possess game
birds, game quadrupeds, or fur-bearing animals in closed season,
provided that municipal or governmental zoological parks ~~shall~~ are
not ~~be~~ required to obtain the licenses provided for in this
section.

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All licenses issued under this section shall expire on the
fifteenth day of March of each year.

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The chief of the division of wildlife shall pay all moneys
received as fees for the issuance of ~~such~~ licenses under this
section into the state treasury to the credit of the fund created
by section 1533.15 of the Revised Code for the use of the division
in the purchase, preservation, and protection of wild animals, and
for the necessary clerical help and forms required by sections
1533.70 to 1533.80 of the Revised Code.

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The chief shall adopt rules establishing standards, including
specifications for cages or other enclosures, for holding wild
animals in captivity.

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This section does not authorize the taking or the release for
taking of the following:

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(1) Game birds, without first obtaining a commercial bird
shooting preserve license issued under section 1533.72 of the
Revised Code;

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(2) Game or nonnative wildlife, without first obtaining a
wild animal hunting preserve license issued under section 1533.721
of the Revised Code.

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Sec. 1533.82. (A) On receipt of a notice pursuant to section
2301.373 of the Revised Code, the chief of the division of
wildlife shall comply with that section with respect to a license
~~or~~, permit, or certificate issued pursuant to section 1533.23,

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1533.34, 1533.342, 1533.39, 1533.40, 1533.51, 1533.631, 1533.71, 7141
1533.72, ~~or~~ 1533.81, 1533.88, or 1533.881 of the Revised Code. 7142

(B) On receipt of a notice pursuant to section 2301.375 of 7143
the Revised Code, the chief ~~of the division of wildlife~~ shall 7144
comply with that section with respect to a license, permit, or 7145
stamp issued pursuant to section 1533.10, 1533.11, 1533.111, 7146
1533.112, or 1533.32 of the Revised Code. 7147

Sec. ~~1518.20~~ 1533.86. As used in sections ~~1518.20~~ 1533.86 to 7148
~~1518.27~~ 1533.90 of the Revised Code: 7149

(A) "Ginseng" means the plant *Panax quinquefolius* L., also 7150
known as *Panax quinquefolium* L., commonly known as American 7151
ginseng. 7152

(B) "Wild ginseng" means ginseng that grows in an 7153
uncultivated state and in its natural habitat, whether the plant 7154
occurs naturally from that habitat or was introduced or increased 7155
in abundance by sowing ginseng seed or transplanting ginseng 7156
plants from other areas and performing no other cultivation 7157
practices. 7158

(C) "Cultivated ginseng" means ginseng that grows or has been 7159
grown in tilled beds under the shade of artificial structures or 7160
natural shade and is cultivated according to standard ginseng 7161
horticultural practices. 7162

(D) "Harvest" means to cut, pick, dig, root up, gather, or 7163
otherwise collect ginseng. 7164

(E) "Person" includes any legal entity defined as a person 7165
under section 1.59 of the Revised Code and any political 7166
subdivision, instrumentality, or agency of this state, another 7167
state, or the United States. 7168

(F) "Collector" means a person who harvests ginseng. 7169

(G) "Grower" means a person who grows cultivated ginseng.	7170
(H) "Dealer" means a person who buys or otherwise acquires or conveys ginseng for resale.	7171 7172
(I) "Buy" includes trade or barter.	7173
(J) "Sell" includes trade or barter.	7174
Sec. 1518.21 <u>1533.87</u> . There is hereby established in the department of natural resources the Ohio ginseng management program, which shall be administered by the chief of the division of natural areas and preserves <u>wildlife</u> . The program shall be administered to achieve and maintain a sustained yield of ginseng so that harvesting of the plant is not detrimental to the survival of the species. The chief shall do all things necessary to regulate the harvesting of wild ginseng and the buying, possession, transportation, sale, offering for sale, or exposure for sale of wild or cultivated ginseng.	7175 7176 7177 7178 7179 7180 7181 7182 7183 7184
Sec. 1518.22 <u>1533.88</u> . The chief of the division of natural areas and preserves <u>wildlife</u> shall adopt and may amend or rescind rules in accordance with Chapter 119. <u>under section 1531.10</u> of the Revised Code as necessary to carry out the purposes of sections 1518.20 <u>1533.86</u> to 1518.27 <u>1533.90</u> of the Revised Code, including, but not limited to:	7185 7186 7187 7188 7189 7190
(A) Establishing a harvest season for wild ginseng;	7191
(B) Establishing a certification program for <u>all</u> legally harvested ginseng that is to be exported from the state or is bought or sold outside the buying season , including setting a certification fee;	7192 7193 7194 7195
(C) Establishing a buying season for ginseng that has not yet been certified in accordance with rules adopted under division (B) of this section;	7196 7197 7198

(D) Establishing a registration permit system to authorize ginseng dealers to buy or otherwise acquire or convey ginseng for resale and export;

(E) Establishing a record system to be kept by collectors, dealers, and growers of ginseng;

(F) Developing educational materials about ginseng, ginseng regulation, and the Ohio ginseng management program.

Sec. ~~1518.23~~ 1533.881. No person shall buy or otherwise acquire or convey ginseng for resale or export without a registration permit issued annually by the chief of the division of ~~natural areas and preserves~~ wildlife in accordance with rules adopted ~~under~~ pursuant to section ~~1518.22~~ 1533.88 of the Revised Code. In addition to any other penalty, the chief may refuse to issue a permit to or suspend the permit of any person who fails to comply with sections ~~1518.20~~ 1533.86 to ~~1518.27~~ 1533.90 of the Revised Code or rules adopted ~~under~~ pursuant to section ~~1518.22~~ 1533.88 of the Revised Code. ~~A person denied a permit is entitled to a hearing in accordance with Chapter 119. of the Revised Code. A person whose permit is to be suspended shall be afforded the opportunity for a hearing under Chapter 119. of the Revised Code prior to the final decision to suspend his permit.~~

Sec. ~~1518.24~~ 1533.882. No person shall do any of the following:

(A) Without written authorization from the chief of the division of ~~natural areas and preserves~~ wildlife, harvest wild ginseng except during the harvesting season as established by rule ~~under~~ adopted pursuant to section ~~1518.22~~ 1533.88 of the Revised Code;

(B) Without first obtaining written permission from the person entitled to the ginseng, willfully destroy, injure, or

harvest ginseng that is the property of that person, ~~except that~~ 7229
~~wild ginseng may be harvested on public property when the public~~ 7230
~~entity that is responsible for the property has authorized~~ 7231
~~permission to harvest wild ginseng;~~ 7232

(C) Ship or otherwise transport out of state ginseng that has 7233
not been certified in accordance with rules adopted ~~under~~ pursuant 7234
to division (B) of section ~~1518.22~~ 1533.88 of the Revised Code; 7235
7236

(D) Except during the buying season as established by rule 7237
~~under~~ adopted pursuant to section ~~1518.22~~ 1533.88 of the Revised 7238
Code, buy, otherwise acquire, or sell uncertified ginseng; 7239

(E) Fail to keep records as established by rule ~~under~~ adopted 7240
pursuant to section ~~1518.22~~ 1533.88 of the Revised Code; 7241

(F) Possess ginseng from another state without a certificate 7242
of legal taking issued by that state under its ginseng management 7243
program; 7244

(G) Knowingly provide incorrect or false information on or in 7245
any permit application, report, export certificate, or other 7246
document required by rules adopted ~~under~~ pursuant to section 7247
~~1518.22~~ 1533.88 of the Revised Code; 7248

(H) Violate any provision of sections ~~1518.20~~ 1533.86 to 7249
~~1518.27~~ 1533.90 of the Revised Code or rules adopted ~~under~~ 7250
pursuant to section ~~1518.22~~ 1533.88 of the Revised Code. 7251

Sec. ~~1518.25~~ 1533.89. Any sheriff, deputy sheriff, marshal, 7252
deputy marshal, municipal police officer, township constable, 7253
park, preserve, or forest officer, conservancy district police 7254
officer, or other law enforcement officer, within the limits of 7255
~~his~~ the officer's jurisdiction, may enforce sections ~~1518.20~~ 7256
1533.86 to ~~1518.27~~ 1533.90 of the Revised Code and rules adopted 7257
~~under~~ pursuant to section ~~1518.22~~ 1533.88 of the Revised Code, and 7258

any ~~preserve or~~ wildlife officer may enforce those sections and 7259
rules throughout the state. 7260

Sec. ~~1518.26~~ 1533.89¹. The chief of the division of ~~natural~~ 7261
~~areas and preserves~~ wildlife shall seize any ginseng harvested or 7262
acquired in violation of any provision of sections ~~1518.20~~ 1533.86 7263
to ~~1518.27~~ 1533.90 of the Revised Code or rules adopted ~~under~~ 7264
pursuant to section ~~1518.22~~ 1533.88 of the Revised Code. Ginseng 7265
so seized is forfeited to the state, to be disposed of as directed 7266
by the chief. 7267

Sec. ~~1518.27~~ 1533.90. Unless otherwise directed by the 7268
director of natural resources, all ~~fee fees~~, fines, penalties, and 7269
forfeitures arising from prosecutions, convictions, confiscations, 7270
or other actions taken under sections ~~1518.20~~ 1533.86 to ~~1518.27~~ 7271
1533.90 of the Revised Code shall be paid into the state treasury 7272
to the credit of the ~~ginseng management program~~ wildlife fund, 7273
~~which is hereby~~ created under section 1531.17 Of the Revised Code, 7274
to be used for the administration of sections ~~1518.20~~ 1533.86 to 7275
~~1518.27~~ 1533.90 of the Revised Code. 7276

Sec. 1533.99. (A) Whoever violates section 1533.17 of the 7277
Revised Code is guilty of a misdemeanor of the third degree on a 7278
first offense and a misdemeanor of the second degree on each 7279
subsequent offense. In addition to any other sanction imposed 7280
under this division, on a second or subsequent offense occurring 7281
within a period of three consecutive years after the date of 7282
conviction of the immediately preceding violation of that section 7283
any firearms or other hunting implements in the possession or 7284
under the control of the offender at the time of the violation are 7285
subject to seizure in accordance with section 1531.20 of the 7286
Revised Code. If the offender persists in the offense after 7287
reasonable warning or request to desist, the offender is guilty of 7288

a misdemeanor of the second degree. 7289

(B) Whoever violates section 1533.161, 1533.23, 1533.24, 7290
1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 1533.55, 7291
1533.56, 1533.58, 1533.62, 1533.631, 1533.66, 1533.71, 1533.72, 7292
1533.73, 1533.74, 1533.75, 1533.76, 1533.77, 1533.78, 1533.79, or 7293
1533.80, division (F) of section 1533.731, or division (B) or (C) 7294
of section 1533.97 of the Revised Code is guilty of a misdemeanor 7295
of the third degree. 7296

(C) Whoever violates division (B) of section 1533.03, section 7297
1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35, 1533.42, 7298
1533.51, 1533.63, 1533.64, 1533.67, 1533.68, ~~or~~ 1533.721, 7299
1533.881, or 1533.882, division (B)(2) or (3) of section 1533.731, 7300
or division (A) of section 1533.97 of the Revised Code is guilty 7301
of a misdemeanor of the first degree. 7302

(D) Whoever violates division (D) of section 1533.97 of the 7303
Revised Code is guilty of a misdemeanor of the fourth degree. The 7304
court shall require any person who is convicted of or pleads 7305
guilty to the offense to refund to all participants in the fishing 7306
tournament operated by the person any entry fees paid by the 7307
participants. 7308

(E) Whoever violates division (C) or (D) of section 1533.632 7309
of the Revised Code is guilty of a felony of the fifth degree. 7310

(F) Whoever violates any section of this chapter for which no 7311
penalty is otherwise provided is guilty of a misdemeanor of the 7312
fourth degree. 7313

(G) A court that imposes sentence for a violation of any 7314
section of this chapter governing the holding, taking, or 7315
possession of wild animals shall require the person who is 7316
convicted of or pleads guilty to the offense, in addition to any 7317
fine, term of imprisonment, seizure, and forfeiture imposed, to 7318

make restitution for the minimum value of the wild animal or 7319
animals illegally held, taken, or possessed as established under 7320
section 1531.201 of the Revised Code. An officer who collects 7321
moneys paid as restitution under this section shall pay those 7322
moneys to the treasurer of state who shall deposit them in the 7323
state treasury to the credit of the wildlife fund established 7324
under section 1531.17 of the Revised Code. 7325

Sec. 1541.03. All lands and waters dedicated and set apart 7326
for state park purposes shall be under the control and management 7327
of the division of parks and recreation, which shall protect, 7328
maintain, and keep them in repair. The division shall have the 7329
following powers over all such lands and waters: 7330

(A) To make alterations and improvements; 7331

(B) To construct and maintain dikes, wharves, landings, 7332
docks, dams, and other works; 7333

(C) To construct and maintain ~~such~~ roads and drives in, 7334
around, upon, and to ~~such~~ the lands and waters ~~as shall~~ to make 7335
them conveniently accessible and useful to the public; 7336

(D) To adopt, ~~rescind~~ amend, and ~~amend~~ rescind, in accordance 7337
with ~~sections 119.01 to 119.13~~ Chapter 119. of the Revised Code, 7338
rules necessary for the proper management of state parks, bodies 7339
of water, and the lands adjacent ~~thereto~~ to them under its 7340
jurisdiction and control, including the following: 7341

(1) Governing opening and closing times and dates of ~~such~~ the 7342
parks; 7343

(2) Establishing fees and charges for admission to state 7344
parks and for use of facilities ~~therein~~ in them; 7345

(3) Governing camps, camping, and fees ~~therefor~~ for camps and
camping; 7346
7347

(4) Governing the application for and rental of ~~cabins,~~ 7348
rental fees ~~therefor~~ for, and the use of cabins; 7349

(5) Relating to public use of state park lands, and governing 7350
the operation of motor vehicles, including speeds, and parking, on 7351
~~such~~ those lands; 7352

(6) ~~Uniform rules governing~~ Governing all advertising within 7353
state parks and the requirements for the operation of places 7354
selling tangible personal property and control of food service 7355
sales on lands and waters under the control of the division, which 7356
rules shall establish uniform requirements; 7357

(7) Providing uniform standards relating to the size, type, 7358
location, construction, and maintenance of structures and devices 7359
used for fishing or moorage of watercraft, rowboats, sailboats, 7360
and powercraft, as those terms are defined in section 1547.01 of 7361
the Revised Code, over waters under the control of the division 7362
and establishing reasonable fees for the construction of and 7363
annual use permits for those structures and devices; 7364

(8) Governing state beaches, swimming, inflatable devices, 7365
and fees ~~therefor~~ for them; 7366

(9) Governing the removal and disposition of any watercraft, 7367
rowboat, sailboat, or powercraft, as those terms are defined in 7368
section 1547.01 of the Revised Code, left unattended for more than 7369
seven days on any lands or waters under the control of the 7370
division; 7371

(10) Governing the establishment and collection of check 7372
collection charges for checks that are returned to the division or 7373
dishonored for any reason. 7374

Every resident of this state with a disability that has been 7375
determined by the veterans administration to be permanently and 7376
totally disabling, who receives a pension or compensation from the 7377

veterans administration, and who received an honorable discharge 7378
from the armed forces of the United States, and every veteran to 7379
whom the registrar of motor vehicles has issued a set of license 7380
plates under section ~~4503.101~~ 4503.41 of the Revised Code, shall 7381
be exempt from the fees for camping, provided that the resident or 7382
veteran carries in the state park such evidence of ~~his~~ the 7383
resident's or veteran's disability as the chief of the division of 7384
parks and recreation prescribes by rule. 7385

Every resident of this state who is sixty-five years of age 7386
or older or who is permanently and totally disabled and who 7387
furnishes evidence of ~~such that~~ age or disability in a manner 7388
prescribed by division rule shall be charged one-half of the 7389
regular fee for camping, except on the ~~week-ends~~ weekends and 7390
holidays designated by the division. ~~No such~~ Such a person shall 7391
not be charged more than ninety per cent of the regular charges 7392
for state recreational facilities, equipment, services, and food 7393
service operations utilized by ~~him~~ the person at any time of year, 7394
whether maintained or operated by the state or leased for 7395
operation by another entity. 7396

As used in this section, "food service operations" means 7397
restaurants ~~which~~ that are owned by the department of natural 7398
resources at Hocking Hills, Lake Hope, Malabar Farm, and Rocky 7399
Fork state parks, or are part of a state park lodge. ~~It~~ "Food
service operations" does not include automatic vending machines, 7401
concession stands, or snack bars. 7402

As used in this section, "prisoner of war" means any 7403
regularly appointed, enrolled, enlisted, or inducted member of the 7404
military forces of the United States who was captured, separated, 7405
and incarcerated by an enemy of the United States. Any person who 7406
has been a prisoner of war, was honorably discharged from the 7407
military forces, and is a resident of this state is exempt from 7408
the fees for camping. To claim this exemption, the person shall 7409

present written evidence in the form of a record of separation, a
letter from one of the military forces of the United States, or
such other evidence as the chief prescribes by rule that satisfies
the eligibility criteria established by this section ~~for this~~
~~exemption.~~

Sec. 1541.10. Any person selected by the chief of the
division of parks and recreation for custodial or patrol service
on the lands and waters operated or administered by the division
of parks and recreation shall be employed in conformity with the
law applicable to the classified civil service of the state.
Subject to section 1541.11 of the Revised Code, the chief may
designate that person as a park officer. A park officer ~~has~~, on
any lands and waters owned, controlled, maintained, or
administered by the department of natural resources and on
~~roadways~~ highways, as defined in section 4511.01 Of the Revised
Code, adjacent to lands and waters owned, controlled, maintained,
or administered by the division ~~of parks and recreation,~~ has the
authority ~~vested in police officers~~ specified under section
2935.03 of the Revised Code for peace officers of the department
of natural resources to keep the peace, to enforce all laws and
~~all~~ rules governing those lands and waters, and to make arrests
for violation of those laws and rules, provided that ~~such the~~
authority shall be exercised on lands or waters administered by
another division of the department only pursuant to an agreement
with the chief of that division or to a request for assistance by
an enforcement officer of that division in an emergency. A park
officer, in or along any watercourse within, abutting, or upstream
from the boundary of any area administered by the department, has
the authority to enforce section 3767.32 of the Revised Code and
any other laws prohibiting the dumping of refuse into or along
waters and to make arrests for violation of those laws. The
jurisdiction of park officers shall be concurrent with that of the

peace officers of the county, township, or municipal corporation 7442
in which the violation occurs. A state park, for purposes of this 7443
section, is any area that is administered as a state park by the 7444
division of parks and recreation. 7445

The governor, upon the recommendation of the chief, shall 7446
issue to each park officer a commission indicating authority to 7447
make arrests as provided in this section. 7448

The chief shall furnish a suitable badge to each commissioned 7449
park officer as evidence of that park officer's authority. 7450

If any person employed under this section is designated by 7451
the chief to act as an agent of the state in the collection of 7452
~~money~~ moneys resulting from the sale of licenses, fees of any 7453
nature, or other moneys belonging to the state, the chief shall 7454
require a surety bond from that person in an amount not less than 7455
one thousand dollars. 7456

A park officer may render assistance to a state or local law 7457
enforcement officer at the request of that officer or may render 7458
assistance to a state or local law enforcement officer in the 7459
event of an emergency. 7460

Park officers serving outside the division of parks and 7461
recreation under this section or serving under the terms of a 7462
mutual aid compact authorized under section 1501.02 of the Revised 7463
Code shall be considered as performing services within their 7464
regular employment for the purposes of compensation, pension or 7465
indemnity fund rights, workers' compensation, and other rights or 7466
benefits to which they may be entitled as incidents of their 7467
regular employment. 7468

Park officers serving outside the division of parks and 7469
recreation under this section or under a mutual aid compact retain 7470
personal immunity from civil liability as specified in section 7471

9.86 of the Revised Code and shall not be considered an employee 7472
of a political subdivision for purposes of Chapter 2744. of the 7473
Revised Code. A political subdivision that uses park officers 7474
under this section or under the terms of a mutual aid compact 7475
authorized under section 1501.02 of the Revised Code is not 7476
subject to civil liability under Chapter 2744. of the Revised Code 7477
as the result of any action or omission of any park officer acting 7478
under this section or under a mutual aid compact. 7479

Sec. 1547.01. (A) As used in sections 1541.03, 1547.25, 7480
1547.26, 1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 7481
1547.543, 1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the 7482
Revised Code, "watercraft" means any of the following when used or 7483
capable of being used for transportation on the water: 7484

(1) A ~~boat~~ vessel operated by machinery either permanently or 7485
temporarily affixed; 7486

(2) A sailboat other than a sailboard; 7487

(3) An inflatable, manually propelled boat having a hull 7488
identification number meeting the requirements of the United 7489
States coast guard; 7490

(4) A canoe or ~~row boat~~ rowboat. 7491

"Watercraft" does not include ferries as referred to in 7492
Chapter 4583. of the Revised Code. 7493

Watercraft subject to section 1547.54 of the Revised Code 7494
shall be divided into five classes as follows: 7495

Class A: Less than sixteen feet in length; 7496

Class 1: At least sixteen feet, but less than twenty-six feet 7497
in length; 7498

Class 2: At least twenty-six feet, but less than forty feet 7499
in length; 7500

Class 3: At least forty feet, but less than sixty-five feet	7501
in length;	7502
Class 4: At least sixty-five feet in length.	7503
(B) As used in this chapter:	7504
(1) "Vessel" includes every description of watercraft,	7505
including nondisplacement craft and seaplanes, used or capable of	7506
being used as a means of transportation on water.	7507
(2) "Rowboat" means any vessel designed to be rowed and that	7508
is propelled by human muscular effort by oars or paddles and upon	7509
which no mechanical propulsion device, electric motor, internal	7510
combustion engine, or sail has been affixed or is used for the	7511
operation of the vessel.	7512
(3) "Sailboat" means any vessel, equipped with mast and	7513
sails, dependent upon the wind to propel it in the normal course	7514
of operation.	7515
(a) Any sailboat equipped with an inboard engine is deemed a	7516
powercraft with auxiliary sail.	7517
(b) Any sailboat equipped with <u>a</u> detachable motor is deemed a	7518
sailboat with auxiliary power.	7519
(c) Any sailboat being propelled by mechanical power, whether	7520
under sail or not, is deemed a powercraft and subject to all laws	7521
and rules governing powercraft operation.	7522
(4) "Powercraft" means any vessel propelled by machinery,	7523
fuel, rockets, or similar device.	7524
(5) "Person" includes any legal entity defined as a person in	7525
section 1.59 of the Revised Code and any body politic, except the	7526
United States and this state, and includes any agent, trustee,	7527
executor, receiver, assignee, or other representative thereof.	7528
(6) "Owner" includes any person who claims lawful possession	7529

of a vessel by virtue of legal title or equitable interest therein	7530
that entitled the person to that possession.	7531
(7) "Operator" includes any person who navigates or has under	7532
the person's control a vessel, or vessel and detachable motor, on	7533
the waters in this state.	7534
(8) "Visible" means visible on a dark night with clear	7535
atmosphere.	7536
(9) "Waters in this state" means all streams, rivers, lakes,	7537
ponds, marshes, watercourses, waterways, and other bodies of	7538
water, natural or humanmade, that are situated wholly or partially	7539
within this state or within its jurisdiction and are used for	7540
recreational boating.	7541
(10) "Navigable waters" means waters that come under the	7542
jurisdiction of the department of the army of the United States	7543
and any waterways within or adjacent to this state, except inland	7544
lakes having neither a navigable inlet nor outlet.	7545
(11) "In operation" in reference to a vessel means that the	7546
vessel is being navigated or otherwise used on the waters in this	7547
state.	7548
(12) "Sewage" means human body wastes and the wastes from	7549
toilets and other receptacles intended to receive or retain body	7550
waste.	7551
(13) "Canoe" means a narrow vessel of shallow draft, pointed	7552
at both ends and propelled by human muscular effort, and includes	7553
kayaks.	7554
(14) "Coast guard approved" means bearing an approval number	7555
assigned by the United States coast guard.	7556
(15) "Type one personal flotation device" means a device that	7557
is designed to turn an unconscious person floating in water from a	7558
face downward position to a vertical or slightly face upward	7559

position and that has at least nine kilograms, approximately 7560
twenty pounds, of buoyancy. 7561

(16) "Type two personal flotation device" means a device that 7562
is designed to turn an unconscious person in the water from a face 7563
downward position to a vertical or slightly face upward position 7564
and that has at least seven kilograms, approximately fifteen and 7565
four-tenths pounds, of buoyancy. 7566

(17) "Type three personal flotation device" means a device 7567
that is designed to keep a conscious person in a vertical or 7568
slightly face upward position and that has at least seven 7569
kilograms, approximately fifteen and four-tenths pounds, of 7570
buoyancy. 7571

(18) "Type four personal flotation device" means a device 7572
that is designed to be thrown to a person in the water and not 7573
worn and that has at least seven and five-tenths kilograms, 7574
approximately sixteen and five-tenths pounds, of buoyancy. 7575

(19) "Type five personal flotation device" means a device 7576
that, unlike other personal flotation devices, has limitations on 7577
its approval by the United States coast guard, including, without 7578
limitation, all of the following: 7579

(a) The approval label on the type five personal flotation 7580
device indicates that the device is approved for the activity in 7581
which the vessel is being used or as a substitute for a personal 7582
flotation device of the type required on the vessel in use; 7583

(b) The personal flotation device is used in accordance with 7584
any requirements on the approval label; 7585

(c) The personal flotation device is used in accordance with 7586
requirements in its owner's manual if the approval label refers to 7587
such a manual. 7588

(20) "Inflatable watercraft" means any vessel constructed of 7589

rubber, canvas, or other material that is designed to be inflated 7590
with any gaseous substance, constructed with two or more air 7591
cells, and operated as a vessel. Inflatable watercraft propelled 7592
by a motor shall be classified as powercraft and shall be 7593
registered by length. 7594

(21) "Idle speed" means the slowest possible speed needed to 7595
maintain steerage or maneuverability. 7596

(22) "Diver's flag" means a red flag not less than one foot 7597
square having a diagonal white stripe extending from the masthead 7598
to the opposite lower corner that when displayed indicates that 7599
divers are in the water. 7600

(23) "Muffler" means an acoustical suppression device or 7601
system that is designed and installed to abate the sound of 7602
exhaust gases emitted from an internal combustion engine and that 7603
prevents excessive or unusual noise. 7604

(24) "Law enforcement vessel" means any vessel used in law 7605
enforcement and under the command of a law enforcement officer. 7606

(25) "Personal watercraft" means a vessel, less than sixteen 7607
feet in length, that is propelled by machinery and designed to be 7608
operated by an individual sitting, standing, or kneeling on the 7609
vessel rather than by an individual sitting or standing inside the 7610
vessel. 7611

(26) "No wake" has the same meaning as "idle speed." 7612

(C) Unless otherwise provided, this chapter applies to all 7613
vessels operating on the waters in this state. Nothing in this 7614
chapter shall be construed in contravention of any valid federal 7615
act or ~~rule~~ regulation, but is in addition to the act or ~~rule~~ 7616
regulation where not inconsistent. 7617

The state reserves to itself the exclusive right to regulate 7618
the minimum equipment requirements of watercraft and vessels 7619

operated on the waters in this state.

7620

Sec. 1547.03. No person shall install or use any
intermittently flashing light of any type or color on any vessel
in use or operation on the waters in this state, ~~except that such~~
~~flashing lights may be installed and used in an emergency to~~
~~attract attention to such an emergency for aid and relief of the~~
~~distressed, and except that a blue revolving or flashing~~
~~horizontal beam located at any effective point on the vessel may~~
~~be displayed by authorized patrol boats when engaged in law~~
~~enforcement duties day or night on waters in this state in~~
accordance with federal law.

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No person shall operate or permit to be operated any vessel
on the waters in this state in violation of this section.

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Sec. 1547.04. No person, except an authorized watercraft
representative of the federal government, the state, or any of its
political subdivisions shall use or operate a siren on the waters
in this state except for emergency purposes.

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No person shall operate or permit to be operated any vessel
on the waters in this state in violation of this section.

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Sec. 1547.08. (A) No person shall operate a vessel within or
through a designated bathing area or within or through any area
that has been buoyed off designating it as an area in which
vessels are prohibited.

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(B)(1) No person shall operate a vessel at greater than idle
speed or at a speed that creates a wake within three hundred feet
of any marina, boat docking facility, boat gasoline dock, launch
ramp, recreational boat harbor, or harbor entrance, or during the
period from sunset to sunrise according to local time within any
water between the Dan Beard bridge and the Brent Spence bridge on

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the Ohio river for any vessel not documented by the United States 7649
coast guard as commercial, or within any area buoyed or marked as 7650
a no wake area. 7651

(2) Division (B)(1) of this section does not apply in any of 7652
the following places: 7653

(a) The Muskingum river unless the river is marked by a buoy 7654
or sign as a no wake or idle speed area; 7655

(b) Any other area designated by the chief of the division of 7656
watercraft unless it is marked by a buoy or sign as a no wake or 7657
idle speed area; 7658

(c) Within any water between the Dan Beard bridge and the 7659
Brent Spence bridge on the Ohio river when the United States coast 7660
guard has authorized the holding of a special event of a community 7661
nature on that water. 7662

(C) No person shall operate a vessel in any area of 7663
restricted or controlled operation in violation of the designated 7664
restriction. 7665

(D) No person shall operate a vessel within three hundred 7666
feet of an official diver's flag unless ~~he~~ the person is tendering 7667
the diving operation. 7668

(E) All areas of restricted or controlled operation as 7669
described in division (A) of this section or as provided for in 7670
section 1547.14 or 1547.61 of the Revised Code shall be marked by 7671
a buoy or sign designating the restriction. All waters surrounded 7672
by or lying between such a buoy or sign and the closest shoreline 7673
are thereby designated as an area in which the designated 7674
restrictions shall apply in the operation of any vessel. 7675

Markings on buoys designating areas of restricted or 7676
controlled operation shall be so spaced as to show all around the 7677
horizon. Lineal spacing between the buoys shall be such that under 7678

normal conditions of visibility any buoy shall be readily visible 7679
from the next adjacent buoy. No colors or symbols, except as 7680
provided for in rules of the chief, shall be used on buoys or 7681
signs for marking closed or controlled areas of boating waters. 7682

Any state department, conservancy district, or political 7683
subdivision having jurisdiction and control of impounded boating 7684
waters may place such buoys or signs on its waters. Any political 7685
subdivision may apply to the chief for permission to place such 7686
buoys or signs on other waters within its territorial limits. No 7687
person shall place or cause to be placed a regulatory buoy or sign 7688
on, into, or along the waters in this state unless the person has 7689
complied with all the provisions of this chapter. 7690

(F) No person shall permit any vessel to be operated on the 7691
waters in this state in violation of this section. 7692

Sec. 1547.09. No person shall moor or anchor any vessel in a 7693
designated speed zone or water ski zone. No person, unless in 7694
distress and no other vessel is endangered thereby, shall moor to, 7695
anchor to, or tie up to any marker, aid, buoy, light, or other aid 7696
to navigation. 7697

No person shall operate or permit to be operated any vessel 7698
on the waters in this state in violation of this section. 7699

Sec. 1547.111. (A) Any person who operates a vessel or uses 7700
any water skis, aquaplane, or similar device upon any waters in 7701
this state shall be deemed to have given consent to a chemical 7702
test or tests of ~~his~~ the person's blood, breath, or urine for the 7703
purpose of determining its alcohol or drug of abuse content if 7704
arrested for the offense of operating a vessel or using any water 7705
skis, aquaplane, or similar device in violation of section 1547.11 7706
of the Revised Code. The test or tests shall be administered at 7707
the direction of a law enforcement officer having reasonable 7708

grounds to believe the person to have been operating a vessel or 7709
using any water skis, aquaplane, or similar device in violation of 7710
section 1547.11 of the Revised Code. The law enforcement agency by 7711
which the officer is employed shall designate which of the tests 7712
shall be administered. 7713

(B) Any person who is dead, unconscious, or ~~who is~~ otherwise 7714
in a condition rendering ~~him~~ the person incapable of refusal shall 7715
be deemed not to have withdrawn consent provided by division (A) 7716
of this section and the test or tests may be administered, subject 7717
to sections 313.12 to 313.16 of the Revised Code. 7718

(C) Any person under arrest for the offense of operating a 7719
vessel or using any water skis, aquaplane, or similar device in 7720
violation of section 1547.11 of the Revised Code shall be advised 7721
of the consequences of ~~his refusal~~ refusing to submit to a 7722
chemical test designated by the law enforcement agency as provided 7723
in division (A) of this section. The advice shall be in a written 7724
form prescribed by the chief of the division of watercraft and 7725
shall be read to the person. The form shall contain a statement 7726
that the form was shown to the person under arrest and read to ~~him~~ 7727
the person in the presence of the arresting officer and either 7728
another law enforcement officer, a civilian law enforcement 7729
employee, or an employee of a hospital, first-aid station, or 7730
clinic, if any, to which the person has been taken for first-aid 7731
or medical treatment. The witnesses shall certify to this fact by 7732
signing the form. 7733

(D) If a person under arrest for the offense of operating a 7734
vessel or using any water skis, aquaplane, or similar device in 7735
violation of section 1547.11 of the Revised Code refuses upon the 7736
request of a law enforcement officer to submit to a chemical test 7737
designated by the law enforcement agency as provided in division 7738
(A) of this section, after first having been advised of the 7739

consequences of ~~his~~ the refusal as provided in division (C) of 7740
this section, no chemical test shall be given, but the chief ~~of~~ 7741
~~the division of watercraft~~, upon receipt of a sworn statement of 7742
the law enforcement officer that ~~he~~ the law enforcement officer 7743
had reasonable grounds to believe the arrested person had been 7744
operating a vessel or using any water skis, aquaplane, or similar 7745
device while under the influence of alcohol or a drug of abuse, 7746
under the combined influence of alcohol and a drug of abuse, or 7747
with a prohibited concentration of alcohol in ~~his~~ the person's 7748
blood, urine, or breath, and that the person refused to submit to 7749
the chemical test upon the request of the law enforcement officer, 7750
and upon receipt of the form as provided in division (C) of this 7751
section certifying that the arrested person was advised of the 7752
consequences of ~~his~~ the refusal, shall inform the person by 7753
written notice that ~~he~~ the person is prohibited from operating a 7754
vessel or using any water skis, aquaplane, or similar device, and 7755
is prohibited from registering any watercraft in accordance with 7756
section 1547.54 of the Revised Code, for one year following the 7757
date of the alleged violation of section 1547.11 of the Revised 7758
Code. The suspension of these operation, use, and registration 7759
privileges shall continue for the entire one-year period, subject 7760
to review as provided in this section. 7761

If the person under arrest is the owner of the vessel 7762
involved in the alleged violation, the law enforcement officer who 7763
arrested the person shall seize the watercraft registration 7764
certificate and tags from the vessel involved in the violation and 7765
forward them to the chief. The chief ~~of the division of~~ 7766
~~watercraft~~, in addition to informing ~~him~~ the person by written 7767
notice that ~~he~~ the person is prohibited from operating a vessel or 7768
using any water skis, aquaplane, or similar device, and from 7769
registering any watercraft in accordance with section 1547.54 of 7770
the Revised Code, for one year following the date of the alleged 7771

violation, shall retain the impounded registration certificate and 7772
tags, and shall impound the all other registration certificate 7773
certificates and tags issued to the person in accordance with 7774
sections 1547.54 and 1547.57 of the Revised Code, for a period of 7775
one year following the date of the alleged violation. ~~The~~ 7776
~~registration certificate and tags may be impounded on the date of~~ 7777
~~the alleged violation and such impoundment shall continue for the~~ 7778
~~entire one year period,~~ subject to review as provided in this 7779
section. 7780

If the arrested person fails to surrender the registration 7781
certificate because it is not on the person of the arrested person 7782
or in the watercraft, the law enforcement officer who made the 7783
arrest shall order the person to surrender it within twenty-four 7784
hours to the law enforcement officer or the law enforcement agency 7785
that employs the law enforcement officer. If the person fails to 7786
do so, the law enforcement officer shall notify the chief of that 7787
fact in the statement the officer submits to the chief under this 7788
division. 7789

(E) Upon suspending a person's operation, use, and 7790
registration privileges in accordance with division (D) of this 7791
section, the chief ~~of the division of watercraft~~ shall notify the 7792
person in writing, at ~~his~~ the person's last known address, and 7793
inform ~~him~~ the person that ~~he~~ the person may petition for a 7794
hearing in accordance with division (F) of this section. If a 7795
person whose operation, use, and registration privileges have been 7796
suspended petitions for a hearing or appeals any decision that is 7797
adverse to ~~him~~ the person, the suspension of privileges shall 7798
begin at the termination of any hearing or appeal unless the 7799
hearing or appeal resulted in a decision favorable to the person. 7800

(F) Any person who has been notified by the chief ~~of the~~ 7801
~~division of watercraft~~ that ~~he~~ the person is prohibited from 7802
operating a vessel or using any water skis, aquaplane, or similar 7803

device, and from registering any watercraft in accordance with 7804
section 1547.54 of the Revised Code, or who has had the 7805
registration certificate and tags of ~~his~~ the person's watercraft 7806
impounded pursuant to division (D) of this section, ~~may~~, within 7807
twenty days of the notification or impoundment, may file a 7808
petition in the municipal court or the county court, or ~~in case if~~ 7809
the person is a minor in juvenile court, in whose jurisdiction the 7810
arrest occurred, agreeing to pay the cost of the proceedings and 7811
alleging error in the action taken by the chief ~~of the division of~~ 7812
~~watercraft~~ under division (D) of this section or alleging one or 7813
more of the matters within the scope of the hearing as provided in 7814
this section, or both. The petitioner shall notify the chief ~~of~~ 7815
~~the division of watercraft~~ of the filing of the petition and send 7816
~~him~~ the chief a copy of the petition. 7817

The scope of the hearing is limited to the issues of whether 7818
the law enforcement officer had reasonable grounds to believe the 7819
petitioner was operating a vessel or using any water skis, 7820
aquaplane, or similar device while under the influence of alcohol 7821
or a drug of abuse, under the combined influence of alcohol and a 7822
drug of abuse, or with a prohibited concentration of alcohol or a 7823
drug of abuse in ~~his~~ the person's blood, urine, or breath, whether 7824
the petitioner was placed under arrest, whether the petitioner 7825
refused to submit to the chemical test upon request of the 7826
officer, and whether ~~he~~ the petitioner was advised of the 7827
consequences of ~~his~~ the refusal. 7828

(G)(1) The chief ~~of the division of watercraft~~ shall furnish 7829
the court a copy of the affidavit as provided in division (C) of 7830
this section and any other relevant information requested by the 7831
court. 7832

(2) In hearing the matter and in determining whether the 7833
person has shown error in the decision taken by the chief ~~of the~~ 7834
~~division of watercraft~~ as provided in division (D) of this 7835

section, the court shall decide the issue upon the relevant, 7836
competent, and material evidence submitted by the chief ~~of the~~ 7837
~~division of watercraft~~ or the person whose operation, use, and 7838
registration privileges have been suspended. 7839

In the proceedings, the chief shall be represented by the 7840
prosecuting attorney of the county in which the petition is filed 7841
if the petition is filed in a county court or juvenile court, 7842
except that if the arrest occurred within a city or village within 7843
the jurisdiction of the county court in which the petition is 7844
filed, the city director of law or village solicitor of that city 7845
or village shall represent the chief. If the petition is filed in 7846
the municipal court, the chief shall be represented as provided in 7847
section 1901.34 of the Revised Code. 7848

(3) If the court finds from the evidence submitted that the 7849
person has failed to show error in the action taken by the chief 7850
~~of the division of watercraft~~ under division (D) of this section 7851
or in one or more of the matters within the scope of the hearing 7852
as provided in division (F) of this section, or both, ~~then~~ the 7853
court shall assess the cost of the proceeding against the person 7854
and shall uphold the suspension of the operation, use, and 7855
registration privileges provided in division (D) of this section. 7856
If the court finds that the person has shown error in the action 7857
taken by the chief ~~of the division of watercraft~~ under division 7858
(D) of this section or in one or more of the matters within the 7859
scope of the hearing as provided in division (F) of this section, 7860
or both, the cost of the proceedings shall be paid out of the 7861
county treasury of the county in which the proceedings were held, 7862
the operation, use, and registration privileges of the person 7863
shall be reinstated without charge, and the registration 7864
certificate and tags, if impounded, shall be returned without 7865
charge. 7866

(4) The court shall give information in writing of any action 7867

taken under this section to the chief ~~of the division of~~ 7868
~~watercraft.~~ 7869

(H) At the end of any period of suspension or impoundment 7870
imposed under this section, and upon request of the person whose 7871
operation, use, and registration privileges were suspended or 7872
whose registration certificate and tags were impounded, the chief 7873
~~of the division of watercraft~~ shall reinstate the person's 7874
operation, use, and registration privileges by written notice and 7875
return the certificate and tags. 7876

(I) No person who has received written notice from the chief 7877
~~of the division of watercraft~~ that he the person is prohibited 7878
from operating a vessel or using any water skis, aquaplane, or 7879
similar device, and from registering a watercraft, or who has had 7880
the registration certificate and tags of ~~his~~ the person's 7881
watercraft impounded, in accordance with division (D) of this 7882
section, shall operate a vessel or use any water skis, aquaplane, 7883
or similar device for a period of one year following the date of 7884
~~his~~ the person's alleged violation of section 1547.11 of the 7885
Revised Code. 7886

Sec. 1547.12. No person shall operate any vessel if the 7887
person is so mentally or physically incapacitated as to be unable 7888
to operate the vessel in a safe and competent manner. 7889

No person shall permit any vessel to be operated on the 7890
waters in this state in violation of this section. 7891

Sec. 1547.13. (A) No person shall fail to comply with any 7892
lawful order or direction of any law enforcement officer having 7893
authority to direct, control, or regulate the operation or use of 7894
vessels. 7895

(B) No person shall operate any vessel so as to purposely 7896
elude or flee from a law enforcement officer after receiving a 7897

visible or audible signal from a law enforcement officer to bring
the vessel to a stop. 7898
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(C) No person shall operate or permit to be operated any
vessel on the waters in this state in violation of this section. 7900
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Sec. 1547.131. Upon the approach of a law enforcement vessel 7902
with at least one ~~blue~~ flashing, rotating, or oscillating light of 7903
a color conforming with the requirements of federal law, the 7904
operator of any vessel shall stop if followed or give way in any 7905
crossing, head-on, or overtaking situation, and shall remain in 7906
~~such~~ that position until the law enforcement vessel has passed, 7907
except when otherwise directed by a law enforcement officer. If 7908
traffic conditions warrant, a siren or other sound producing 7909
device also may be operated as an additional signaling device. 7910
This section does not relieve the operator of any law enforcement 7911
vessel from the duty to operate with due regard for the safety of 7912
all persons and property on the waters in this state. 7913

No person shall operate or permit to be operated any vessel
on the waters in this state in violation of this section. 7914
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Sec. 1547.14. (A) Except on the waters of Lake Erie, the Ohio 7916
River, and immediately connected harbors and anchorage facilities, 7917
any person who rides or attempts to ride upon one or more water 7918
skis, surfboard, or similar device, or who engages or attempts to 7919
engage in barefoot skiing, and any person who operates a vessel 7920
towing a person riding or attempting to ride on one or more water 7921
skis, surfboard, or similar device, or engaging or attempting to 7922
engage in barefoot skiing, shall confine that activity to the 7923
water area within a designated ski zone on all bodies of water 7924
~~whereon~~ on which a ski zone has been established. 7925

(B) On all bodies of water designated as "open zone," that 7926
is, having a combined speed and ski zone, the activities described 7927

in division (A) of this section shall be confined to the open 7928
zone. 7929

(C) No person shall operate or permit to be operated any 7930
vessel on the waters in this state in violation of this section. 7931

Sec. 1547.15. Any person who ~~opeates~~ OPERATES a vessel towing 7932
any person riding or attempting to ride upon one or more water 7933
skis, or upon a surfboard, or similar device, or engaging or 7934
attempting to engage in barefoot skiing, on the waters in this 7935
state shall have present in the vessel a person or persons other 7936
than the operator, ten years of age or older, who shall at all 7937
times observe the progress of the person being towed. The operator 7938
of the towing vessel shall at all times observe the traffic 7939
pattern toward which the vessel is approaching. 7940

No person shall operate or permit to be operated any vessel 7941
on the waters in this state in violation of this section. 7942

Sec. 1547.22. No occupant of any vessel underway on the 7943
waters in this state shall sit, stand, or walk upon any portion of 7944
the vessel not specifically designed for that movement, except 7945
when immediately necessary for the safe and reasonable navigation 7946
or operation of the vessel. No operator of a vessel under way on 7947
the waters in this state shall allow any occupant of the vessel to 7948
sit, stand, or walk on any portion of the vessel underway not 7949
specifically designed for that use, except when immediately 7950
necessary for the safe and reasonable navigation or operation of 7951
the vessel. 7952

No person shall operate or permit to be operated any vessel 7953
on the waters in this state in violation of this section. 7954

Sec. 1547.25. (A) No person shall operate or permit to be 7955
operated any watercraft, other than a commercial vessel, on the 7956

waters in this state: 7957

(1) ~~Sixteen~~ That is sixteen feet or greater in length without 7958
carrying aboard one type one, two, or three personal flotation 7959
device for each person aboard and one type four personal flotation 7960
device; 7961

(2) ~~Less~~ That is less than sixteen feet in length, including 7962
canoes and kayaks of any length, without carrying aboard one type 7963
one, two, or three personal flotation device for each person 7964
aboard. 7965

(B) A type five personal flotation device may be carried in 7966
lieu of a type one, two, or three personal flotation device 7967
required under division (A) of this section. 7968

(C) No person shall operate or permit to be operated any 7969
commercial vessel on the waters in this state: 7970

(1) That is less than forty feet in length and is not 7971
carrying persons for hire without carrying aboard at least one 7972
type one, two, or three personal flotation device for each person 7973
aboard; 7974

(2) That is carrying persons for hire or is forty feet in 7975
length or longer and is not carrying persons for hire without 7976
carrying aboard at least one type one personal flotation device 7977
for each person aboard; 7978

(3) That is twenty-six feet in length or longer without 7979
carrying aboard at least one type four ring life buoy in addition 7980
to the applicable requirements of divisions (C)(1) and (2) of this 7981
section. 7982

(D) Each personal flotation device carried aboard a 7983
watercraft or commercial vessel pursuant to this section shall be 7984
coast guard approved and in good and serviceable condition, of 7985
appropriate size for the wearer, and readily accessible to each 7986

person aboard the watercraft at all times. 7987

(E) As used in this section, "commercial vessel" means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner, or agent or any other person interested in the vessel. "Commercial vessel" does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented, or chartered to another for noncommercial use. 7988
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Sec. 1547.251. (A) No person shall operate on the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas at any time a vessel: 7995
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~~(1) Sixteen~~ That is sixteen or more feet in length or any vessel carrying six or fewer passengers for hire without carrying coast guard approved visual distress signals for both day and night use: 7998
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~~(2) Less than sixteen feet in length between sunset and sunrise without carrying coast guard approved distress signals for night use.~~ 8002
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~~The distress signals required by this division shall be in good and serviceable condition, readily accessible, and of the type and quantities required by the "Federal Boat Safety Act of 1971," 85 Stat. 213, 46 U.S.C.A. 1451, as amended.~~ 8005
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(B) No person shall operate upon the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas during the period from sunset to sunrise according to local time any of the following without carrying coast guard approved visual distress signals for night use: 8009
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(1) A vessel less than sixteen feet in length; 8014

(2) A vessel competing in an organized marine parade, race, regatta, or similar event; 8015
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- (3) A manually propelled vessel; 8017
- (4) A sailboat less than twenty-six feet in length with 8018
completely open construction and without propulsion machinery. 8019
- (C) No person shall operate a vessel on the waters in this 8020
state other than Lake Erie or the immediately connecting bays, 8021
harbors, and anchorage areas unless the vessel carries either a 8022
distress flag at least two feet square and international orange in 8023
color or a coast guard approved daytime distress signal. 8024
- ~~(C)~~(D) No person shall display any distress signal unless a 8025
vessel or a person is in distress and in need of help. 8026
- ~~(D)~~(E) Divisions (A) and ~~(B)~~(C) of this section do not apply 8027
to any of the following: 8028
- (1) Vessels competing in an organized marine parade, race, 8029
regatta, or similar event; 8030
- (2) Manually propelled vessels; 8031
- (3) Sailboats less than twenty-six feet in length with 8032
completely open construction and without propulsion machinery. 8033
- (F) The distress signals required by this section shall be in 8034
good and serviceable condition, readily accessible, and of the 8035
type and quantities required by regulations adopted under 46 8036
U.S.C. 4302, as amended. 8037
- (G) No person shall operate or permit to be operated any 8038
vessel on the waters in this state in violation of this section. 8039
- Sec. 1547.26.** All watercraft, except sailboats less than 8040
sixteen feet long having a cockpit depth of less than twelve 8041
inches and except canoes, shall carry an anchor and line of 8042
sufficient weight and length to anchor the watercraft securely. 8043
The chief ~~may~~ of the division of watercraft, by rule, may exempt 8044
other types of watercraft from this section ~~if he determines~~ after 8045

determining that carrying such an anchor and line would constitute 8046
a hazard. 8047

No person shall operate or permit to be operated any 8048
watercraft on the waters in this state in violation of this 8049
section. 8050

Sec. 1547.30. (A) As used in this section and sections 8051
1547.301, 1547.302, and 1547.304 of the Revised Code: 8052

(1) "Vessel or outboard motor" excludes an abandoned junk 8053
vessel or outboard motor, as defined in section 1547.303 of the 8054
Revised Code, or any watercraft or outboard motor under section 8055
4585.31 of the Revised Code. 8056

(2) "Law enforcement agency" means any organization or unit 8057
comprised of law enforcement officers, as defined in section 8058
2901.01 of the Revised Code. 8059

(B)(1) The sheriff of a county, chief of police of a 8060
municipal corporation, township, or township police district, or 8061
other chief of a law enforcement agency, within the sheriff's or 8062
chief's respective territorial jurisdiction, upon complaint of any 8063
person adversely affected, may order into storage any vessel or 8064
outboard motor that has been left on private property, other than 8065
a private dock or mooring facility or structure, for at least 8066
seventy-two hours without the permission of the person having the 8067
right to the possession of the property. The sheriff or chief, 8068
upon complaint of the owner of a marine repair facility or place 8069
of storage, may order into storage any vessel or outboard motor 8070
that has been left at the facility or place of storage for a 8071
longer period than that agreed upon. The place of storage shall be 8072
designated by the sheriff or chief. When ordering a vessel or 8073
motor into storage under division (B)(1) of this section, a 8074
sheriff or chief, whenever possible, shall arrange for the removal 8075

of the vessel or motor by a private tow truck operator or towing company. 8076
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(2)(a) Except as provided in division (B)(2)(d) of this section, no person, without the consent of the owner or other person authorized to give consent, shall moor, anchor, or tie a vessel or outboard motor at a private dock or mooring facility or structure owned by another person if the owner has posted, in a conspicuous manner, a prohibition against the mooring, anchoring, or tying of vessels or outboard motors at the dock, facility, or structure by any person not having the consent of the owner or other person authorized to give consent. 8078
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(b) If the owner of a private dock or mooring facility or structure has posted at the dock, facility, or structure, in a conspicuous manner, conditions and regulations under which the mooring, anchoring, or tying of vessels or outboard motors is permitted at the dock, facility, or structure, no person, except as provided in division (B)(2)(d) of this section, shall moor, anchor, or tie a vessel or outboard motor at the dock, facility, or structure in violation of the posted conditions and regulations. 8087
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(c) The owner of a private dock or mooring facility or structure may order towed into storage any vessel or outboard motor found moored, anchored, or tied in violation of division (B)(2)(a) or (b) of this section, provided that the owner of the dock, facility, or structure posts on it a sign that states that the dock, facility, or structure is private, is visible from all entrances to the dock, facility, or structure, and contains all of the following information: 8096
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(i) The information specified in division (B)(2)(a) or (b) of this section, as applicable; 8104
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(ii) A notice that violators will be towed and that violators 8106

are responsible for paying the cost of the towing; 8107

(iii) The telephone number of the person from whom a towed 8108
vessel or outboard motor may be recovered, and the address of the 8109
place to which the vessel or outboard motor will be taken and the 8110
place from which it may be recovered. 8111

(d) Divisions (B)(2)(a) and (b) of this section do not 8112
prohibit a person from mooring, anchoring, or tying a vessel or 8113
outboard motor at a private dock or mooring facility or structure 8114
if either of the following applies: 8115

(i) The vessel or outboard motor is disabled due to a 8116
mechanical or structural malfunction, provided that the person 8117
immediately removes the vessel or outboard motor from the dock, 8118
facility, or structure when the malfunction is corrected or when a 8119
reasonable attempt has been made to correct it; 8120

(ii) Weather conditions are creating an imminent threat to 8121
safe operation of the vessel or outboard motor, provided that the 8122
person immediately removes the vessel or outboard motor from the 8123
dock, facility, or structure when the weather conditions permit 8124
safe operation of the vessel or outboard motor. 8125

(e) A person whose vessel or outboard motor is towed into 8126
storage under division (B)(2)(c) of this section either shall pay 8127
the costs of the towing of the vessel or outboard motor or shall 8128
reimburse the owner of the dock or mooring facility or structure 8129
for the costs that the owner incurs in towing the vessel or 8130
outboard motor. 8131

(3) Subject to division (C) of this section, the owner of a 8132
vessel or motor that has been removed under division (B) of this 8133
section may recover the vessel or motor only in accordance with 8134
division (F) of this section. 8135

(C) If the owner or operator of a vessel or outboard motor 8136

that has been ordered into storage under division (B) of this 8137
section arrives after the vessel or motor has been prepared for 8138
removal, but prior to its actual removal from the property, the 8139
owner or operator shall be given the opportunity to pay a fee of 8140
not more than one-half of the charge for the removal of vessels or 8141
motors under division (B) of this section that normally is 8142
assessed by the person who has prepared the vessel or motor for 8143
removal, in order to obtain release of the vessel or motor. Upon 8144
payment of that fee, the vessel or motor shall be released to the 8145
owner or operator, and upon its release, the owner or operator 8146
immediately shall move it so that it is not on the private 8147
property without the permission of the person having the right to 8148
possession of the property, or is not at the facility or place of 8149
storage without the permission of the owner, whichever is 8150
applicable. 8151

(D) Each county sheriff, each chief of police of a municipal 8152
corporation, township, or township police district, and each other 8153
chief of a law enforcement agency shall maintain a record of 8154
vessels or outboard motors that are ordered into storage under 8155
division (B)(1) of this section. The record shall include an entry 8156
for each such vessel or motor that identifies the vessel's hull 8157
identification number or serial number, if any, the vessel's or 8158
motor's make, model, and color, the location from which it was 8159
removed, the date and time of its removal, the telephone number of 8160
the person from whom it may be recovered, and the address of the 8161
place to which it has been taken and from which it may be 8162
recovered. Any information in the record that pertains to a 8163
particular vessel or motor shall be provided to any person who, 8164
pursuant to a statement the person makes either in person or by 8165
telephone, is identified as the owner or operator of the vessel or 8166
motor and requests information pertaining to its location. 8167

(E) Any person who registers a complaint that is the basis of 8168

a sheriff's or chief's order for the removal and storage of a vessel or outboard motor under division (B)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who, pursuant to a statement the person makes, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.

(F)(1) The owner of a vessel or outboard motor that is ordered into storage under division (B) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed two hundred dollars, and storage, in an amount not to exceed five dollars per twenty-four-hour period, and upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States coast guard documentation, or certificate of registration if the vessel or motor is not subject to titling under section 1548.01 of the Revised Code.

(2) If a vessel or outboard motor that is ordered into storage under division (B)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by sections 1547.301 and 1547.302 of the Revised Code shall apply.

(3) If a vessel or outboard motor ordered into storage under division (B)(2) of this section remains unclaimed for seventy-two hours after being stored, the tow truck operator or towing company that removed the vessel or outboard motor shall provide notice of the removal and storage to the sheriff of a county, chief of police of a municipal corporation, township, or township police district, or other chief of a law enforcement agency within whose territorial jurisdiction the vessel or outboard motor had been moored, anchored, or tied in violation of division (B)(2) of this section. The notice shall be in writing and include the vessel's

hull identification number or serial number, if any, the vessel's 8201
or outboard motor's make, model, and color, the location from 8202
which it was removed, the date and time of its removal, the 8203
telephone number of the person from whom it may be recovered, and 8204
the address of the place to which it has been taken and from which 8205
it may be recovered. 8206

Upon receipt of the notice, the sheriff or chief immediately 8207
shall cause a search to be made of the records of the division of 8208
watercraft to ascertain the owner and any lienholder of the vessel 8209
or outboard motor, and, if known, shall send notice to the owner 8210
and lienholder, if any, at the owner's and lienholder's last known 8211
address by certified mail, return receipt requested, that the 8212
vessel or outboard motor will be declared a nuisance and disposed 8213
of if not claimed not later than thirty days after the date of the 8214
mailing of the notice. 8215

If the owner or lienholder makes no claim to the vessel or 8216
outboard motor within thirty days of the date of the mailing of 8217
the notice, the sheriff or chief shall file with the clerk of 8218
courts of the county in which the place of storage is located an 8219
affidavit showing compliance with the requirements of division 8220
(F)(3) of this section, and the vessel or outboard motor shall be 8221
disposed of in accordance with section 1547.302 of the Revised 8222
Code. 8223

(G) No person shall remove, or cause the removal of, any 8224
vessel or outboard motor from private property other than in 8225
accordance with division (B) of this section or section 1547.301 8226
of the Revised Code. 8227

Sec. 1547.302. (A) Unclaimed vessels or outboard motors 8228
ordered into storage under division (B) of section 1547.30 or 8229
section 1547.301 of the Revised Code shall be disposed of at the 8230
order of the sheriff of the county, the chief of police of the 8231

municipal corporation, township, or township police district, or 8232
~~either another~~ chief of a law enforcement agency ~~to~~ in any of the 8233
following ways: 8234

(1) To a marine salvage dealer ~~or to;~~ 8235

(2) To any other facility owned, operated, or under contract 8236
with the state, or the county, municipal corporation, township, or 8237
other political subdivision, ~~or shall be sold;~~ 8238

(3) To a charitable organization, religious organization, or 8239
similar organization not used and operated for profit; 8240

(4) By sale at public auction by the sheriff, the chief, or 8241
an auctioneer licensed under Chapter 4707. of the Revised Code, 8242
after giving notice ~~thereof~~ of the auction by advertisement, 8243
published once a week for two consecutive weeks in a newspaper of 8244
general circulation in the county. ~~Any~~ 8245

(B) Any moneys accruing from the disposition of an unclaimed 8246
vessel or motor that are in excess of the expenses resulting from 8247
the removal and storage of the vessel or motor shall be credited 8248
to the general revenue fund, or to the general fund of the county, 8249
municipal corporation, township, or other political subdivision, 8250
as appropriate. 8251

(C) As used in this section, "charitable organization" has 8252
the same meaning as in section 1716.01 Of the Revised Code. 8253

Sec. 1547.31. No person shall operate or permit to be 8254
operated on the waters in this state any powercraft without a 8255
muffler, underwater exhaust, or other device that muffles or 8256
suppresses the sound of the exhaust at all speeds. 8257

This is an interim section effective until December 31, 1999. 8258

Sec. 1547.33. Except on the waters of Lake Erie, the 8259

Muskingum River, or the Ohio River, no person shall launch, moor, 8260
dock, use, ~~or operate,~~ or permit to be operated on any of the 8261
waters in this state any vessel that contains a sink, toilet, or 8262
sanitary system that is capable of discharging urine, fecal 8263
matter, contents of a chemical commode, kitchen wastes, laundry 8264
wastes, slop sink drainage, or other household wastes into the 8265
waters in this state. Such a sink, toilet, or sanitary system 8266
shall be removed ~~or~~ sealed, or made to drain into a tank or 8267
reservoir that can be carried or pumped ashore for disposal in a 8268
sewage treatment works approved by the director of environmental 8269
protection. 8270

Sec. 1547.39. (A) No person ~~shall~~, after January 1, 1977, 8271
shall manufacture, sell, or offer for sale any watercraft 8272
propelled by machinery as its principal source of power, or 8273
watercraft designed to be manually propelled, less than twenty 8274
feet in length, and designed to carry two or more persons, 8275
manufactured after that date, unless a capacity plate containing 8276
the correct information, as prescribed by regulations adopted by 8277
the United States coast guard, is firmly attached to the 8278
watercraft~~7~~. The capacity plate shall be attached in such a 8279
location that ~~the capacity plate~~ it is clearly legible from the 8280
position designed or intended to be occupied by the operator when 8281
the watercraft is underway. 8282

(B) No person shall operate or permit to be operated on the 8283
waters in this state watercraft for which a capacity plate is 8284
required under this section unless the capacity plate is attached. 8285

(C) No person shall alter, remove, or deface any information 8286
contained on the capacity plate unless the manufacturer has 8287
altered the watercraft in such a way that would require a change 8288
in the information contained on the capacity plate. 8289

(D) As used in this section, "manufacture" means to construct 8290
or assemble a watercraft, or to alter a watercraft in such a 8291
manner as to affect or change its weight capacity or occupant 8292
capacity. 8293

Sec. 1547.40. (A) No person shall operate or permit to be 8294
operated on the waters in this state a watercraft to which a 8295
capacity plate is attached, if the total load exceeds the weight 8296
capacity indicated on the capacity plate, if the number of persons 8297
aboard exceeds the occupant capacity indicated on the capacity 8298
plate, or if the horsepower of any attached outboard motor exceeds 8299
the maximum horsepower indicated on the capacity plate. 8300

(B) When no capacity plate exists, no person shall operate or 8301
permit to be operated on the waters in this state a watercraft if 8302
a reasonably prudent person would believe that either of the 8303
following circumstances applies: 8304

(1) The total load aboard the watercraft has associated with 8305
it a risk of physical harm to persons or property; 8306

(2) The total horsepower of any inboard engine or attached 8307
outboard motor has associated with it a risk of physical harm to 8308
persons or property. 8309

Sec. 1547.52. (A) The division of watercraft shall be 8310
administered by the chief of the division of watercraft. The chief 8311
may adopt, amend, and rescind: 8312

(1) Rules considered necessary by the chief to supplement the 8313
identification, operation, titling, use, registration, and 8314
numbering of watercraft or vessels as provided in this chapter and 8315
Chapter 1548. of the Revised Code; 8316

(2) Rules governing the navigation of vessels on waters in 8317
this state, including, but not limited to, rules regarding 8318

steering and sailing, the conduct of vessels in sight of one 8319
another or in restricted visibility, lights and shapes of lights 8320
used on vessels, and sound and light signals. As the chief 8321
considers necessary, these navigational rules shall be consistent 8322
with and equivalent to the ~~rules~~ regulations and interpretive 8323
rulings governing inland waters adopted or issued under the 8324
"Inland Navigational Rules Act of 1980," 94 Stat. 3415, 33 8325
U.S.C.A. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 2073. 8326

(3) Rules establishing fees and charges for all of the 8327
following: 8328

(a) Boating skill development classes and other educational 8329
classes; 8330

(b) Law enforcement services provided at special events when 8331
the services are in addition to normal enforcement duties; 8332

(c) Inspections of vessels or motors conducted under this 8333
chapter or Chapter 1548. of the Revised Code. 8334

All rules adopted by the chief under ~~this~~ division (A) of 8335
this section shall be adopted in accordance with Chapter 119. of 8336
the Revised Code, and ~~shall be~~ are subject to the prior approval 8337
of the director of natural resources. 8338

(B) The chief, with the approval of the director ~~of natural~~ 8339
~~resources~~, may employ such clerical and technical help as ~~he~~ the 8340
chief considers necessary. 8341

(C) The chief may designate license agents with the approval 8342
of the director ~~of natural resources~~. 8343

(D) The division is hereby designated as the agency to 8344
administer the Ohio boating safety program and allocated federal 8345
funds under, and the chief shall prepare and submit reports in 8346
such form as may be required by, the "Federal Boat Safety Act of 8347
1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended. 8348

<u>(E) The chief may sell any of the following:</u>	8349
<u>(1) Items related to or that promote boating safety,</u>	8350
<u>including, but not limited to, pins, badges, books, bulletins,</u>	8351
<u>maps, publications, calendars, and other educational articles;</u>	8352
<u>(2) Artifacts pertaining to boating;</u>	8353
<u>(3) Confiscated or forfeited items;</u>	8354
<u>(4) Surplus equipment.</u>	8355
Sec. 1547.521. (A) The law enforcement officers of the	8356
division of watercraft shall be known as "state watercraft	8357
officers." The chief of the division of watercraft and state	8358
watercraft officers:	8359
(1) Shall develop and conduct educational programs in vessel	8360
safety, sanitation, and operation, and in other related subjects	8361
which <u>that</u> the chief considers appropriate or necessary;	8362
(2) Shall enforce this chapter and Chapter 1548. of the	8363
Revised Code and rules adopted under them, and may enforce laws	8364
prohibiting the dumping of refuse, trash, or litter into the	8365
waters in this state and Chapters 2925. and 3719. of the Revised	8366
Code on all waters in the state;	8367
(3) Shall have, on <u>On</u> any lands owned, controlled,	8368
maintained, or administered by the department of natural resources	8369
and on any waters in this state, <u>shall have</u> the authority vested	8370
in police officers <u>specified</u> under section 2935.03 of the Revised	8371
Code <u>for peace officers of the department of natural resources</u> to	8372
keep the peace, to enforce all laws and rules governing those	8373
lands and waters, and to make arrests for violation of those laws	8374
and rules, provided that such <u>the</u> authority shall be exercised on	8375
lands or waters administered by another division of the department	8376
only pursuant to an agreement with the chief of that division or	8377
to a request for assistance by an enforcement officer of that	8378

division in an emergency. The jurisdiction of state watercraft 8379
officers shall be concurrent with that of the peace officers of 8380
the county, township, or municipal corporation in which the 8381
violation occurs. 8382

(4) ~~May, for~~ For the purpose of enforcing the laws and rules 8383
~~which~~ that they have the authority to enforce, may stop, board, 8384
and conduct a safety inspection of any vessel; 8385

(5) May serve and execute any citation, summons, warrant, or 8386
other process issued with respect to any law that they have the 8387
authority to enforce. 8388

(B) A state watercraft officer may render assistance to a 8389
state or local law enforcement officer at the request of that 8390
officer or may render assistance to a state or local law 8391
enforcement officer in the event of an emergency. 8392

~~Watercraft~~ State watercraft officers serving outside the 8393
division of watercraft under this section or serving under the 8394
terms of a mutual aid compact authorized under section 1501.02 of 8395
the Revised Code shall be considered as performing services within 8396
their regular employment for the purposes of compensation, pension 8397
or indemnity fund rights, workers' compensation, and other rights 8398
or benefits to which they may be entitled as incidents of their 8399
regular employment. 8400

~~Watercraft~~ State watercraft officers serving outside the 8401
division of watercraft under this section or under a mutual aid 8402
compact retain personal immunity from civil liability as specified 8403
in section 9.86 of the Revised Code and shall not be considered an 8404
employee of a political subdivision for purposes of Chapter 2744. 8405
of the Revised Code. A political subdivision that uses state 8406
watercraft officers under this section or under the terms of a 8407
mutual aid compact authorized under section 1501.02 of the Revised 8408
Code is not subject to civil liability under Chapter 2744. of the 8409

Revised Code as the result of any action or omission of any state 8410
watercraft officer acting under this section or under a mutual aid 8411
compact. 8412

Sec. 1547.531. (A) ~~No~~ (1) Except as provided in division 8413
(A)(2) or (B) of this section, no person shall operate or give 8414
permission for the operation of any watercraft on the waters in 8415
this state unless the watercraft is registered in the name of the 8416
current owner in accordance with section 1547.54 of the Revised 8417
Code, and the registration is valid and in effect. ~~¶~~ 8418

(2) On and after January 1, 1999, if a titled watercraft or 8419
vessel documented by the United States coast guard that is 8420
required to be issued a certificate of title under Chapter 1548. 8421
Of the Revised Code is transferred to a new owner, it need not be 8422
registered under section 1547.54 Of the Revised Code for 8423
forty-five days following the date of the transfer, provided that 8424
the new owner purchases a temporary watercraft registration under 8425
division (A) of this section or holds a bill of sale from a 8426
watercraft dealer ~~dated at the time of the transfer, a notarized~~ 8427
~~paper evidencing the transfer and dated at the time of the~~ 8428
~~transfer, or proof of application for transfer of documentation.~~ 8429

~~Watercraft~~ For the purposes of division (A)(2) of this 8430
section, a temporary watercraft registration or a bill of sale 8431
from a watercraft dealer shall contain at least all of the 8432
following information: 8433

(a) The hull identification number or serial number of the 8434
watercraft; 8435

(b) The make of the watercraft; 8436

(c) The length of the watercraft; 8437

(d) The type of propulsion, if any; 8438

(e) The state in which the watercraft principally is 8439

<u>operated;</u>	8440
(f) <u>The name of the owner;</u>	8441
(g) <u>The address of the owner, including the zip code;</u>	8442
(h) <u>The signature of the owner;</u>	8443
(i) <u>The date of purchase;</u>	8444
(j) <u>A notice to the owner that the temporary watercraft</u>	8445
<u>registration expires forty-five days after the date of purchase of</u>	8446
<u>the watercraft or that the watercraft cannot be operated on the</u>	8447
<u>waters in this state solely under the bill of sale beginning</u>	8448
<u>forty-five days after the date of purchase of the watercraft, as</u>	8449
<u>applicable.</u>	8450
(3) <u>A person may purchase a temporary watercraft registration</u>	8451
<u>from the chief of the division of watercraft or from an authorized</u>	8452
<u>agent designated under section 1547.54 of the Revised Code. The</u>	8453
<u>chief shall furnish forms for temporary watercraft registrations</u>	8454
<u>to authorized agents. In addition to completing the registration</u>	8455
<u>form with the information specified in divisions (A)(2)(a) to (i)</u>	8456
<u>of this section, the person shall pay one of the following fees,</u>	8457
<u>as applicable:</u>	8458
(a) <u>For canoes, kayaks, rowboats, and inflatable watercraft,</u>	8459
<u>four dollars;</u>	8460
(b) <u>For class A watercraft, including motorized canoes, ten</u>	8461
<u>dollars;</u>	8462
(c) <u>For class 1 watercraft, fifteen dollars;</u>	8463
(d) <u>For class 2 watercraft, twenty dollars;</u>	8464
(e) <u>For class 3 watercraft, twenty-five dollars;</u>	8465
(f) <u>For class 4 watercraft, thirty dollars.</u>	8466
<u>Moneys received for the payment of temporary watercraft</u>	8467
<u>registrations shall be deposited to the credit of the waterways</u>	8468

safety fund created in section 1547.75 of the Revised Code. 8469

(4) In addition to the applicable fee established under 8470
division (A)(3) of this section, the chief or an authorized agent 8471
shall charge an additional fee of three dollars for a temporary 8472
watercraft registration that the chief or the authorized agent 8473
issues. When the temporary watercraft registration is issued by an 8474
authorized agent, the agent may retain the additional fee. When 8475
the temporary watercraft registration is issued by the chief, the 8476
additional fee shall be deposited to the credit of the waterways 8477
safety fund. 8478

(5) A person who purchases a temporary watercraft 8479
registration and who subsequently applies for a registration 8480
certificate under section 1547.54 of the Revised Code need not pay 8481
the initial fee established for the certificate under division 8482
(A)(2) of that section, provided that at the time of application 8483
for the registration certificate, the person furnishes proof of 8484
payment for the temporary watercraft registration. 8485

(6) A person who purchases a temporary watercraft 8486
registration, who subsequently applies for a registration 8487
certificate under section 1547.54 of the Revised Code, and who is 8488
exempt from payment for the registration certificate under 8489
division (O) of that section may apply to the chief for a refund 8490
of the amount paid for the temporary watercraft registration at 8491
the time that the person applies for a registration certificate. 8492
The chief shall refund that amount upon issuance to the person of 8493
a registration certificate. 8494

(7) All records of the division of watercraft made or 8495
maintained for the purposes of divisions (A)(2) to (8) of this 8496
section are public records. The records shall be available for 8497
inspection at reasonable hours and in a manner that is compatible 8498
with normal operations of the division. 8499

(8) Pursuant to division (A)(1) of section 1547.52 of the Revised Code, the chief may adopt rules establishing all of the following: 8500
8501
8502

(a) Record-keeping requirements governing the issuance of temporary watercraft registrations and the use of bills of sale from watercraft dealers for the purposes of division (A)(2) of this section; 8503
8504
8505
8506

(b) Procedures and requirements for the refund of fees under division (A)(6) of this section; 8507
8508

(c) Any other procedures and requirements necessary for the administration and enforcement of divisions (A)(2) to (8) of this section. 8509
8510
8511

(B) All of the following watercraft are exempt from registration are: 8512
8513

(1) Those that are exempt from numbering by the state under divisions (B) to (G) of section 1547.53 of the Revised Code; 8514
8515

(2) Those that have been issued a commercial documentation by the United States coast guard or its successor and are used exclusively for commercial purposes; 8516
8517
8518

(3) Those that have been documented by the United States coast guard or its successor as temporarily transitting, whose principal use is not on the waters in this state, and that have not been used within this state for more than sixty days. 8519
8520
8521
8522

~~(B)~~(C) No person shall operate a watercraft documented by the United States coast guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. part 67, as amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of 8523
8524
8525
8526
8527
8528
8529

documentation. 8530

~~(C)~~(D)(1) For the purposes of this section and section 8531
1547.53 of the Revised Code, a watercraft is principally using the 8532
waters in this state if any of the following applies: 8533

(a) The owner resides in this state and declares that the 8534
watercraft principally is using the waters in this state; 8535

(b) The owner resides in another state, but declares that the 8536
watercraft principally is using the waters in this state; 8537

(c) The watercraft is registered in another state or 8538
documented by the United States coast guard and is used within 8539
this state for more than sixty days regardless of whether it has 8540
been assigned a seasonal or permanent mooring at any public or 8541
private docking facility in this state. 8542

(2) Notwithstanding division ~~(C)~~(D)(1)(c) of this section, a 8543
person on active duty in the armed forces of the United States may 8544
register a watercraft in his the person's state of permanent 8545
residence in lieu of registering it in this state regardless of 8546
the number of days that the watercraft is used in this state. 8547

Sec. 1547.542. Any person or organization owning any number 8548
of canoes, kayaks, rowboats, inflatable watercraft, or sailboats 8549
for the purpose of rental to the public may apply with the chief 8550
of the division of watercraft for and receive an annual 8551
certificate of livery registration. No watercraft shall be rented 8552
to the public from a livery or other place of business in this 8553
state unless it ~~has~~ first has been numbered and registered in 8554
accordance with this section or section 1547.54 of the Revised 8555
Code. Certificates of livery registration shall be issued ~~only~~ by 8556
an authorized agent who is selected by the chief from among those 8557
designated under section 1547.54 of the Revised Code. The 8558
certificate shall ~~indicate~~ display the name of the owner of the 8559

livery, the date of issuance, the date of expiration, the number 8560
of watercraft registered, the fee paid, an authorized facsimile of 8561
the signature of the chief provided by the authorized agent who is 8562
selected to issue the certificate, and the signature of the livery 8563
owner. The certificate shall bear the livery watercraft 8564
registration number assigned to the livery owner, which shall be 8565
displayed in accordance with section 1547.57 of the Revised Code 8566
on each watercraft in the fleet for which the certificate was 8567
issued. The owner of a livery shall obtain an amended certificate 8568
of livery registration from the chief whenever the composition of 8569
the fleet changes. 8570

The fee for each watercraft registered under this section 8571
shall be in accordance with the registration fees prescribed in 8572
section 1547.54 of the Revised Code. However, if the size of the 8573
fleet does not increase, the fee for an amended certificate of 8574
livery registration shall be the fee prescribed for issuing a 8575
duplicate registration certificate under section 1547.54 of the 8576
Revised Code, and the chief shall not refund to the livery owner 8577
all or any portion of an annual registration fee applicable to a 8578
watercraft transferred or abandoned by the livery owner. If the 8579
size of the fleet increases, the livery owner shall be required to 8580
pay the applicable annual registration fee for each watercraft 8581
registered under an amended certificate of livery registration 8582
that is in excess of the number of watercraft contained in the 8583
annual certificate of livery registration. 8584

The certificate of livery registration, rental receipts, and 8585
required safety equipment are subject to inspection at any time at 8586
the livery's place of business by any authorized representative of 8587
the division of watercraft or any law enforcement officer in 8588
accordance with section 1547.63 of the Revised Code. 8589

Except as provided in this section, all watercraft registered 8590

under this section are subject to this chapter and Chapter 1548. 8591
of the Revised Code. 8592

The chief may issue an order temporarily or permanently 8593
restricting or suspending a livery certificate of registration and 8594
the privileges associated ~~therewith~~ with it without a hearing if 8595
~~he~~ the chief finds that the holder of the certificate has violated 8596
this chapter. 8597

Sec. 1547.543. (A) Any bona fide dealer in watercraft, or any 8598
manufacturer ~~thereof~~ of watercraft, upon annual application to the 8599
division of watercraft, may receive for each separate place of 8600
business a dealer or manufacturer registration certificate 8601
assigning a dealer number for use while operating watercraft on 8602
the waters in this state. A dealer or manufacturer registration 8603
certificate shall not be used for any commercial purpose such as 8604
the rental or chartering of watercraft, nor shall the certificate 8605
be loaned to any person for the purpose of circumventing any law 8606
of this state. 8607

The fee for such ~~license~~ a certificate shall be fifty dollars 8608
annually. 8609

The chief of the division of watercraft shall select an 8610
authorized agent from among those designated under section 1547.54 8611
of the Revised Code to issue dealer and manufacturer registration 8612
certificates. The agent shall provide an authorized facsimile of 8613
the signature of the chief on each registration certificate and on 8614
each pocket-sized certificate issued under this section. 8615

(B) Registration certificates issued to marine dealers or 8616
manufacturers shall be available for inspection at all times at 8617
the dealers' or manufacturers' place of business for which the 8618
certificates were issued. 8619

(C) The division ~~of watercraft~~ shall issue to each registered 8620

dealer or manufacturer one or more pocket-sized certificates 8621
bearing the dealer or manufacturer registration number, which 8622
shall be carried by the dealer, the manufacturer, or an employee 8623
aboard any watercraft being operated on the waters in this state. 8624
8625

(D) Each dealer in or manufacturer of watercraft shall 8626
display on both sides of any watercraft being operated on the 8627
waters in this state the dealer or manufacturer registration 8628
number and the validation decals assigned by the authorized agent 8629
selected by the chief under this section so that the decals and 8630
number are clearly visible under normal operating conditions. The 8631
~~division~~ authorized agent selected by the chief shall furnish with 8632
each dealer or manufacturer registration certificate one or more 8633
sets of registration validation decals of a size and shape 8634
prescribed by the chief. Additional sets of decals may be 8635
purchased for a two-dollar fee. 8636

(E) The chief may issue an order temporarily or permanently 8637
restricting or suspending a dealer or manufacturer registration 8638
certificate without a hearing if the chief finds that the holder 8639
of the certificate has violated this section. 8640

Sec. 1547.57. When the chief of the division of watercraft 8641
issues a registration certificate under section 1547.54 of the 8642
Revised Code, ~~he~~ the chief also shall issue to the applicant two 8643
tags not larger than three inches square, color coded, indicating 8644
the expiration date of the certificate. The owner of watercraft 8645
currently documented by the United States coast guard and for 8646
which a registration certificate is issued shall securely affix 8647
one tag to the watercraft's port side and the other tag to the 8648
starboard side, so that the tags are clearly visible under normal 8649
operating conditions. The tags shall be removed from the 8650
watercraft when they become invalid. The owner of any other 8651

watercraft for which a registration certificate is issued shall 8652
securely affix one tag to the watercraft's port side, six inches 8653
toward the stern from the identification number, and the other tag 8654
to the starboard side, six inches toward the stern from the 8655
identification number. The tags shall be securely affixed to the 8656
watercraft prior to its operation, but shall be removed from the 8657
watercraft when they become invalid. A person may operate without 8658
a registration certificate, for a period not to exceed thirty 8659
days, any watercraft required to be titled on the waters in this 8660
state, if ~~he~~ the person has in ~~his~~ the person's possession on the 8661
watercraft a dealer's dated bill of sale or, in the case of a 8662
casual sale, a notarized bill of sale. 8663

The owner of every watercraft requiring numbering by this 8664
state shall attach to each side of the bow of the watercraft the 8665
permanent identification number in such manner as may be 8666
prescribed by applicable federal standards in order that it shall 8667
be clearly visible. The number shall be maintained in a legible 8668
condition at all times. No number other than the number assigned 8669
to a watercraft or granted by reciprocity pursuant to this chapter 8670
shall be painted, attached, or otherwise displayed on either side 8671
of the bow of the watercraft. 8672

No person shall operate or permit to be operated any 8673
watercraft on the waters in this state in violation of this 8674
section. 8675

Sec. 1547.69. (A) As used in this section: 8676

(1) "Firearm" has the same meaning as in section 2923.11 of 8677
the Revised Code. 8678

(2) "Unloaded" has the same meaning as in section 2923.16 of 8679
the Revised Code. 8680

(B) No person shall knowingly discharge a firearm while in or 8681

on a vessel. 8682

(C) No person shall knowingly transport or have a loaded 8683
firearm in a vessel, in such a manner that the firearm is 8684
accessible to the operator or any passenger. 8685

(D) No person shall knowingly transport or have a firearm in 8686
a vessel, unless it is unloaded and is carried in one of the 8687
following ways: 8688

(1) In a closed package, box, or case; 8689

(2) In plain sight with the action opened or the weapon 8690
stripped, or, if the firearm is of a type on which the action 8691
will not stay open or ~~which~~ that cannot easily be stripped, in 8692
plain sight. 8693

(E) The affirmative ~~defense~~ defenses contained in divisions 8694
(C)(1) and (2) of section 2923.12 of the Revised Code are 8695
affirmative defenses to a charge under division (C) or (D) of this 8696
section. 8697

(F) Divisions (B), (C), and (D) of this section do not apply 8698
to the possession or discharge of a United States coast guard 8699
approved signaling device required to be carried aboard a vessel 8700
under section 1547.251 of the Revised Code when the signaling 8701
device is possessed or used for the purpose of giving a visual 8702
distress signal. No person shall knowingly transport or possess 8703
any such signaling device in or on a vessel in a loaded condition 8704
at any time other than immediately prior to the discharge of the 8705
signaling device for the purpose of giving a visual distress 8706
signal. 8707

(G) No person shall operate or permit to be operated any 8708
vessel on the waters in this state in violation of this section. 8709

(H) This section does not apply to officers, agents, or 8710
employees of this or any other state or of the United States or to 8711

law enforcement officers when authorized to carry or have loaded 8712
or accessible firearms in a vessel and acting within the scope of 8713
their duties, nor to persons legally engaged in hunting. 8714

Sec. 1548.01. (A) As used in this chapter, "watercraft" ~~means~~ 8715
~~any of the following when used or capable of being used as a means~~ 8716
~~of transportation on the water:~~ 8717

~~(1) A boat operated by machinery either permanently or~~ 8718
~~temporarily affixed;~~ 8719

~~(2) A sailboat other than a sailboard;~~ 8720

~~(3) An inflatable, manually propelled boat having a hull~~ 8721
~~identification number meeting the requirements of the United~~ 8722
~~States coast guard.~~ 8723

~~"Watercraft" does not include ferries as referred to in Chapter~~ 8724
~~4583. of the Revised Code has the same meaning as in section~~ 8725
~~1547.01 Of the Revised Code.~~ 8726

(B) This chapter does not apply to any of the following: 8727

(1) A watercraft covered by a marine document in effect that 8728
has been assigned to it by the United States government pursuant 8729
to federal law; 8730

(2) A watercraft from a country other than the United States 8731
temporarily using the waters in this state; 8732

(3) A watercraft whose owner is the United States, a state, 8733
or a political subdivision thereof; 8734

(4) A ship's lifeboat. As used in division (B)(4) of this 8735
section, "lifeboat" means a watercraft that is held aboard another 8736
vessel and used exclusively for emergency purposes. 8737

(5) A canoe, ~~kayak, or rowboat;~~ 8738

(6) ~~Watercraft~~ A watercraft less than fourteen feet in length 8739
without a permanently affixed mechanical means of propulsion; 8740

8741

(7) Outboard motors of less than ten horsepower as determined 8742
by the manufacturer's rating. 8743

(C) The various certificates, applications, and assignments 8744
necessary to provide certificates of title for watercraft and 8745
outboard motors shall be made on appropriate forms approved by the 8746
chief of the division of watercraft. 8747

Sec. 1548.05. No manufacturer, importer, dealer, or other 8748
person shall sell or otherwise dispose of a new watercraft or 8749
outboard motor to a dealer to be used by the dealer for purposes 8750
of display and resale without delivering to the dealer a 8751
manufacturer's or importer's certificate executed in accordance 8752
with this section, and with such assignments ~~thereon~~ on it as are 8753
necessary to show title in the name of the purchaser. No dealer 8754
shall purchase or acquire a new watercraft or outboard motor 8755
without obtaining from the seller the manufacturer's or importer's 8756
certificate. 8757

A manufacturer's or importer's certificate of the origin of a 8758
watercraft or outboard motor shall contain the following 8759
information, in such form and together with such further 8760
information as the chief of the division of watercraft may 8761
require: 8762

(A) Description of the watercraft, including the make, year, 8763
length, series or model, if any, body type, hull identification 8764
number or serial number, and make, manufacturer's serial number, 8765
and horsepower of any inboard motor or motors; or description of 8766
the outboard motor, including the make, year, series or model, if 8767
any, manufacturer's serial number, and horsepower; 8768

(B) Certification of the date of transfer of the watercraft 8769
or outboard motor to a distributor or dealer or other transferee, 8770

and the name and address of the transferee; 8771

(C) Certification that this was the first transfer of the new 8772
watercraft or outboard motor in ordinary trade and commerce; 8773

(D) Signature and address of a representative of the 8774
transferor. 8775

An assignment of a manufacturer's or importer's certificate 8776
before a notary public or other officer empowered to administer 8777
oaths shall be printed on the reverse side of the manufacturer's 8778
or importer's certificate in the form to be prescribed by the 8779
chief. The assignment form shall include the name and address of 8780
the transferee, a certification that the watercraft or outboard 8781
motor is new, and a warranty that the title at the time of 8782
delivery is subject only to such liens and encumbrances as are set 8783
forth and described in full in the assignment. 8784

Sec. 1548.06. Application for a certificate of title for a 8785
watercraft or outboard motor shall be made upon a form prescribed 8786
by the chief of the division of watercraft and shall be sworn to 8787
before a notary public or other officer empowered to administer 8788
oaths. The application shall be filed with the clerk of the court 8789
of common pleas of the county in which the applicant resides if 8790
the applicant is a resident of this state or, if not a resident, 8791
in the county in which the transaction is consummated. The 8792
application shall be accompanied by the fee prescribed in section 8793
1548.10 of the Revised Code, and if a certificate of title 8794
previously has been issued for the watercraft or outboard motor, 8795
it shall be accompanied by the certificate of title duly assigned 8796
unless otherwise provided in this chapter. If a certificate of 8797
title previously has not been issued for the watercraft or 8798
outboard motor in this state, the application, unless otherwise 8799
provided in this chapter, shall be accompanied by a manufacturer's 8800
or importer's certificate; by a sworn statement of ownership if 8801

the watercraft or outboard motor was purchased by the applicant on 8802
or before October 9, 1963, or if the watercraft is less than 8803
fourteen feet long with a permanently affixed mechanical means of 8804
propulsion and was purchased by the applicant on or before January 8805
1, 2000; or by a certificate of title, bill of sale, or other 8806
evidence of ownership required by the law of another state from 8807
which the watercraft or outboard motor was brought into this 8808
state. Evidence of ownership of a watercraft or outboard motor for 8809
which an Ohio certificate of title previously has not been issued 8810
and which watercraft or outboard motor does not have permanently 8811
affixed thereto a manufacturer's serial number shall be 8812
accompanied by the certificate of assignment of a hull 8813
identification number assigned by the chief as provided in section 8814
1548.07 of the Revised Code. ~~The~~ 8815

The clerk shall retain the evidence of title presented by the 8816
applicant and on which the certificate of title is issued. The 8817
clerk shall use reasonable diligence in ascertaining whether the 8818
facts in the application are true by checking the application and 8819
documents accompanying it with the records of watercraft and 8820
outboard motors in ~~his~~ the clerk's office. If satisfied that the 8821
applicant is the owner of the watercraft or outboard motor and 8822
that the application is in the proper form, the clerk shall issue 8823
a certificate of title over ~~his~~ the clerk's signature and sealed 8824
with ~~his~~ the clerk's seal. However, if the evidence indicates and 8825
an investigation shows that one or more Ohio titles already exist 8826
for the watercraft or outboard motor, the chief may cause the 8827
redundant title or titles to be canceled. 8828

In the case of the sale of a watercraft or outboard motor by 8829
a vendor to a general purchaser or user, the certificate of title 8830
shall be obtained in the name of the purchaser by the vendor upon 8831
application signed by the purchaser. In all other cases the 8832
certificate shall be obtained by the purchaser. In all cases of 8833

transfer of watercraft or outboard motors, the application for
certificate of title shall be filed within thirty days after the
later of the date of purchase or assignment of ownership of the
watercraft or outboard motor. If the application for certificate
of title is not filed within thirty days after the later of the
date of purchase or assignment of ownership of the watercraft or
outboard motor, the clerk shall charge a late penalty fee of five
dollars in addition to the fee prescribed by section 1548.10 of
the Revised Code. The clerk shall retain the entire amount of each
late penalty fee.

The clerk shall refuse to accept an application for
certificate of title unless the applicant either tenders with the
application payment of all taxes levied by or pursuant to Chapter
5739. or 5741. of the Revised Code, less, in the case of a sale by
a vendor, any discount to which the vendor is entitled under
section 5739.12 of the Revised Code, or submits any of the
following:

(A) A receipt issued by the tax commissioner or a clerk of
courts showing payment of the tax;

(B) A copy of the unit certificate of exemption completed by
the purchaser at the time of sale, as provided in section 5739.03
of the Revised Code;

(C) An exemption certificate, in a form prescribed by the tax
commissioner, that specifies why the purchase is not subject to
the tax imposed by Chapter 5739. or 5741. of the Revised Code.

Payment of the tax shall be in accordance with rules issued
by the tax commissioner, and the clerk shall issue a receipt in
the form prescribed by the tax commissioner to any applicant who
tenders payment of the tax with the application for registration
of title.

For receiving and disbursing the taxes paid to the clerk, the

clerk may retain a poundage fee of one per cent of the taxes
collected, which shall be paid into the general fund of the
county. In the case of casual sales of watercraft or outboard
motors that are subject to the tax imposed by Chapter 5739. or
5741. of the Revised Code, the purchase price for the purpose of
determining the tax shall be the purchase price on an affidavit
executed and filed with the clerk by the vendor on a form to be
prescribed by the chief ~~of the division of watercraft~~, which shall
be prima-facie evidence of the price for the determination of the
tax. In addition to the information required by section 1548.08 of
the Revised Code, each certificate of title shall contain in bold
lettering the following notification and statements: "WARNING TO
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER). You are required by
law to state the true selling price. A false statement is a
violation of section 2921.13 of the Revised Code and is punishable
by six months imprisonment or a fine of up to one thousand
dollars, or both. All transfers are audited by the department of
taxation. The seller and buyer must provide any information
requested by the department of taxation. The buyer may be assessed
any additional tax found to be due."

The clerk shall forward all payments of taxes, less poundage
fees, to the treasurer of state in a manner to be prescribed by
the tax commissioner and shall furnish such information to the
commissioner as the commissioner may require. For purposes of a
transfer of a certificate of title, if the clerk is satisfied that
a secured party has discharged a lien, but has not canceled the
lien notation with the clerk of the county of origin, ~~he~~ the clerk
may cancel the lien notation on the automated title processing
system and notify the clerk of the county of origin.

Sec. 1553.01. (A) There is hereby created in the department
of natural resources the division of civilian conservation. The

chief of the division shall be appointed by the director of 8896
natural resources. 8897

(B) The chief ~~of the division of civilian conservation,~~ with 8898
the approval of the director and the advice of the civilian 8899
conservation advisory committee created in section 1553.10 of the 8900
Revised Code, shall do all of the following: 8901

(1) ~~Divide the state into conservation areas;~~ 8902

~~(2)~~ Establish, ~~within conservation areas,~~ residential and 8903
nonresidential civilian conservation programs ~~as~~ that the chief 8904
considers appropriate; 8905

~~(3)~~(2) Establish eligibility standards in accordance with 8906
section 1553.04 of the Revised Code for selecting applicants for 8907
participation in conservation programs established under this 8908
chapter; 8909

~~(4)~~(3) Adopt rules in accordance with Chapter 119. of the 8910
Revised Code to carry out the purposes of this chapter. 8911

Sec. 1553.02. (A) The chief of the division of civilian 8912
conservation shall ensure that each program established under this 8913
chapter provides participants with educational advancement 8914
opportunities, life skill development opportunities, and work 8915
experience related to the conservation, development, and 8916
management of natural resources and recreational areas, 8917
restoration of historic structures, and assistance in the 8918
development of related community programs. ~~Such~~ The work 8919
experience may include planting, pruning, and cutting of trees, 8920
forest management including fire protection, reclaiming 8921
strip-mined land, wildlife habitat development, drainage control, 8922
prevention of shore and soil erosion, litter removal, trail 8923
development, cleaning or repair of drainage ditches or streams, 8924
highway and community beautification, construction of lakes, 8925

ponds, and waterways to be used as fishing and hunting sites and 8926
for other recreational purposes, flood control projects, urban 8927
parks and recreational site development, assistance in times and 8928
places of natural disasters, insect and pest control, construction 8929
and renovation of facilities, restoration of historic structures, 8930
and any other similar work experience considered appropriate by 8931
the chief. ~~Such~~ The programs may be carried out on any publicly 8932
owned land or, with the prior written approval of the person 8933
owning, administering, or controlling the land, on privately owned 8934
land. 8935

(B) The chief ~~may~~, with the approval of the director, of 8936
natural resources, may contract with any agency or political 8937
subdivision of this state, other states, or the federal government 8938
to enable the division to participate in any state, federal, or 8939
community programs that ~~he~~ the chief considers to be in the public 8940
interest. 8941

(C) The chief ~~may~~, with the approval of the director, may 8942
contract with any person, ~~company, corporation, or association~~ in 8943
order to carry out the purposes of ~~Chapter 1553. of the Revised~~ 8944
~~Code~~ this chapter. 8945

(D) The chief may do all things necessary to obtain any 8946
federal assistance available for carrying out the purposes of this 8947
chapter. 8948

Sec. 1553.05. (A) Each participant in a conservation program 8949
established under this chapter shall agree to participate in the 8950
program for a period of not less than six months unless 8951
participation for a period of less than six months is mandated by 8952
another funding agency's statutory authority or rules or 8953
regulations. 8954

A At the discretion of the chief of the division of civilian 8955

~~conservation, a participant may participate in a program for a 8956
period of more than six months, but no participant's total period 8957
of participation in the civilian conservation program shall exceed 8958
eighteen twenty-four months ~~except as otherwise provided in this 8959
division. Subject to the approval of the director of natural 8960
resources and the chief of the division of civilian conservation, 8961
a participant who has attained corps leader status may participate 8962
in the civilian conservation program for up to twenty four months. 8963~~~~

(B) The division of civilian conservation shall compensate 8964
each participant in an amount not less than the wage required by 8965
Chapter 4111. of the Revised Code and the "Fair Labor Standards 8966
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. The 8967
division shall provide each participant in residential camps with 8968
lodging, food, and necessary work clothing and ~~such~~ other services 8969
~~as~~ that the chief considers appropriate, all of which shall be 8970
considered, in accordance with Chapter 4111. of the Revised Code 8971
and the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 8972
U.S.C. 201, as amended, a part of the participant's wage. 8973

(C) The division shall provide participants in each 8974
nonresidential conservation program with ~~such~~ compensation, in 8975
money, goods, services, or any combination ~~thereof~~ of them, ~~as~~ 8976
that it considers appropriate in light of the nature of the 8977
program and in accordance with Chapter 4111. of the Revised Code 8978
and the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 8979
U.S.C. 201, as amended. 8980

(D) Participants shall not be considered as state employees 8981
under Chapter 124. of the Revised Code and shall not be permitted 8982
to participate in any public employee retirement program while 8983
they are participants in the civilian conservation program. They 8984
shall be considered employees of the state for the purposes of 8985
section 9.83 and Chapters 4112. and 4123. of the Revised Code. 8986

Sec. 1553.07. The chief of the division of civilian 8987

conservation shall appoint appropriate personnel and ensure that 8988
appropriate facilities are available for the operation of the 8989
programs established under this chapter. 8990

Sec. 2935.01. As used in this chapter: 8991

(A) "Magistrate" has the same meaning as in section 2931.01 8992
of the Revised Code. 8993

(B) "Peace officer" includes, except as provided in section 8994
2935.081 of the Revised Code, a sheriff~~;~~*i* deputy sheriff~~;~~*i* 8995
marshal~~;~~*i* deputy marshal~~;~~*i* member of the organized police 8996
department of any municipal corporation, including a member of the 8997
organized police department of a municipal corporation in an 8998
adjoining state serving in Ohio under a contract pursuant to 8999
section 737.04 of the Revised Code~~;~~*i* member of a police force 9000
employed by a metropolitan housing authority under division (D) of 9001
section 3735.31 of the Revised Code~~;~~*i* member of a police force 9002
employed by a regional transit authority under division (Y) of 9003
section 306.05 of the Revised Code~~;~~*i* state university law 9004
enforcement officer appointed under section 3345.04 of the Revised 9005
Code~~;~~*i* liquor control investigator or food stamp trafficking agent 9006
of the department of public safety~~;~~*i* employee of the department of 9007
natural resources who is a natural resources law enforcement staff 9008
officer designated pursuant to section 1501.013 Of the Revised 9009
Code, a forest officer designated pursuant to section 1503.29, a 9010
preserve officer designated pursuant to section 1517.10, a 9011
wildlife officer designated pursuant to section 1531.13, a park 9012
officer designated pursuant to section 1541.10, or a state 9013
watercraft officer designated pursuant to section 1547.521 of the 9014
Revised Code; individual designated to perform law enforcement 9015
duties under section 511.232, 1545.13, or 6101.75 Of the Revised 9016
Code; Ohio veterans' home policeman police officer appointed under 9017
section 5907.02 of the Revised Code~~;~~*i* police constable of any 9018

township⁷ and police officer of a township or joint township 9019
police district⁷ and, for the purpose of arrests within those 9020
areas, and for the purposes of Chapter 5503. of the Revised Code, 9021
and the filing of and service of process relating to those 9022
offenses witnessed or investigated by them, includes the 9023
superintendent and troopers of the state highway patrol. 9024

(C) "Prosecutor" includes the county prosecuting attorney⁷ 9025
and any assistant prosecutor designated to assist the county 9026
prosecuting attorney, and, in the case of courts inferior to 9027
courts of common pleas, includes the village solicitor, city 9028
director of law, or similar chief legal officer of a municipal 9029
corporation, any such officer's assistants, or any attorney 9030
designated by the prosecuting attorney of the county to appear for 9031
the prosecution of a given case. 9032

(D) "Offense," except where the context specifically 9033
indicates otherwise, includes felonies, misdemeanors, and 9034
violations of ordinances of municipal corporations and other 9035
public bodies authorized by law to adopt penal regulations. 9036

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 9037
deputy marshal, municipal police officer, township constable, 9038
police officer of a township or joint township police district, 9039
member of a police force employed by a metropolitan housing 9040
authority under division (D) of section 3735.31 of the Revised 9041
Code, member of a police force employed by a regional transit 9042
authority under division (Y) of section 306.35 of the Revised 9043
Code, state university law enforcement officer appointed under 9044
section 3345.04 of the Revised Code, or Ohio veterans' home police 9045
officer appointed under section 5907.02 of the Revised Code shall 9046
arrest and detain, until a warrant can be obtained, a person found 9047
violating, within the limits of the political subdivision, 9048
metropolitan housing authority housing project, regional transit 9049

authority facilities or areas of a municipal corporation that have 9050
been agreed to by a regional transit authority and a municipal 9051
corporation located within its territorial jurisdiction, college, 9052
university, or Ohio veterans' home in which the peace officer is 9053
appointed, employed, or elected, a law of this state, an ordinance 9054
of a municipal corporation, or a resolution of a township. 9055

(2) A peace officer of the department of natural resources or 9056
an individual designated to perform law enforcement duties under 9057
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 9058
arrest and detain, until a warrant can be obtained, a person found 9059
violating, within the limits of the peace officer's or 9060
individual's territorial jurisdiction, a law of this state. 9061

(B)(1) When there is reasonable ground to believe that an 9062
offense of violence, the offense of criminal child enticement as 9063
defined in section 2905.05 of the Revised Code, the offense of 9064
public indecency as defined in section 2907.09 of the Revised 9065
Code, the offense of domestic violence as defined in section 9066
2919.25 of the Revised Code, the offense of violating a protection 9067
order as defined in section 2919.27 of the Revised Code, the 9068
offense of menacing by stalking as defined in section 2903.211 of 9069
the Revised Code, the offense of aggravated trespass as defined in 9070
section 2911.211 of the Revised Code, a theft offense as defined 9071
in section 2913.01 of the Revised Code, or a felony drug abuse 9072
offense as defined in section 2925.01 of the Revised Code, has 9073
been committed within the limits of the political subdivision, 9074
metropolitan housing authority housing project, regional transit 9075
authority facilities or those areas of a municipal corporation 9076
that have been agreed to by a regional transit authority and a 9077
municipal corporation located within its territorial jurisdiction, 9078
college, university, or Ohio veterans' home in which the peace 9079
officer is appointed, employed, or elected or within the limits of 9080
the territorial jurisdiction of the peace officer, a peace officer 9081

described in division (A)~~(1)~~ of this section may arrest and detain 9082
until a warrant can be obtained any person ~~whom~~ who the peace 9083
officer has reasonable cause to believe is guilty of the 9084
violation. 9085

(2) For purposes of division (B)(1) of this section, the 9086
execution of any of the following constitutes reasonable ground to 9087
believe that the offense alleged in the statement was committed 9088
and reasonable cause to believe that the person alleged in the 9089
statement to have committed the offense is guilty of the 9090
violation: 9091

(a) A written statement by a person alleging that an alleged 9092
offender has committed the offense of menacing by stalking or 9093
aggravated trespass; 9094

(b) A written statement by the administrator of the 9095
interstate compact on mental health appointed under section 9096
5119.51 of the Revised Code alleging that a person who had been 9097
hospitalized, institutionalized, or confined in any facility under 9098
an order made pursuant to or under authority of section 2945.37, 9099
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 9100
Revised Code has escaped from the facility, from confinement in a 9101
vehicle for transportation to or from the facility, or from 9102
supervision by an employee of the facility that is incidental to 9103
hospitalization, institutionalization, or confinement in the 9104
facility and that occurs outside of the facility, in violation of 9105
section 2921.34 of the Revised Code; 9106

(c) A written statement by the administrator of any facility 9107
in which a person has been hospitalized, institutionalized, or 9108
confined under an order made pursuant to or under authority of 9109
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 9110
2945.402 of the Revised Code alleging that the person has escaped 9111
from the facility, from confinement in a vehicle for 9112
transportation to or from the facility, or from supervision by an 9113

employee of the facility that is incidental to hospitalization, 9114
institutionalization, or confinement in the facility and that 9115
occurs outside of the facility, in violation of section 2921.34 of 9116
the Revised Code. 9117

(3)(a) For purposes of division (B)(1) of this section, a 9118
peace officer described in ~~that~~ division (A) of this section has 9119
reasonable grounds to believe that the offense of domestic 9120
violence or the offense of violating a protection order has been 9121
committed and reasonable cause to believe that a particular person 9122
is guilty of committing the offense if any of the following 9123
occurs: 9124

(i) A person executes a written statement alleging that the 9125
person in question has committed the offense of domestic violence 9126
or the offense of violating a protection order against the person 9127
who executes the statement or against a child of the person who 9128
executes the statement. 9129

(ii) No written statement of the type described in division 9130
(B)(3)(a)(i) of this section is executed, but the peace officer, 9131
based upon the peace officer's own knowledge and observation of 9132
the facts and circumstances of the alleged incident of the offense 9133
of domestic violence or the alleged incident of the offense of 9134
violating a protection order or based upon any other information, 9135
including, but not limited to, any reasonably trustworthy 9136
information given to the peace officer by the alleged victim of 9137
the alleged incident of the offense or any witness of the alleged 9138
incident of the offense, concludes that there are reasonable 9139
grounds to believe that the offense of domestic violence or the 9140
offense of violating a protection order has been committed and 9141
reasonable cause to believe that the person in question is guilty 9142
of committing the offense. 9143

(iii) No written statement of the type described in division 9144

(B)(3)(a)(i) of this section is executed, but the peace officer
witnessed the person in question commit the offense of domestic
violence or the offense of violating a protection order.

(b) If pursuant to division (B)(3)(a) of this section a peace
officer has reasonable grounds to believe that the offense of
domestic violence or the offense of violating a protection order
has been committed and reasonable cause to believe that a
particular person is guilty of committing the offense, it is the
preferred course of action in this state that the officer arrest
and detain that person pursuant to division (B)(1) of this section
until a warrant can be obtained.

If pursuant to division (B)(3)(a) of this section a peace
officer has reasonable grounds to believe that the offense of
domestic violence or the offense of violating a protection order
has been committed and reasonable cause to believe that family or
household members have committed the offense against each other,
it is the preferred course of action in this state that the
officer, pursuant to division (B)(1) of this section, arrest and
detain until a warrant can be obtained the family or household
member who committed the offense and whom the officer has
reasonable cause to believe is the primary physical aggressor.
There is no preferred course of action in this state regarding any
other family or household member who committed the offense and
whom the officer does not have reasonable cause to believe is the
primary physical aggressor, but, pursuant to division (B)(1) of
this section, the peace officer may arrest and detain until a
warrant can be obtained any other family or household member who
committed the offense and whom the officer does not have
reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division ~~(B)(1)~~(A) of
this section does not arrest and detain a person whom the officer
has reasonable cause to believe committed the offense of domestic

violence or the offense of violating a protection order when it is 9177
the preferred course of action in this state pursuant to division 9178
(B)(3)(b) of this section that the officer arrest that person, the 9179
officer shall articulate in the written report of the incident 9180
required by section 2935.032 of the Revised Code a clear statement 9181
of the officer's reasons for not arresting and detaining that 9182
person until a warrant can be obtained. 9183

(d) In determining for purposes of division (B)(3)(b) of this 9184
section which family or household member is the primary physical 9185
aggressor in a situation in which family or household members have 9186
committed the offense of domestic violence or the offense of 9187
violating a protection order against each other, a peace officer 9188
described in division ~~(B)(1)(A)~~ of this section, in addition to 9189
any other relevant circumstances, should consider all of the 9190
following: 9191

(i) Any history of domestic violence or of any other violent 9192
acts by either person involved in the alleged offense that the 9193
officer reasonably can ascertain; 9194

(ii) If violence is alleged, whether the alleged violence was 9195
caused by a person acting in self-defense; 9196

(iii) Each person's fear of physical harm, if any, resulting 9197
from the other person's threatened use of force against any person 9198
or resulting from the other person's use or history of the use of 9199
force against any person, and the reasonableness of that fear; 9200

(iv) The comparative severity of any injuries suffered by the 9201
persons involved in the alleged offense. 9202

(e)(i) A peace officer described in division ~~(B)(1)(A)~~ of 9203
this section shall not require, as a prerequisite to arresting or 9204
charging a person who has committed the offense of domestic 9205
violence or the offense of violating a protection order, that the 9206
victim of the offense specifically consent to the filing of 9207

charges against the person who has committed the offense or sign a 9208
complaint against the person who has committed the offense. 9209

(ii) If a person is arrested for or charged with committing 9210
the offense of domestic violence or the offense of violating a 9211
protection order and if the victim of the offense does not 9212
cooperate with the involved law enforcement or prosecuting 9213
authorities in the prosecution of the offense or, subsequent to 9214
the arrest or the filing of the charges, informs the involved law 9215
enforcement or prosecuting authorities that the victim does not 9216
wish the prosecution of the offense to continue or wishes to drop 9217
charges against the alleged offender relative to the offense, the 9218
involved prosecuting authorities, in determining whether to 9219
continue with the prosecution of the offense or whether to dismiss 9220
charges against the alleged offender relative to the offense and 9221
notwithstanding the victim's failure to cooperate or the victim's 9222
wishes, shall consider all facts and circumstances that are 9223
relevant to the offense, including, but not limited to, the 9224
statements and observations of the peace officers who responded to 9225
the incident that resulted in the arrest or filing of the charges 9226
and of all witnesses to that incident. 9227

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 9228
this section whether to arrest a person pursuant to division 9229
(B)(1) of this section, a peace officer described in division 9230
~~(B)(1)(A)~~ of this section shall not consider as a factor any 9231
possible shortage of cell space at the detention facility to which 9232
the person will be taken subsequent to the person's arrest or any 9233
possibility that the person's arrest might cause, contribute to, 9234
or exacerbate overcrowding at that detention facility or at any 9235
other detention facility. 9236

(g) If a peace officer described in division ~~(B)(1)(A)~~ of 9237
this section intends pursuant to divisions (B)(3)(a) to (g) of 9238
this section to arrest a person pursuant to division (B)(1) of 9239

this section and if the officer is unable to do so because the 9240
person is not present, the officer promptly shall seek a warrant 9241
for the arrest of the person. 9242

(h) If a peace officer described in division ~~(B)(1)~~(A) of 9243
this section responds to a report of an alleged incident of the 9244
offense of domestic violence or an alleged incident of the offense 9245
of violating a protection order and if the circumstances of the 9246
incident involved the use or threatened use of a deadly weapon or 9247
any person involved in the incident brandished a deadly weapon 9248
during or in relation to the incident, the deadly weapon that was 9249
used, threatened to be used, or brandished constitutes contraband, 9250
and, to the extent possible, the officer shall seize the deadly 9251
weapon as contraband pursuant to section 2933.43 of the Revised 9252
Code. Upon the seizure of a deadly weapon pursuant to ~~this~~ 9253
division (B)(3)(h) of this section, section 2933.43 of the Revised 9254
Code shall apply regarding the treatment and disposition of the 9255
deadly weapon. For purposes of that section, the "underlying 9256
criminal offense" that was the basis of the seizure of a deadly 9257
weapon under ~~this~~ division (B)(3)(h) of this section and to which 9258
the deadly weapon had a relationship is any of the following that 9259
is applicable: 9260

(i) The alleged incident of the offense of domestic violence 9261
or the alleged incident of the offense of violating a protection 9262
order to which the officer who seized the deadly weapon responded; 9263

(ii) Any offense that arose out of the same facts and 9264
circumstances as the report of the alleged incident of the offense 9265
of domestic violence or the alleged incident of the offense of 9266
violating a protection order to which the officer who seized the 9267
deadly weapon responded. 9268

(4) If, in the circumstances described in divisions (B)(3)(a) 9269
to (g) of this section, a peace officer described in division 9270
~~(B)(1)~~(A) of this section arrests and detains a person pursuant to 9271

division (B)(1) of this section, or if, pursuant to division 9272
(B)(3)(h) of this section, a peace officer described in division 9273
~~(B)(1)(A)~~ of this section seizes a deadly weapon, the officer, to 9274
the extent described in and in accordance with section 9.86 or 9275
2744.03 of the Revised Code, is immune in any civil action for 9276
damages for injury, death, or loss to person or property that 9277
arises from or is related to the arrest and detention or the 9278
seizure. 9279

(C) When there is reasonable ground to believe that a 9280
violation of division (A), (B), or (C) of section 4506.15 or a 9281
violation of section 4511.19 of the Revised Code has been 9282
committed by a person operating a motor vehicle subject to 9283
regulation by the public utilities commission of Ohio under Title 9284
XLIX of the Revised Code, a peace officer with authority to 9285
enforce that provision of law may stop or detain the person whom 9286
the officer has reasonable cause to believe was operating the 9287
motor vehicle in violation of the division or section and, after 9288
investigating the circumstances surrounding the operation of the 9289
vehicle, may arrest and detain the person. 9290

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 9291
municipal police officer, member of a police force employed by a 9292
metropolitan housing authority under division (D) of section 9293
3735.31 of the Revised Code, member of a police force employed by 9294
a regional transit authority under division (Y) of section 306.35 9295
of the Revised Code, township constable, police officer of a 9296
township or joint township police district, ~~ex~~ state university 9297
law enforcement officer appointed under section 3345.04 of the 9298
Revised Code, peace officer of the department of natural 9299
resources, or individual designated to perform law enforcement 9300
duties under section 511.232, 1545.13, or 6101.75 Of the Revised 9301
Code is authorized by division (A) or (B) of this section to 9302
arrest and detain, within the limits of the political subdivision, 9303

metropolitan housing authority housing project, regional transit 9304
authority facilities or those areas of a municipal corporation 9305
that have been agreed to by a regional transit authority and a 9306
municipal corporation located within its territorial jurisdiction, 9307
college, or university in which the officer is appointed, 9308
employed, or elected or within the limits of the territorial 9309
jurisdiction of the peace officer, a person until a warrant can be 9310
obtained, the peace officer ~~may~~, outside the limits of that 9311
territory, may pursue, arrest, and detain that person until a 9312
warrant can be obtained if all of the following apply: 9313

(1) The pursuit takes place without unreasonable delay after 9314
the offense is committed-; 9315

(2) The pursuit is initiated within the limits of the 9316
political subdivision, metropolitan housing authority housing 9317
project, regional transit authority facilities or those areas of a 9318
municipal corporation that have been agreed to by a regional 9319
transit authority and a municipal corporation located within its 9320
territorial jurisdiction, college, or university in which the 9321
peace officer is appointed, employed, or elected- or within the 9322
limits of the territorial jurisdiction of the peace officer; 9323

(3) The offense involved is a felony, a misdemeanor of the 9324
first degree or a substantially equivalent municipal ordinance, a 9325
misdemeanor of the second degree or a substantially equivalent 9326
municipal ordinance, or any offense for which points are 9327
chargeable pursuant to division (G) of section 4507.021 of the 9328
Revised Code. 9329

(E) In addition to the authority granted under division (A) 9330
or (B) of this section: 9331

(1) A sheriff or deputy sheriff may arrest and detain, until 9332
a warrant can be obtained, any person found violating section 9333
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 9334

4549.62, or Chapter 4511. or 4513. of the Revised Code on the 9335
portion of any street or highway that is located immediately 9336
adjacent to the boundaries of the county in which the sheriff or 9337
deputy sheriff is elected or appointed. 9338

(2) A member of the police force of a township police 9339
district created under section 505.48 of the Revised Code, a 9340
member of the police force of a joint township police district 9341
created under section 505.481 of the Revised Code, ~~and~~ or a 9342
township constable appointed in accordance with section 509.01 of 9343
the Revised Code, who has received a certificate from the Ohio 9344
peace officer training commission under section 109.75 of the 9345
Revised Code, may arrest and detain, until a warrant can be 9346
obtained, any person found violating any section or chapter of the 9347
Revised Code listed in division (E)(1) of this section, other than 9348
sections 4513.33 and 4513.34 of the Revised Code, on the portion 9349
of any street or highway that is located immediately adjacent to 9350
the boundaries of the township police district or joint township 9351
police district, in the case of a member of a township police 9352
district or joint township police district police force, or the 9353
unincorporated territory of the township, in the case of a 9354
township constable. However, if the population of the township 9355
that created the township police district served by the member's 9356
police force, or the townships that created the joint township 9357
police district served by the member's police force, or the 9358
township that is served by the township constable, is sixty 9359
thousand or less, the member of the township police district or 9360
joint police district police force or the township constable may 9361
not make an arrest under ~~this~~ division (E)(2) of this section on a 9362
state highway that is included as part of the interstate system. 9363

(3) A police officer or village marshal appointed, elected, 9364
or employed by a municipal corporation may arrest and detain, 9365
until a warrant can be obtained, any person found violating any 9366

section or chapter of the Revised Code listed in division (E)(1) 9367
of this section on the portion of any street or highway that is 9368
located immediately adjacent to the boundaries of the municipal 9369
corporation in which the police officer or village marshal is 9370
appointed, elected, or employed. 9371

(4) A peace officer of the department of natural resources or 9372
an individual designated to perform law enforcement duties under 9373
section 511.232, 1545.13, or 6101.75 of the Revised Code may 9374
arrest and detain, until a warrant can be obtained, any person 9375
found violating any section or chapter of the Revised Code listed 9376
in division (E)(1) of this section, other than sections 4513.33 9377
and 4513.34 of the Revised Code, on the portion of any street or 9378
highway that is located immediately adjacent to the boundaries of 9379
the lands and waters that constitute the territorial jurisdiction 9380
of the peace officer. 9381

(F)(1) A department of mental health special police officer 9382
or a department of mental retardation and developmental 9383
disabilities special police officer may arrest without a warrant 9384
and detain until a warrant can be obtained any person found 9385
committing on the premises of any institution under the 9386
jurisdiction of the particular department a misdemeanor under a 9387
law of the state. 9388

A department of mental health special police officer or a 9389
department of mental retardation and developmental disabilities 9390
special police officer may arrest without a warrant and detain 9391
until a warrant can be obtained any person who has been 9392
hospitalized, institutionalized, or confined in an institution 9393
under the jurisdiction of the particular department pursuant to or 9394
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 9395
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 9396
found committing on the premises of any institution under the 9397
jurisdiction of the particular department a violation of section 9398

2921.34 of the Revised Code that involves an escape from the 9399
premises of the institution. 9400

(2)(a) If a department of mental health special police 9401
officer or a department of mental retardation and developmental 9402
disabilities special police officer finds any person who has been 9403
hospitalized, institutionalized, or confined in an institution 9404
under the jurisdiction of the particular department pursuant to or 9405
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 9406
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 9407
violation of section 2921.34 of the Revised Code that involves an 9408
escape from the premises of the institution, or if there is 9409
reasonable ground to believe that a violation of section 2921.34 9410
of the Revised Code has been committed that involves an escape 9411
from the premises of an institution under the jurisdiction of the 9412
department of mental health or the department of mental 9413
retardation and developmental disabilities and if a department of 9414
mental health special police officer or a department of mental 9415
retardation and developmental disabilities special police officer 9416
has reasonable cause to believe that a particular person who has 9417
been hospitalized, institutionalized, or confined in the 9418
institution pursuant to or under authority of section 2945.37, 9419
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 9420
Revised Code is guilty of the violation, the special police 9421
officer, outside of the premises of the institution, may pursue, 9422
arrest, and detain that person for that violation of section 9423
2921.34 of the Revised Code, until a warrant can be obtained, if 9424
both of the following apply: 9425

(i) The pursuit takes place without unreasonable delay after 9426
the offense is committed-; 9427

(ii) The pursuit is initiated within the premises of the 9428
institution from which the violation of section 2921.34 of the 9429
Revised Code occurred. 9430

(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the institution in which a person had been hospitalized, institutionalized, or confined pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the premises of the institution in violation of section 2921.34 of the Revised Code constitutes reasonable ground to believe that the violation was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation.

(G) As used in this section:

(1) A "department of mental health special police officer" means a special police officer of the department of mental health designated under section 5119.14 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.

(2) A "department of mental retardation and developmental disabilities special police officer" means a special police officer of the department of mental retardation and developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.

(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code. 9462
9463

(7) "Peace officer of the department of natural resources" 9464
means an employee of the department of natural resources who is a 9465
natural resources law enforcement staff officer designated 9466
pursuant to section 1501.013, a forest officer designated pursuant 9467
to section 1503.29, a preserve officer designated pursuant to 9468
section 1517.10, a wildlife officer designated pursuant to section 9469
1531.13, a park officer designated pursuant to section 1541.10, or 9470
a state watercraft officer designated pursuant to section 1547.521 9471
of the Revised Code. 9472

Sec. 3937.42. (A) The chief or head law enforcement officer 9473
of any federal, state, or local law enforcement agency or a 9474
prosecuting attorney of any county may request any insurance 9475
company, or agent authorized by the company to act on its behalf, 9476
that has investigated or is investigating a claim involving motor 9477
vehicle insurance or vessel insurance to release any information 9478
in its possession relevant to the claim. The company or agent 9479
shall release the information that is requested in writing by the 9480
law enforcement officer. 9481

(B) If an insurance company, or agent authorized by the 9482
company to act on its behalf, has reason to suspect that a loss 9483
involving a motor vehicle or vessel that is insured by the company 9484
is part of a fraudulent scheme to obtain control of ~~motor vehicle~~ 9485
insurance proceeds, the company or agent shall notify a law 9486
enforcement officer or a prosecuting attorney of any county having 9487
jurisdiction over the alleged fraud. 9488

(C) An insurance company, or agent authorized by the company 9489
to act on its behalf, shall release any information requested in 9490
writing pursuant to division (A) of this section and cooperate 9491
with the officer or a prosecuting attorney of any county 9492

authorized to request the information. The company or agent shall
take such action as may be reasonably requested of it by the
officer or a prosecuting attorney of any county and shall permit
any other person ordered by a court to inspect any information
that is specifically requested by the court.

The information that may be requested pursuant to this
section may include, but is not limited to, the following:

(1) Any insurance policy relevant to the claim under
investigation and any application for such a policy;

(2) Policy premium payment records;

(3) History of previous ~~motor vehicle~~ claims involving a
motor vehicle or vessel made by the insured;

(4) Material relating to the investigation of the claim,
including statements of any person, proof of loss, and any other
relevant evidence.

(D) If the law enforcement officer or a prosecuting attorney
of any county mentioned in division (A) of this section has
received information pursuant to this section from an insurance
company, or agent authorized by the company to act on its behalf,
the officer or a prosecuting attorney of any county may release
to, and share with, the insurance company or agent any information
in ~~his~~ the officer's or prosecuting attorney's possession relative
to the claim, upon the written request of the insurance company or
agent.

(E) In the absence of fraud, recklessness, or malice, no
insurance company, or agent authorized by the company to act on
its behalf, is liable for damages in any civil action, including
any action brought pursuant to section 1347.10 of the Revised Code
for any oral or written statement made or any other action taken
that is necessary to supply information required pursuant to this

section. 9523

(F) Except as otherwise provided in division (D) of this 9524
section, any officer or a prosecuting attorney of any county 9525
receiving any information furnished pursuant to this section shall 9526
hold the information in confidence and shall not disclose it to 9527
anyone except other law enforcement officers or agencies until its 9528
release is required pursuant to a criminal or civil proceeding. 9529

(G) Any officer or a prosecuting attorney of any county 9530
referred to in division (A) of this section may testify as to any 9531
information in ~~his~~ the officer's or prosecuting attorney's 9532
possession regarding the claim referred to in that division in any 9533
civil action in which any person seeks recovery under a policy 9534
against an insurance company. 9535

(H) As used in this section, ~~"motor vehicle":~~ 9536

(1) "Motor vehicle" has the same meaning as in section 9537
4501.01 of the Revised Code. 9538

(2) "Vessel" has the same meaning as in section 1547.01 Of 9539
the Revised Code. 9540

(I)(1) No person shall purposely refuse to release any 9541
information requested pursuant to this section by an officer or a 9542
prosecuting attorney of any county authorized by division (A) of 9543
this section to request the information. 9544

(2) No person shall purposely refuse to notify an appropriate 9545
law enforcement officer or a prosecuting attorney of any county of 9546
a loss required to be reported pursuant to division (B) of this 9547
section. 9548

(3) No person shall purposely fail to hold in confidence 9549
information required to be held in confidence by division (F) of 9550
this section. 9551

Sec. 4905.03. As used in this chapter:	9552
(A) Any person, firm, copartnership, voluntary association,	9553
joint-stock association, company, or corporation, wherever	9554
organized or incorporated, is:	9555
(1) A telegraph company, when engaged in the business of	9556
transmitting telegraphic messages to, from, through, or in this	9557
state;	9558
(2) A telephone company, when engaged in the business of	9559
transmitting telephonic messages to, from, through, or in this	9560
state and as such is a common carrier;	9561
(3) A motor transportation company, when engaged in the	9562
business of carrying and transporting persons or property or the	9563
business of providing or furnishing such transportation service,	9564
for hire, in or by motor-propelled vehicles of any kind, including	9565
trailers, for the public in general, over any public street, road,	9566
or highway in this state, except as provided in section 4921.02 of	9567
the Revised Code;	9568
(4) An electric light company, when engaged in the business	9569
of supplying electricity for light, heat, or power purposes to	9570
consumers within this state;	9571
(5) A gas company, when engaged in the business of supplying	9572
artificial gas for lighting, power, or heating purposes to	9573
consumers within this state or when engaged in the business of	9574
supplying artificial gas to gas companies or to natural gas	9575
companies within this state, but a producer engaged in supplying	9576
to one or more gas or natural gas companies, only such artificial	9577
ARTIFICIAL gas as is manufactured by such that producer as a	9578
by-product of some other process in which such the producer is	9579
primarily engaged within this state is not thereby a gas company.	9580
All rates, rentals, tolls, schedules, charges of any kind, or	9581

agreements between any gas company and any other gas company or 9582
any natural gas company providing for the supplying of artificial 9583
gas and for compensation for the same, are subject to the 9584
jurisdiction of the public utilities commission. 9585

(6) A natural gas company, when engaged in the business of 9586
supplying natural gas for lighting, power, or heating purposes to 9587
consumers within this state, ~~or when engaged in the business of~~ 9588
~~supplying natural gas to gas companies or to natural gas companies~~ 9589
~~within this state, but where a producer supplies to one or more~~ 9590
~~gas or natural gas companies only such gas as is produced by such~~ 9591
~~producer from wells drilled on land owned in fee by such producer~~ 9592
~~or where the principal use of such land by said producer is other~~ 9593
~~than the production of gas, within this state, such producer is~~ 9594
~~not thereby a natural gas company. All. Notwithstanding the above,~~ 9595
neither the delivery nor sale of Ohio-produced natural gas by a 9596
producer or gatherer under a public utilities commission-ordered 9597
exemption, adopted before, as to producers, or after, as to 9598
producers or gatherers, January 1, 1996, or the delivery or sale 9599
of Ohio-produced natural gas by a producer or gatherer of 9600
Ohio-produced natural gas, either to a lessor under an oil and gas 9601
lease of the land on which the producer's drilling unit is 9602
located, or the grantor incident to a right-of-way or easement to 9603
the producer or gatherer, shall cause the producer or gatherer to 9604
be a natural gas company for the purposes of this section. 9605

9606
All rates, rentals, tolls, schedules, charges of any kind, or 9607
agreements between a natural gas company and other natural gas 9608
companies or gas companies providing for the supply of natural gas 9609
and for compensation for the same, are subject to the jurisdiction 9610
of the public utilities commission. The commission ~~may~~, upon 9611
application made to it, may relieve any producer or gatherer of 9612
natural gas, defined in this section as a gas company or a natural 9613

gas company, of compliance with the obligations imposed by this 9614
chapter and Chapters 4901., 4903., ~~4905.,~~ 4907., 4909., 4921., and 9615
4923. of the Revised Code, so long as ~~such~~ the producer or 9616
gatherer is not affiliated with or under the control of a gas 9617
company or a natural gas company engaged in the transportation or 9618
distribution of natural gas, or so long as ~~such~~ the producer or 9619
gatherer does not engage in the distribution of natural gas to 9620
consumers. 9621

Nothing in division (A)(6) of this section limits the 9622
authority of the commission to enforce sections 4905.90 to 4905.96 9623
of the Revised Code. 9624

(7) A pipe-line company, when engaged in the business of 9625
transporting natural gas, oil, or coal or its derivatives through 9626
pipes or tubing, either wholly or partly within this state; 9627

(8) A water-works company, when engaged in the business of 9628
supplying water through pipes or tubing, or in a similar manner, 9629
to consumers within this state; 9630

(9) A heating or cooling company, when engaged in the 9631
business of supplying water, steam, or air through pipes or tubing 9632
to consumers within this state for heating or cooling purposes; 9633

(10) A messenger company, when engaged in the business of 9634
supplying messengers for any purpose; 9635

(11) A street railway company, when engaged in the business 9636
of operating as a common carrier, a railway, wholly or partly 9637
within this state, with one or more tracks upon, along, above, or 9638
below any public road, street, alleyway, or ground, within any 9639
municipal corporation, operated by any motive power other than 9640
steam and not a part of an interurban railroad, whether ~~such~~ the 9641
railway is termed street, inclined-plane, elevated, or underground 9642
railway; 9643

(12) A suburban railroad company, when engaged in the 9644

business of operating as a common carrier, whether wholly or 9645
partially within this state, a part of a street railway 9646
constructed or extended beyond the limits of a municipal 9647
corporation, and not a part of an interurban railroad; 9648

(13) An interurban railroad company, when engaged in the 9649
business of operating a railroad, wholly or partially within this 9650
state, with one or more tracks from one municipal corporation or 9651
point in this state to another municipal corporation or point in 9652
this state, whether constructed upon the public highways or upon 9653
private rights_of_way, outside of municipal corporations, using 9654
electricity or other motive power than steam power for the 9655
transportation of passengers, packages, express matter, United 9656
States mail, baggage, and freight. Such an interurban railroad 9657
company is included in the term "railroad" as used in section 9658
4907.02 of the Revised Code. 9659

(14) A sewage disposal system company, when engaged in the 9660
business of sewage disposal services through pipes or tubing, and 9661
treatment works, or in a similar manner, within this state. 9662

(B) "Motor-propelled vehicle" means any automobile, 9663
automobile truck, motor bus, or any other self-propelled vehicle 9664
not operated or driven upon fixed rails or tracks. 9665

Nothing in this section shall be construed to mean that an 9666
electric light company operated not for profit, owned and operated 9667
exclusively by and solely for its customers, or owned or operated 9668
by a municipal corporation, is subject to sections 4905.66, 9669
4905.67, 4905.68, and 4905.69 of the Revised Code. 9670

Sec. 5749.02. (A) For the purpose of providing revenue to 9671
administer the state's coal mining and reclamation regulatory 9672
program, to meet the environmental and resource management needs 9673
of this state, and to reclaim land affected by mining, an excise 9674

tax is hereby levied on the privilege of engaging in the severance 9675
of natural resources from the soil or water of this state. The tax 9676
shall be imposed upon the severer and shall be: 9677

- (1) Seven cents per ton of coal; 9678
- (2) Four cents per ton of salt; 9679
- (3) Two cents per ton of limestone or dolomite; 9680
- (4) Two cents per ton of sand and gravel; 9681
- (5) Ten cents per barrel of oil; 9682
- (6) Two and one-half cents per thousand cubic feet of natural 9683
gas; 9684
- (7) One cent per ton of clay, sandstone or conglomerate, 9685
shale, gypsum, or quartzite. 9686

(B) Of the moneys received by the treasurer of state from the 9687
tax levied in division (A)(1) of this section, six and 9688
three-tenths per cent shall be credited to the geological mapping 9689
fund created in section 1505.09 of the Revised Code, fourteen and 9690
two-tenths per cent shall be credited to the ~~defaulted areas~~ 9691
reclamation supplemental forfeiture fund created in division (B) 9692
of section 1513.18 of the Revised Code, fifty-seven and 9693
nine-tenths per cent shall be credited to the coal mining 9694
administration and reclamation reserve fund created in section 9695
1513.181 of the Revised Code, and the remainder shall be credited 9696
to the unreclaimed lands fund created in section 1513.30 of the 9697
Revised Code. When, within ten days before or after the beginning 9698
of a fiscal year, the chief of the division of mines and 9699
reclamation finds that the balance of the coal mining 9700
administration and reclamation reserve fund is below two million 9701
dollars, the chief shall certify that fact to the director of 9702
budget and management. Upon receipt of the chief's certification, 9703
the director shall direct the treasurer of state to instead credit 9704

to the coal mining administration and reclamation reserve fund 9705
during the fiscal year for which the certification is made the 9706
fourteen and two-tenths per cent of the moneys collected from the 9707
tax levied in division (A)(1) of this section and otherwise 9708
required by this division to be credited to the ~~defaulted areas~~ 9709
reclamation supplemental forfeiture fund. 9710

Fifteen per cent of the moneys received by the treasurer of 9711
state from the tax levied in division (A)(2) of this section shall 9712
be credited to the geological mapping fund and the remainder shall 9713
be credited to the unreclaimed lands fund. 9714

Of the moneys received by the treasurer of state from the tax 9715
levied in divisions (A)(3) and (4) of this section, seven and 9716
five-tenths per cent shall be credited to the geological mapping 9717
fund, forty-two and five-tenths per cent shall be credited to the 9718
unreclaimed lands fund, and the remainder shall be credited to the 9719
surface mining administration fund created in section 1514.11 of 9720
the Revised Code. 9721

Of the moneys received by the treasurer of state from the tax 9722
levied in divisions (A)(5) and (6) of this section, twenty per 9723
cent shall be credited to the oil and gas well plugging fund 9724
created in section 1509.071 of the Revised Code, ten per cent 9725
shall be credited to the geological mapping fund, and seventy per 9726
cent shall be credited to the oil and gas permit fund created in 9727
section 1509.02 of the Revised Code. All of the moneys received by 9728
the treasurer of state from the tax levied in division (A)(7) of 9729
this section shall be credited to the surface mining 9730
administration fund. 9731

(C) For the purpose of paying the state's expenses for 9732
reclaiming ~~coal~~ mined lands that the operator failed to reclaim ~~in~~ 9733
~~accordance with Chapter 1513. of the Revised Code~~ under a coal 9734
mining and reclamation permit issued under ~~that chapter on or~~ 9735
~~after September 1, 1981, and Chapter 1513. Of the Revised Code, or~~ 9736

under a surface mining permit issued under Chapter 1514. Of the 9737
Revised Code, for which the operator's bond is not sufficient to 9738
pay the state's expense for reclamation, there is hereby levied an 9739
excise tax on the privilege of engaging in the severance of coal 9740
from the soil or water of this state in addition to the taxes 9741
levied by divisions (A)(1) and (D) of this section. The tax shall 9742
be imposed at the rate of one cent per ton of coal ~~as prescribed~~ 9743
~~in this division.~~ Moneys received by the treasurer of state from 9744
the tax levied under this division shall be credited to the 9745
reclamation supplemental forfeiture fund created in division 9746
~~(D)~~(B) of section 1513.18 of the Revised Code. 9747

~~The tax levied by this division shall be imposed when, during~~ 9748
~~any fiscal year, the balance of the reclamation supplemental~~ 9749
~~forfeiture fund is reduced below two million dollars and five~~ 9750
~~hundred thousand dollars has been transferred to the reclamation~~ 9751
~~supplemental forfeiture fund from the unreclaimed lands fund~~ 9752
~~during the fiscal year. The tax shall be imposed in the calendar~~ 9753
~~year following the close of the fiscal year during which the~~ 9754
~~balance is so reduced and shall continue to be imposed until the~~ 9755
~~end of the calendar year in which the balance of the reclamation~~ 9756
~~supplemental forfeiture fund is restored to two million dollars,~~ 9757
~~at which time the imposition of the tax shall be suspended until~~ 9758
~~the time that the circumstances requiring the tax to be imposed~~ 9759
~~recur.~~ 9760

~~When, at the close of the fiscal year, the chief of the~~ 9761
~~division of mines and reclamation finds that the balance of the~~ 9762
~~reclamation supplemental forfeiture fund is below two million~~ 9763
~~dollars and that five hundred thousand dollars has been~~ 9764
~~transferred to the fund previously in the fiscal year, the chief,~~ 9765
~~within thirty days after the close of the fiscal year, shall~~ 9766
~~certify that fact to the tax commissioner, at which time the~~ 9767
~~circumstances requiring the imposition of the tax shall be deemed~~ 9768

~~to have occurred.~~

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(D) For the purpose of paying the state's expenses for reclaiming coal mined lands that the operator failed to reclaim in accordance with Chapter 1513. of the Revised Code under a coal mining and reclamation permit issued after April 10, 1972, but before September 1, 1981, for which the operator's bond is not sufficient to pay the state's expense for reclamation and paying the expenses for administering the state's coal mining and reclamation regulatory program, there is hereby levied an excise tax on the privilege of engaging in the severance of coal from the soil or water of this state in addition to the taxes levied by divisions (A)(1) and (C) of this section. The tax shall be imposed at the rate of one cent per ton of coal as prescribed in this division. Moneys received by the treasurer of state from the tax levied by this division shall be credited to the ~~defaulted areas~~ reclamation supplemental forfeiture fund created in division (B) of section 1513.18 of the Revised Code.

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When, at the close of any fiscal year, the chief finds that the balance of the ~~defaulted areas~~ reclamation supplemental forfeiture fund, plus estimated transfers to it from the coal mining and reclamation reserve fund under section 1513.181 of the Revised Code, plus the estimated revenues from the tax levied by this division for the remainder of the calendar year that includes the close of the fiscal year, are sufficient to complete the reclamation of such lands, the purposes for which the tax under this division is levied shall be deemed accomplished at the end of that calendar year. The chief, within thirty days after the close of the fiscal year, shall certify ~~his~~ those findings to the tax commissioner, and the tax shall cease to be imposed after the last day of that calendar year.

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(E) On the day fixed for the payment of the severance taxes required to be paid by this section, the taxes with any penalties

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or interest ~~thereon~~ on them shall become a lien on all property of 9801
the taxpayer in this state, whether the property is employed by 9802
the taxpayer in the prosecution of its business or is in the hands 9803
of an assignee, trustee, or receiver for the benefit of creditors 9804
or stockholders. The lien shall continue until the taxes and any 9805
penalties or interest thereon are paid. 9806

Upon failure of the taxpayer to pay a tax on the day fixed 9807
for payment, the tax commissioner may file, for which no filing 9808
fee shall be charged, in the office of the county recorder in each 9809
county in this state in which the taxpayer owns or has a 9810
beneficial interest in real estate, notice of the lien containing 9811
a brief description of the real estate. The lien shall not be 9812
valid as against any mortgagee, purchaser, or judgment creditor 9813
whose rights have attached prior to the time the notice is filed 9814
in the county in which the real estate that is the subject of the 9815
mortgage, purchase, or judgment lien is located. The notice shall 9816
be recorded in a book kept by the recorder called the "severance 9817
tax lien record" and indexed under the name of the taxpayer 9818
charged with the tax. When the tax has been paid, the tax 9819
commissioner shall furnish to the taxpayer an acknowledgement of 9820
payment, which the taxpayer may record with the recorder of each 9821
county in which notice of the lien has been filed. 9822

Sec. 6111.42. The environmental protection agency shall do 9823
all of the following: 9824

(A) ~~Collect~~ Primarily with regard to water quality, collect, 9825
study, and interpret all available information, statistics, and 9826
data pertaining to the supply, use, conservation, and 9827
replenishment of the ~~underground~~ ground and surface waters in the 9828
state in coordination with other agencies of this state; 9829

(B) ~~Be~~ Primarily with regard to water quality, be authorized 9830
to cooperate with and negotiate for the state with any agency of 9831

the United States government, of this state, or ~~agency~~ of any 9832
other state pertaining to the water resources of the state; 9833

(C) Be authorized to perform stream gauging and contract with 9834
the United States government or any other agency for the gauging 9835
of any streams within the state; 9836

(D) Have authority to furnish information to all public 9837
officials, offices, and agencies of and in the state, and to 9838
farmers, well drillers, water consumers, industries, and any other 9839
persons seeking information regarding water resources; 9840

(E) ~~Prescribe such regulations subject to and~~ adopt rules in 9841
accordance with ~~sections 119.01 to 119.13~~ Chapter 119. of the 9842
Revised Code, for the drilling, operation, maintenance, and 9843
abandonment of wells ~~as that~~ are ~~deemed~~ determined to be necessary 9844
by the director of environmental protection to prevent the 9845
contamination of the ~~underground~~ ground waters in the state, 9846
except that ~~such regulations~~ the rules shall not apply to wells 9847
for the provision of water for human consumption unless they are 9848
used, or are for use, by a public water system as defined in 9849
section 6109.01 of the Revised Code. No person shall violate ~~any~~ 9850
~~such regulation~~ a rule adopted under this division. 9851

(F) Have access to all information and statistics ~~which that~~ 9852
any public authority within the state has available ~~which and that~~ 9853
the director ~~deems~~ determines are pertinent to its duties; 9854

(G) Have authority to prepare an accurate map and description 9855
of the territorial boundaries of proposed watershed districts 9856
within the state. ~~Such~~ The map and description shall follow the 9857
property line, section line, half section line, or patent line 9858
~~which that~~ is nearest to the hydrologic boundary of the proposed 9859
watershed district. There shall be not less than fifteen nor more 9860
than eighteen proposed watershed districts in the state, and each 9861
shall be composed of one or more major river watersheds. When a 9862

map and a description of a proposed watershed district has been 9863
completed, the director shall cause a copy ~~thereof~~ of them to be 9864
filed with the secretary of state and the board of county 9865
commissioners of each county contained in whole or in part within 9866
the territorial boundaries of ~~such~~ the proposed watershed 9867
district. 9868

Section 2. That existing sections 109.71, 109.751, 109.77, 9869
109.801, 109.802, 123.01, 145.01, 145.33, 149.01, 1501.01, 9870
1501.02, 1501.10, 1502.01, 1502.03, 1502.04, 1502.05, 1502.99, 9871
1503.01, 1503.05, 1503.29, 1503.43, 1504.02, 1505.10, 1505.99, 9872
1506.02, 1506.11, 1507.05, 1509.01, 1509.06, 1509.07, 1509.071, 9873
1509.072, 1509.13, 1509.14, 1509.22, 1509.222, 1509.31, 1511.02, 9874
1511.022, 1513.02, 1513.18, 1513.181, 1513.20, 1513.30, 1513.37, 9875
1515.03, 1515.08, 1515.24, 1517.10, 1517.14, 1517.99, 1518.20, 9876
1518.21, 1518.22, 1518.23, 1518.24, 1518.25, 1518.26, 1518.27, 9877
1518.99, 1520.01, 1520.02, 1520.03, 1521.03, 1521.05, 1531.01, 9878
1531.06, 1531.13, 1531.20, 1531.33, 1531.99, 1533.01, 1533.06, 9879
1533.08, 1533.10, 1533.12, 1533.171, 1533.24, 1533.67, 1533.68, 9880
1533.70, 1533.71, 1533.82, 1533.99, 1541.03, 1541.10, 1547.01, 9881
1547.03, 1547.04, 1547.08, 1547.09, 1547.111, 1547.12, 1547.13, 9882
1547.131, 1547.14, 1547.15, 1547.22, 1547.25, 1547.251, 1547.26, 9883
1547.30, 1547.302, 1547.31, 1547.33, 1547.39, 1547.40, 1547.52, 9884
1547.521, 1547.531, 1547.542, 1547.543, 1547.57, 1547.69, 1548.01, 9885
1548.05, 1548.06, 1553.01, 1553.02, 1553.05, 2935.01, 2935.03, 9886
3937.42, 4905.03, 5749.02, and 6111.42 and sections 1515.06, 9887
1515.071, and 1553.07 of the Revised Code are hereby repealed. 9888

Section 3. That section 1547.31 of the Revised Code, as 9889
amended by Am. S.B. 295 of the 121st General Assembly, be amended 9890
to read as follows: 9891

Sec. 1547.31. (A) Every powercraft operated on the waters in 9892

this state shall be equipped at all times with a muffler or a 9893
muffler system that is in good working order, in constant 9894
operation, and effectively installed to prevent excessive or 9895
unusual noise. 9896

(B)(1) No person shall operate or give permission for the 9897
operation of a powercraft on the waters in this state in such a 9898
manner as to exceed a noise level of ninety decibels on the "A" 9899
scale when subjected to a stationary sound level test as 9900
prescribed by SAE J2005. 9901

(2) No person shall operate or give permission for the 9902
operation of a powercraft on the waters in this state in such a 9903
manner as to exceed a noise level of seventy-five decibels on the 9904
"A" scale measured as specified by SAE J1970. Measurement of a 9905
noise level of not more than seventy-five decibels on the "A" 9906
scale of a powercraft in operation does not preclude the 9907
conducting of a stationary sound level test as prescribed by SAE 9908
J2005. 9909

(C) No person shall operate or give permission for the 9910
operation of a powercraft on the waters in this state that is 9911
equipped with an altered muffler or muffler cutout, or operate or 9912
give permission for the operation of a powercraft on the waters in 9913
this state in any manner that bypasses or otherwise reduces or 9914
eliminates the effectiveness of any muffler or muffler system 9915
installed in accordance with this section, unless the applicable 9916
mechanism has been permanently disconnected or made inoperable. 9917

(D) No person shall remove, alter, or otherwise modify in any 9918
way a muffler or muffler system in a manner that will prevent it 9919
from being operated in accordance with this section. 9920

(E) No person shall manufacture, sell, or offer for sale a 9921
powercraft that is not equipped with a muffler or muffler system 9922
that prevents noise levels in excess of those established in 9923

division (B)(1) of this section. 9924

(F) This section does not apply to any of the following: 9925

(1) A powercraft that is designed, manufactured, and sold for 9926
the sole purpose of competing in racing events. The exception 9927
established under division (F)(1) of this section shall be 9928
documented in each sale agreement and shall be acknowledged 9929
formally by the signatures of the buyer and the seller. The buyer 9930
and the seller shall maintain copies of the sale agreement. A copy 9931
of the sale agreement shall be kept aboard the powercraft when it 9932
is operated. A powercraft to which the exception established under 9933
division (F)(1) of this section applies shall be operated on the 9934
waters in this state only in accordance with division (F)(2) of 9935
this section. 9936

(2) A powercraft that is actually participating in a 9937
sanctioned racing event or in tune-up periods for a sanctioned 9938
racing event on the waters in this state and that is being 9939
operated in accordance with division (F)(2) of this section. For 9940
the purposes of division (F)(2) of this section, a sanctioned 9941
racing event is a racing event that is conducted in accordance 9942
with section 1547.20 of the Revised Code or that is approved by 9943
the United States coast guard. The operator of a powercraft that 9944
is operated on the waters in this state for the purpose of a 9945
sanctioned racing event shall comply with that section and 9946
requirements established under it or with requirements established 9947
by the coast guard, as appropriate. Failure to comply subjects the 9948
operator to this section. 9949

(3) A powercraft that is being operated on the waters in this 9950
state by or for a boat or engine manufacturer for the purpose of 9951
testing, development, or both and that complies with division 9952
(F)(3) of this section. The operator of such a powercraft shall 9953
have aboard at all times and shall produce on demand of a law 9954

enforcement officer a current, valid letter issued by the chief of 9955
the division of watercraft in accordance with rules adopted under 9956
division (I)(1) of this section. Failure to produce the letter 9957
subjects the operator to this section. 9958

(G) A law enforcement officer who is trained in accordance 9959
with rules adopted under division (I)(2) of this section and who 9960
has reason to believe that a powercraft is not in compliance with 9961
the noise levels established in this section may direct the 9962
operator of the powercraft to submit it to an on-site test to 9963
measure the level of the noise emitted by the powercraft. The 9964
operator shall comply with that direction. The officer may remain 9965
aboard the powercraft during the test at the officer's discretion. 9966

If the level of the noise emitted by the powercraft exceeds 9967
the noise levels established in this section, the officer may 9968
direct the operator to take immediate and reasonable measures to 9969
correct the violation, including returning the powercraft to a 9970
mooring and keeping it at the mooring until the violation is 9971
corrected or ceases. 9972

(H) A law enforcement officer who conducts powercraft noise 9973
level tests pursuant to this section shall be trained to do so in 9974
accordance with rules adopted under division (I)(2) of this 9975
section. 9976

(I) In accordance with Chapter 119. of the Revised Code, the 9977
chief shall adopt rules establishing both of the following: 9978

(1) Requirements and procedures for the issuance of letters 9979
under division (F)(3) of this section. The rules shall require, 9980
without limitation, that each such letter adequately identify the 9981
powercraft concerning which the letter is issued and specify the 9982
purposes for which the powercraft is being operated. 9983

(2) Requirements and procedures for the training of law 9984
enforcement officers who conduct powercraft noise level tests 9985

pursuant to this section. The rules shall require the training to 9986
include, without limitation, the selection of a site where noise 9987
level is measured and the calibration and use of noise measurement 9988
equipment. 9989

Section 4. That all existing versions of section 1547.31 of 9990
the Revised Code are hereby repealed. 9991

Section 5. Sections 6 and 7 of this act shall take effect 9992
January 1, 2000. 9993

Section 6. Not later than ninety days after the effective 9994
date of this act, each preserve officer, as defined in section 9995
145.01 of the Revised Code as amended by this act, who is a member 9996
of the Public Employees Retirement System shall indicate to the 9997
system, on a form supplied by the retirement system, a choice of 9998
whether to receive benefits under division (A) of section 145.33 9999
of the Revised Code or division (B) of that section. 10000

Section 7. All rules adopted by the Chief of the Division of 10001
Natural Areas and Preserves in the Department of Natural Resources 10002
pursuant to section 1518.22 of the Revised Code, as it existed 10003
prior to the effective date of this act, continue in effect as 10004
rules until amended or rescinded by the Chief of the Division of 10005
Wildlife in that Department pursuant to section 1533.88 of the 10006
Revised Code, as amended by this act. If necessary to ensure the 10007
integrity of the numbering of the Administrative Code, the 10008
Director of the Legislative Service Commission shall renumber the 10009
rules of the Division of Natural Areas and Preserves to reflect 10010
their transfer to the Division of Wildlife. 10011

Section 8. The amendments to section 4905.03 of the Revised 10012
Code by this act shall not be construed to modify rules and orders 10013

of the Public Utilities Commission in existence on the effective 10014
date of this act. 10015

Section 9. Section 109.77 of the Revised Code is presented in 10016
this act as a composite of the section as amended by both Sub. 10017
H.B. 670 and Am. Sub. S.B. 285 of the 121st General Assembly, with 10018
the new language of neither of the acts shown in capital letters. 10019
Section 109.802 of the Revised Code is presented in this act as a 10020
composite of the section as amended by both Am. Sub. H.B. 566 and 10021
Sub. H.B. 670 of the 121st General Assembly, with the new language 10022
of neither of the acts shown in capital letters. Section 123.01 of 10023
the Revised Code is presented in this act as a composite of the 10024
section as amended by Am. Sub. H.B. 117, Am. Sub. S.B. 99, and Am. 10025
Sub. S.B. 162 of the 121st General Assembly, with the new language 10026
of none of the acts shown in capital letters. Section 145.33 of 10027
the Revised Code is presented in this act as a composite of the 10028
section as amended by both Am. Sub. H.B. 379 and Am. Sub. H.B. 450 10029
of the 121st General Assembly, with the new language of neither of 10030
the acts shown in capital letters. Section 1511.02 of the Revised 10031
Code is presented in this act as a composite of the section as 10032
amended by Am. Sub. S.B. 73, Am. Sub. S.B. 182, and Am. Sub. S.B. 10033
226 of the 120th General Assembly, with the new language of none 10034
of the acts shown in capital letters. Section 1513.181 of the 10035
Revised Code is presented in this act as a composite of the 10036
section as amended by both Am. Sub. S.B. 2 and Am. Sub. S.B. 162 10037
of the 121st General Assembly, with the new language of neither of 10038
the acts shown in capital letters. Section 1515.08 of the Revised 10039
Code is presented in this act as a composite of the section as 10040
amended by both Am. Sub. S.B. 73 and Am. Sub. S.B. 182 of the 10041
120th General Assembly, with the new language of neither of the 10042
acts shown in capital letters. Section 5749.02 of the Revised Code 10043
is presented in this act as a composite of the section as amended 10044
by both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st 10045

General Assembly, with the new language of neither of the acts	10046
shown in capital letters. This is in recognition of the principle	10047
stated in division (B) of section 1.52 of the Revised Code that	10048
such amendments are to be harmonized where not substantively	10049
irreconcilable and constitutes a legislative finding that such is	10050
the resulting version in effect prior to the effective date of	10051
this act.	10052