

**As Reported by the House Agriculture and Natural Resources
Committee**

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

Sub. S. B. No. 187

**Senators White, Gardner, Hagan, Gaeth, McLin, DiDonato, Blessing, Mumper
Representatives Householder, Ogg, Vesper, Haines, Sulzer**

A B I L L

To amend sections 109.71, 109.751, 109.77, 109.801,	1
109.802, 145.01, 145.33, 149.01, 505.82, 918.12,	2
971.01, 1501.02, 1501.10, 1502.01, 1502.03,	3
1502.04, 1502.05, 1502.99, 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
1533.74, 1533.82, 1533.99, 1541.03, 1541.10,	16
1547.01, 1547.03, 1547.04, 1547.08, 1547.09,	17
1547.111, 1547.12, 1547.13, 1547.131, 1547.14,	18
1547.15, 1547.22, 1547.25, 1547.251, 1547.26,	19
1547.30, 1547.302, 1547.31, 1547.33, 1547.39,	20
1547.40, 1547.52, 1547.521, 1547.531, 1547.54,	21
1547.542, 1547.543, 1547.57, 1547.69, 1548.01,	22
1548.05, 1548.06, 1553.01, 1553.02, 1553.05,	23

1553.08, 2935.01, 2935.03, 3937.42, 4905.03, 24
5749.02, and 6111.42; to amend, for the purpose of 25
adopting new section numbers as indicated in 26
parentheses, sections 1518.20 (1533.86), 1518.21 27
(1533.87), 1518.22 (1533.88), 1518.23 (1533.881), 28
1518.24 (1533.882), 1518.25 (1533.89), 1518.26 29
(1533.891), and 1518.27 (1533.90); to enact new 30
section 1553.07 and sections 1501.013, 1531.081, 31
1531.202, and 1531.34; and to repeal sections 32
1515.06, 1515.071, and 1553.07 of the Revised Code 33
to revise the statutes governing the Department of 34
Natural Resources and to maintain the provisions 35
of this act on and after January 1, 2000, by 36
amending the version of section 1547.31 of the 37
Revised Code that takes 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, 145.01, 145.33, 149.01, 505.82, 918.12, 971.01, 1501.02, 40
1501.10, 1502.01, 1502.03, 1502.04, 1502.05, 1502.99, 1503.05, 41
1503.29, 1503.43, 1504.02, 1505.10, 1505.99, 1506.02, 1506.11, 42
1507.05, 1509.01, 1509.06, 1509.07, 1509.071, 1509.072, 1509.13, 43
1509.14, 1509.22, 1509.222, 1509.31, 1511.02, 1511.022, 1513.02, 44
1513.18, 1513.181, 1513.20, 1513.30, 1513.37, 1515.03, 1515.08, 45
1515.24, 1517.10, 1517.14, 1517.99, 1518.20, 1518.21, 1518.22, 46
1518.23, 1518.24, 1518.25, 1518.26, 1518.27, 1518.99, 1520.01, 47
1520.02, 1520.03, 1521.03, 1521.05, 1531.01, 1531.06, 1531.13, 48
1531.20, 1531.33, 1531.99, 1533.01, 1533.06, 1533.08, 1533.10, 49
1533.12, 1533.171, 1533.24, 1533.67, 1533.68, 1533.70, 1533.71, 50
1533.74, 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, 1547.54, 1547.542, 1547.543, 1547.57, 1547.69, 1548.01, 55
1548.05, 1548.06, 1553.01, 1553.02, 1553.05, 1553.08, 2935.01, 56
2935.03, 3937.42, 4905.03, 5749.02, and 6111.42 be amended, 57
sections 1518.20 (1533.86), 1518.21 (1533.87), 1518.22 (1533.88), 58
1518.23 (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, 1531.081, 1531.202, and 62
1531.34 of 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
commissioned and employed as a peace officer by a political
subdivision of this state or by a metropolitan housing authority,
and whose primary duties are to preserve the peace, to protect
life and property, and to enforce the laws of this state,
ordinances of a municipal corporation, resolutions of a township,
or regulations of a board of county commissioners or board of
township trustees, or any such laws, ordinances, resolutions, or
regulations;

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

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

(4) An undercover drug agent;

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

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

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

(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 Code; 144
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(17) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code; 146
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(18) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who 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 state, county, municipal, or department of natural resources peace officer basic training program. 149
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(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code. 158
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(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape. 160
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(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code. 163
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Sec. 109.751. (A) The executive director of the Ohio peace officer training commission shall neither approve nor issue a certificate of approval to a peace officer training school pursuant to section 109.75 of the Revised Code unless the school agrees to permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. The executive director shall revoke approval, and the certificate of approval of, a peace officer training school that does not permit, in 165
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accordance with rules adopted by the attorney general pursuant to 174
division (C) of this section, undercover drug agents to attend its 175
basic training programs. 176

This division does not apply to peace officer training 177
schools for employees of conservancy districts who are designated 178
pursuant to section 6101.75 of the Revised Code or for a natural 179
resources law enforcement staff officer, park officers, forest 180
officers, preserve officers, wildlife officers, or state 181
watercraft officers of the department of natural resources. 182

(B)(1) A peace officer training school is not required to 183
permit an undercover drug agent, a bailiff or deputy bailiff of a 184
court of record of this state, or a criminal investigator employed 185
by the state public defender to attend its basic training programs 186
if either of the following applies: 187

(a) In the case of the Ohio peace officer training academy, 188
the employer county, township, municipal corporation, court, or 189
state public defender or the particular undercover drug agent, 190
bailiff, deputy bailiff, or criminal investigator has not paid the 191
tuition costs of training in accordance with section 109.79 of the 192
Revised Code; 193

(b) In the case of other peace officer training schools, the 194
employer county, township, municipal corporation, court, or state 195
public defender fails to pay the entire cost of the training and 196
certification. 197

(2) A training school shall not permit a bailiff or deputy 198
bailiff of a court of record of this state or a criminal 199
investigator employed by the state public defender to attend its 200
basic training programs unless the employing court of the bailiff 201
or deputy bailiff or the state public defender, whichever is 202
applicable, has authorized the bailiff, deputy bailiff, or 203
investigator to attend the school. 204

(C) The attorney general shall adopt, in accordance with 205
Chapter 119. or pursuant to section 109.74 of the Revised Code, 206
rules governing the attendance of undercover drug agents at 207
approved peace officer training schools, other than the Ohio peace 208
officer training academy, and the certification of the agents upon 209
their satisfactory completion of basic training programs. 210

Sec. 109.77. (A) As used in this section, "felony" has the 211
same meaning as in section 109.511 of the Revised Code. 212

(B)(1) Notwithstanding any general, special, or local law or 213
charter to the contrary, and except as otherwise provided in this 214
section, no person shall receive an original appointment on a 215
permanent basis as any of the following unless the person 216
previously has been awarded a certificate by the executive 217
director of the Ohio peace officer training commission attesting 218
to the person's satisfactory completion of an approved state, 219
county, municipal, or department of natural resources peace 220
officer basic training program: 221

(a) A peace officer of any county, township, municipal 222
corporation, regional transit authority, or metropolitan housing 223
authority; 224

(b) A natural resources law enforcement staff officer, park 225
officer, forest officer, preserve officer, wildlife officer, or 226
state watercraft officer of the department of natural resources; 227

(c) An employee of a park district under section 511.232 or 228
1545.13 of the Revised Code; 229

(d) An employee of a conservancy district who is designated 230
pursuant to section 6101.75 of the Revised Code; 231

(e) A state university law enforcement officer; 232

(f) A special police officer employed by the department of 233
mental health pursuant to section 5119.14 of the Revised Code or 234

the department of mental retardation and developmental 235
disabilities pursuant to section 5123.13 of the Revised Code; 236

(g) A food stamp trafficking agent of the department of 237
public safety designated under section 5502.14 of the Revised 238
Code. 239

(2) Every person who is appointed on a temporary basis or for 240
a probationary term or on other than a permanent basis as any of 241
the following shall forfeit the appointed position unless the 242
person previously has ~~satisfactorily~~ completed satisfactorily or, 243
within the time prescribed by rules adopted by the attorney 244
general pursuant to section 109.74 of the Revised Code, 245
satisfactorily completes a state, county, municipal, or department 246
of natural resources peace officer basic training program for 247
temporary or probationary officers and is awarded a certificate by 248
the director attesting to the satisfactory completion of the 249
program: 250

(a) A peace officer of any county, township, municipal 251
corporation, regional transit authority, or metropolitan housing 252
authority; 253

(b) A natural resources law enforcement staff officer, park 254
officer, forest officer, preserve officer, wildlife officer, or 255
state watercraft officer of the department of natural resources; 256

(c) An employee of a park district under section 511.232 or 257
1545.13 of the Revised Code; 258

(d) An employee of a conservancy district who is designated 259
pursuant to section 6101.75 of the Revised Code; 260

(e) A special police officer employed by the department of 261
mental health pursuant to section 5119.14 of the Revised Code or 262
the department of mental retardation and developmental 263
disabilities pursuant to section 5123.13 of the Revised Code; 264

(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
serving on a permanent basis on January 10, 1991, as a preserve
officer of the department of natural resources, to any person
employed on a permanent basis on July 2, 1992, as a special police
officer by the department of mental health pursuant to section
5119.14 of the Revised Code or by the department of mental
retardation and developmental disabilities pursuant to section
5123.13 of the Revised Code, or to any person serving on a
permanent basis on June 19, 1978, as a state university law
enforcement officer pursuant to section 3345.04 of the Revised
Code and who, immediately prior to June 19, 1978, was serving as a
special ~~policeman~~ police officer designated under authority of
that section.

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

(C) No person, after September 20, 1984, shall receive an
original appointment on a permanent basis as a liquor control
investigator or food stamp trafficking agent of the department of

public safety, engaged in the enforcement of Chapters 4301. and 329
4303. of the Revised Code, or as an Ohio veterans' home police 330
officer designated under section 5907.02 of the Revised Code 331
unless the person previously has been awarded a certificate by the 332
executive director of the Ohio peace officer training commission 333
attesting to the person's satisfactory completion of an approved 334
police officer basic training program. Every person who is 335
appointed on a temporary basis or for a probationary term or on 336
other than a permanent basis as a liquor control investigator of 337
the department of public safety, engaged in the enforcement of 338
Chapters 4301. and 4303. of the Revised Code, or as an Ohio 339
veterans' home police officer designated under section 5907.02 of 340
the Revised Code shall forfeit that position unless the person 341
previously has ~~satisfactorily~~ completed satisfactorily or, within 342
one year from the time of appointment, satisfactorily completes an 343
approved police officer basic training program. 344

No person ~~shall~~, beginning on October 29, 1995, shall receive 345
an original appointment on a permanent basis as a food stamp 346
trafficking agent of the department of public safety authorized to 347
enforce Chapter 5502. and sections 2913.46 and 5101.54 of the 348
Revised Code and engaged in the enforcement of laws and rules 349
described in section 5502.14 of the Revised Code unless the person 350
previously has been awarded a certificate by the executive 351
director of the Ohio peace officer training commission attesting 352
to the person's satisfactory completion of an approved police 353
officer basic training program. Every person who is appointed on a 354
temporary or for a probationary term or on other than a permanent 355
basis as a food stamp trafficking agent shall forfeit that 356
position unless the person previously has ~~satisfactorily~~ completed 357
satisfactorily, or within one year from the time of the 358
appointment satisfactorily completes, an approved police officer 359
basic training program. 360

(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:

(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;

(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;

(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~~ division (D) of this section.

(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.

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

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

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

(F)(1) Regardless of whether the person has been awarded the
certificate or has been classified as a peace officer prior to,

on, or after the effective date of this amendment, the executive 424
director of the Ohio peace officer training commission shall 425
revoke any certificate that has been awarded to a person as 426
prescribed in this section if the person does either of the 427
following: 428

(a) Pleads guilty to a felony committed on or after January 429
1, 1997. 430

(b) Pleads guilty to a misdemeanor committed on or after 431
January 1, 1997, pursuant to a negotiated plea agreement as 432
provided in division (D) of section 2929.29 of the Revised Code in 433
which the person agrees to surrender the certificate awarded to 434
the person under this section. 435

(2) The executive director of the commission shall suspend 436
any certificate that has been awarded to a person as prescribed in 437
this section if the person is convicted, after trial, of a felony 438
committed on or after January 1, 1997. The executive director 439
shall suspend the certificate pursuant to ~~this~~ division (F)(2) of 440
this section pending the outcome of an appeal by the person from 441
that conviction to the highest court to which the appeal is taken 442
or until the expiration of the period in which an appeal is 443
required to be filed. If the person files an appeal that results 444
in that person's acquittal of the felony or conviction of a 445
misdemeanor, or in the dismissal of the felony charge against that 446
person, the executive director shall reinstate the certificate 447
awarded to the person under this section. If the person files an 448
appeal from that person's conviction of the felony and the 449
conviction is upheld by the highest court to which the appeal is 450
taken or if the person does not file a timely appeal, the 451
executive director shall revoke the certificate awarded to the 452
person under this section. 453

(G)(1) If a person is awarded a certificate under this 454

section and the certificate is revoked pursuant to division (E)(4) 455
or (F) of this section, the person shall not be eligible to 456
receive, at any time, a certificate attesting to the person's 457
satisfactory completion of a peace officer basic training program. 458

(2) The revocation or suspension of a certificate under 459
division (E)(4) or (F) of this section shall be in accordance with 460
Chapter 119. of the Revised Code. 461

(H)(1) A person who was employed as a peace officer of a 462
county, township, or municipal corporation of the state on January 463
1, 1966, and who has completed at least sixteen years of full-time 464
active service as such a peace officer may receive an original 465
appointment on a permanent basis and serve as a peace officer of a 466
county, township, or municipal corporation, or as a state 467
university law enforcement officer, without complying with the 468
requirements of division (B) of this section. 469

(2) Any person who held an appointment as a state highway 470
trooper on January 1, 1966, may receive an original appointment on 471
a permanent basis and serve as a peace officer of a county, 472
township, or municipal corporation, or as a state university law 473
enforcement officer, without complying with the requirements of 474
division (B) of this section. 475

(I) No person who is appointed as a peace officer of a 476
county, township, or municipal corporation on or after April 9, 477
1985, shall serve as a peace officer of that county, township, or 478
municipal corporation unless the person has received training in 479
the handling of missing children and child abuse and neglect cases 480
from an approved state, county, township, or municipal police 481
officer basic training program or receives the training within the 482
time prescribed by rules adopted by the attorney general pursuant 483
to section 109.741 of the Revised Code. 484

(J) No part of any approved state, county, or municipal basic 485

training program for bailiffs and deputy bailiffs of courts of 486
record and no part of any approved state, county, or municipal 487
basic training program for criminal investigators employed by the 488
state public defender shall be used as credit toward the 489
completion by a peace officer of any part of the approved state, 490
county, or municipal peace officer basic training program that the 491
peace officer is required by this section to complete 492
satisfactorily. 493

(K) This section does not apply to any member of the police 494
department of a municipal corporation in an adjoining state 495
serving in this state under a contract pursuant to section 737.04 496
of the Revised Code. 497

Sec. 109.801. (A)(1) Each year the following persons shall 498
~~successfully~~ complete successfully a firearms requalification 499
program approved by the executive director of the Ohio peace 500
officer training commission in accordance with rules adopted by 501
the attorney general pursuant to section 109.743 of the Revised 502
Code: any sheriff, deputy sheriff, marshal, deputy marshal, 503
township constable, chief of police or member of an organized 504
police department of a municipal corporation or township, chief of 505
police or member of a township police district police force, 506
superintendent of the state highway patrol, state highway patrol 507
trooper, or chief of police of a university or college police 508
department or state university law enforcement officer appointed 509
under section 3345.04 of the Revised Code; any parole or probation 510
officer who carries a firearm in the course of official duties; 511
any employee of the department of natural resources who is a 512
natural resources law enforcement staff officer, park officer, 513
forest officer, preserve officer, wildlife officer, or state 514
watercraft officer who carries a firearm in the course of official 515
duties; or any employee of the department of youth services who is 516

designated pursuant to division (A)(2) of section 5139.53 of the Revised Code as being authorized to carry a firearm while on duty as described in that division.

(2) No person listed in division (A)(1) of this section shall carry a firearm during the course of official duties if the person does not comply with division (A)(1) of this section.

(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.

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

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.

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

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

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

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

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

(C) Each sheriff, constable, and chief of police of an organized municipal or township police department, township police district police force, or university or college police department may apply each fiscal year to the peace officer training commission for reimbursement for the costs of peace officer basic training programs, advanced peace officer training programs, basic jailer training programs, and firearms requalification training

programs that are successfully completed by the sheriff, 578
constable, or chief or a peace officer under the sheriff's, 579
constable's, or chief's supervision. The superintendent of the 580
state highway patrol and the director of natural resources may 581
apply each fiscal year to the peace officer training commission 582
for reimbursement for the costs of peace officer basic training 583
programs, advanced peace officer training programs, and basic 584
jailer training programs successfully completed by the 585
superintendent or director or the peace officers under the 586
superintendent's or director's supervision. The chief of the adult 587
parole authority and each chief probation officer of a county 588
probation department, multicounty probation department, or 589
municipal court department of probation may apply each fiscal year 590
to the peace officer training commission for reimbursement for the 591
costs of basic firearm training programs and firearms 592
requalification programs successfully completed by that ~~such~~ chief 593
or by parole or probation officers under the chief's supervision. 594
Each application shall be made in accordance with, on an 595
application form prescribed in, and be supported by the 596
documentation required by, the rules adopted by the attorney 597
general pursuant to division (B) of this section. 598

(D) As used in this section and section 109.803 of the 599
Revised Code: 600

(1) "Peace officer" includes a sheriff, deputy sheriff, 601
marshal, deputy marshal, chief of police and member of a municipal 602
or township police department, chief of police ~~or~~ and member of a 603
township police district police force, chief of police of a 604
university or college police department, state university law 605
enforcement officer appointed under section 3345.04 of the Revised 606
Code, superintendent of the state highway patrol, state highway 607
patrol trooper, and employee of the department of natural 608
resources who is a natural resources law enforcement staff 609

officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer. 610
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(2) "Chief of police of an organized municipal police department" includes the chief of police of a village police department. 612
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(3) "Chief of police of a village police department" means the village marshal. 615
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(4) "Chief of police of a university or college police department" means the person who has direct supervisory authority over the state university law enforcement officers who are appointed for the university or college pursuant to section 3345.04 of the Revised Code by the board of trustees of the university or college. 617
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Sec. 145.01. As used in this chapter: 623

(A) "Public employee" means: 624

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in ~~this~~ division (A)(1) of this section, or employed and paid in whole or in part by the state or any of the authorities named in ~~this~~ division (A)(1) of this section in any capacity not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 625
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(2) A person who is a member of the public employees _ 639

retirement system and who continues to perform the same or similar 640
duties under the direction of a contractor who has contracted to 641
take over what before the date of the contract was a publicly 642
operated function. The governmental unit with which the contract 643
has been made shall be deemed the employer for the purposes of 644
administering this chapter. 645

(3) Any person who is an employee of a public employer, 646
notwithstanding that the person's compensation for that employment 647
is derived from funds of a person or entity other than the 648
employer. Credit for such service shall be included as total 649
service credit, provided that the employee makes the payments 650
required by this chapter, and the employer makes the payments 651
required by sections 145.48 and 145.51 of the Revised Code. 652

In all cases of doubt, the public employees retirement board 653
shall determine whether any person is a public employee, and its 654
decision is final. 655

(B) "Member" means any public employee, other than a public 656
employee excluded or exempted from membership in the retirement 657
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 658
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 659
retirant who becomes a member under division (C)(2) of section 660
145.38 of the Revised Code. "Member" also includes a disability 661
benefit recipient. 662

(C) "Head of the department" means the elective or appointive 663
head of the several executive, judicial, and administrative 664
departments, institutions, boards, and commissions of the state 665
and local government as the same are created and defined by the 666
laws of this state or, in case of a charter government, by that 667
charter. 668

(D) "Employer" or "public employer" means the state or any 669
county, township, municipal corporation, park district, 670

conservancy district, sanitary district, health district, 671
metropolitan housing authority, state retirement board, Ohio 672
historical society, public library, county law library, union 673
cemetery, joint hospital, institutional commissary, state medical 674
college, state university, or board, bureau, commission, council, 675
committee, authority, or administrative body as the same are, or 676
have been, created by action of the general assembly or by the 677
legislative authority of any of the units of local government 678
named in this division not covered by section 3307.01 or 3309.01 679
of the Revised Code. In addition, "employer" means the employer of 680
any public employee. 681

(E) "Prior service" means all service as a public employee 682
rendered before January 1, 1935, and all service as an employee of 683
any employer who comes within the state teachers retirement system 684
or of the school employees retirement system or of any other 685
retirement system established under the laws of this state 686
rendered prior to January 1, 1935, provided that if the employee 687
claiming the service was employed in any capacity covered by that 688
other system after that other system was established, credit for 689
the service may be allowed by the public employees retirement 690
system only when the employee has made payment, to be computed on 691
the salary earned from the date of appointment to the date 692
membership was established in the public employees retirement 693
system, at the rate in effect at the time of payment, and the 694
employer has made payment of the corresponding full liability as 695
provided by section 145.44 of the Revised Code. "Prior service" 696
also means all service credited for active duty with the armed 697
forces of the United States as provided in section 145.30 of the 698
Revised Code. 699

If an employee who has been granted prior service credit by 700
the public employees retirement system for service rendered prior 701
to January 1, 1935, as an employee of a board of education 702

establishes, before retirement, one year or more of contributing 703
service in the state teachers retirement system or school 704
employees retirement system, then the prior service ceases to be 705
the liability of this system. 706

If the board determines that a position of any member in any 707
calendar year prior to January 1, 1935, was a part-time position, 708
the board shall determine what fractional part of a year's credit 709
shall be allowed by the following formula: 710

(1) When the member has been either elected or appointed to 711
an office the term of which was two or more years and for which an 712
annual salary is established, the fractional part of the year's 713
credit shall be computed as follows: 714

First, when the member's annual salary is one thousand 715
dollars or less, the service credit for each such calendar year 716
shall be forty per cent of a year. 717

Second, for each full one hundred dollars of annual salary 718
above one thousand dollars, the member's service credit for each 719
such calendar year shall be increased by two and one-half per 720
cent. 721

(2) When the member is paid on a per diem basis, the service 722
credit for any single year of the service shall be determined by 723
using the number of days of service for which the compensation was 724
received in any such year as a numerator and using two hundred 725
fifty days as a denominator. 726

(3) When the member is paid on an hourly basis, the service 727
credit for any single year of the service shall be determined by 728
using the number of hours of service for which the compensation 729
was received in any such year as a numerator and using two 730
thousand hours as a denominator. 731

(F) "Contributor" means any person who has an account in the 732

employees' savings fund created by section 145.23 of the Revised Code. 733
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(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter. 735
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(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's prior service credit; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. In addition, "total service credit" includes any period, not in excess of three years, during which a member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system. 739
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(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of 757
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the contributions they would have paid had they been members of 765
this system for the eighteen months of employment preceding the 766
date membership was established. When that payment has been made 767
by all such ~~employee members~~ employee members, a corresponding 768
payment shall be paid into the employers' accumulation fund by 769
that municipal corporation as the employer of the employees. 770

(3) Where a member also is a member of the state teachers 771
retirement system or the school employees retirement system, or 772
both, except in cases of retirement on a combined basis pursuant 773
to section 145.37 of the Revised Code, service credit for any 774
period shall be credited on the basis of the ratio that 775
contributions to the public employees retirement system ~~bears~~ bear 776
to total contributions in all state retirement systems. 777

(4) Not more than one year of credit may be given for any 778
period of twelve months. 779

(5) "Ohio service credit" means credit for service that was 780
rendered to the state or any of its political subdivisions or any 781
employer ~~as defined in division (D) of this section.~~ 782

(I) "Regular or current interest" means interest at any rates 783
for the respective funds and accounts as the public employees 784
retirement board may determine from time to time, except as 785
follows: 786

(1) Subsequent to December 31, 1958, the retirement board 787
shall discontinue the annual crediting of current interest to the 788
individual accounts of contributors. The noncrediting of current 789
interest shall not affect the rate of interest at retirement 790
guaranteed under ~~this~~ division (I) of this section. 791

(2) The rate of interest credited on a contributor's 792
contributions at retirement shall be four per cent per annum, 793
compounded annually, to and including December 31, 1955; three per 794
cent per annum, compounded annually, from January 1, 1956, to and 795

including December 31, 1963; three and one-quarter per cent per 796
annum, compounded annually, from January 1, 1964, to and including 797
December 31, 1969; and thereafter four per cent per annum, 798
compounded annually. 799

In determining the reserve value for the purpose of computing 800
the amount of the contributor's annuity, the rate of interest used 801
in the annuity values shall be four per cent per annum, compounded 802
annually, for contributors retiring before October 1, 1956, and 803
after December 31, 1969; three per cent per annum, compounded 804
annually, for contributors retiring between October 1, 1956, and 805
December 31, 1963; and three and one-quarter per cent per annum, 806
compounded annually, for contributors retiring from January 1, 807
1964, to December 31, 1969. Interest on contributions from 808
contributors within any one calendar year shall begin on the first 809
day of the calendar year next following and shall be computed at 810
the end of each calendar year, except in the case of a contributor 811
who retires before the end of the year. 812

(J) "Accumulated contributions" means the sum of all amounts 813
credited to a contributor's individual account in the employees' 814
savings fund together with any current interest thereon, but does 815
not include the interest adjustment at retirement. 816

(K)(1) "Final average salary" means the quotient obtained by 817
dividing by three the sum of the three full calendar years of 818
contributing service in which the member's earnable salary was 819
highest, except that if the member has a partial year of 820
contributing service in the year the member's employment 821
terminates and the member's earnable salary for the partial year 822
is higher than for any comparable period in the three years, the 823
member's earnable salary for the partial year shall be substituted 824
for the member's earnable salary for the comparable period during 825
the three years in which the member's earnable salary was lowest. 826

(2) If a member has less than three years of contributing 827
service, the member's final average salary shall be the member's 828
total earnable salary divided by the total number of years, 829
including any fraction of a year, of the member's contributing 830
service. 831

(3) For the purpose of calculating benefits payable to a 832
member qualifying for service credit under division (Z) of this 833
section, "final average salary" means the total earnable salary on 834
which contributions were made divided by the total number of years 835
during which contributions were made, including any fraction of a 836
year. If contributions were made for less than twelve months, 837
"final average salary" means the member's total earnable salary. 838

(L) "Annuity" means payments for life derived from 839
contributions made by a contributor and paid from the annuity and 840
pension reserve fund as provided in this chapter. All annuities 841
shall be paid in twelve equal monthly installments. 842

(M) "Annuity reserve" means the present value, computed upon 843
the basis of the mortality and other tables adopted by the board, 844
of all payments to be made on account of any annuity, or benefit 845
in lieu of any annuity, granted to a retirant as provided in this 846
chapter. 847

(N)(1) "Disability retirement" means retirement as provided 848
in section 145.36 of the Revised Code. 849

(2) "Disability allowance" means an allowance paid on account 850
of disability under section 145.361 of the Revised Code. 851

(3) "Disability benefit" means a benefit paid as disability 852
retirement under section 145.36 of the Revised Code, as a 853
disability allowance under section 145.361 of the Revised Code, or 854
as a disability benefit under section 145.37 of the Revised Code. 855

(4) "Disability benefit recipient" means a member who is 856

receiving a disability benefit.

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

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

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

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(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:

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(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;

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(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;

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(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;	888 889 890 891
(d) Fees and commissions paid under section 507.09 of the Revised Code;	892 893
(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;	894 895 896 897
(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.	898 899
(2) "Earnable salary" does not include any of the following:	900
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	901 902 903 904 905
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	906 907 908 909 910
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	911 912 913 914
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	915 916 917

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

(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;

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

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

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

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

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

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

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

(a) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit.

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

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

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

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

(W) "Employer contribution" means the amount paid by an

employer as determined by the employer rate including the normal 979
and deficiency contribution rates. 980

(X) "Public service terminates" means the last day for which 981
a public employee is compensated for services performed for an 982
employer or the date of the employee's death, whichever occurs 983
first. 984

(Y) When a member has been elected or appointed to an office, 985
the term of which is two or more years, for which an annual salary 986
is established, and in the event that the salary of the office is 987
increased and the member is denied the additional salary by reason 988
of any constitutional provision prohibiting an increase in salary 989
during a term of office, the member may elect to have the amount 990
of the member's contributions calculated upon the basis of the 991
increased salary for the office. At the member's request, the 992
board shall compute the total additional amount the member would 993
have contributed, or the amount by which each of the member's 994
contributions would have increased, had the member received the 995
increased salary for the office the member holds. If the member 996
elects to have the amount by which the member's contribution would 997
have increased withheld from the member's salary, the member shall 998
notify the employer, and the employer shall make the withholding 999
and transmit it to the retirement system. A member who has not 1000
elected to have that amount withheld may elect at any time to make 1001
a payment to the retirement system equal to the additional amount 1002
the member's contribution would have increased, plus interest on 1003
that contribution, compounded annually at a rate established by 1004
the board and computed from the date on which the last 1005
contribution would have been withheld from the member's salary to 1006
the date of payment. A member may make a payment for part of the 1007
period for which the increased contribution was not withheld, in 1008
which case the interest shall be computed from the date the last 1009
contribution would have been withheld for the period for which the 1010

payment is made. Upon the payment of the increased contributions 1011
as provided in this division, the increased annual salary as 1012
provided by law for the office for the period for which the member 1013
paid increased contributions thereon shall be used in determining 1014
the member's earnable salary for the purpose of computing the 1015
member's "final average salary." 1016

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(Z) "Five years of service credit," for the exclusive purpose 1018
of satisfying the service credit requirements and of determining 1019
eligibility for benefits under section 145.33 of the Revised Code, 1020
means employment covered under this chapter or under a former 1021
retirement plan operated, recognized, or endorsed by the employer 1022
prior to coverage under this chapter, or under a combination of 1023
the coverage. 1024

(AA) "Deputy sheriff" means any person who is commissioned 1025
and employed as a full-time peace officer by the sheriff of any 1026
county, and has been so employed since on or before December 31, 1027
1965, and whose primary duties are to preserve the peace, to 1028
protect life and property, and to enforce the laws of this state; 1029
any person who is or has been commissioned and employed as a peace 1030
officer by the sheriff of any county since January 1, 1966, and 1031
who has received a certificate attesting to the person's 1032
satisfactory completion of the peace officer training school as 1033
required by section 109.77 of the Revised Code and whose primary 1034
duties are to preserve the peace, protect life and property, and 1035
enforce the laws of this state; or any person deputized by the 1036
sheriff of any county and employed pursuant to section 2301.12 of 1037
the Revised Code as a criminal bailiff or court constable who has 1038
received a certificate attesting to the person's satisfactory 1039
completion of the peace officer training school as required by 1040
section 109.77 of the Revised Code and whose primary duties are to 1041
preserve the peace, protect life and property, and enforce the 1042

laws of this state.	1043
(BB) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.	1044 1045 1046 1047 1048 1049 1050 1051 1052
(CC) "Drug agent" means any person who is either of the following:	1053 1054
(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;	1055 1056 1057 1058 1059
(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.	1060 1061 1062
(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.	1063 1064 1065 1066
(EE) <u>"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.</u>	1067 1068 1069 1070 1071
(FF) "Park officer" means a full-time employee of the	1072

department of natural resources who is designated a park officer 1073
under section 1541.10 of the Revised Code and is in compliance 1074
with section 109.77 of the Revised Code. 1075

~~(FF)~~(GG) "Forest officer" means a full-time employee of the 1076
department of natural resources who is designated a forest officer 1077
under section 1503.29 of the Revised Code and is in compliance 1078
with section 109.77 of the Revised Code. 1079

~~(GG)~~(HH) "Preserve officer" means a full-time employee of the 1080
department of natural resources who is designated a preserve 1081
officer under section 1517.10 of the Revised Code and is in 1082
compliance with section 109.77 of the Revised Code. 1083

(II) "Wildlife officer" means a full-time employee of the 1084
department of natural resources who is designated a wildlife 1085
officer under section 1531.13 of the Revised Code and is in 1086
compliance with section 109.77 of the Revised Code. 1087

~~(HH)~~(JJ) "State watercraft officer" means a full-time 1088
employee of the department of natural resources who is designated 1089
a state watercraft officer under section 1547.521 of the Revised 1090
Code and is in compliance with section 109.77 of the Revised Code. 1091

~~(II)~~(KK) "Park district police officer" means a full-time 1092
employee of a park district who is designated pursuant to section 1093
511.232 or 1545.13 of the Revised Code and is in compliance with 1094
section 109.77 of the Revised Code. 1095

~~(JJ)~~(LL) "Conservancy district officer" means a full-time 1096
employee of a conservancy district who is designated pursuant to 1097
section 6101.75 of the Revised Code and is in compliance with 1098
section 109.77 of the Revised Code. 1099

~~(KK)~~(MM) "Municipal police officer" means a member of the 1100
organized police department of a municipal corporation who is 1101
employed full-time, is in compliance with section 109.77 of the 1102
Revised Code, and is not a member of the police and firemen's 1103

disability and pension fund. 1104

~~(LL)~~(NN) "Ohio veterans' home police officer" means any 1105
person who is employed at the Ohio veterans' home as a police 1106
officer pursuant to section 5907.02 of the Revised Code and is in 1107
compliance with section 109.77 of the Revised Code. 1108

~~(MM)~~(OO) "Special police officer for a mental health 1109
institution" means any person who is designated as such pursuant 1110
to section 5119.14 of the Revised Code and is in compliance with 1111
section 109.77 of the Revised Code. 1112

~~(NN)~~(PP) "Special police officer for an institution for the 1113
mentally retarded and developmentally disabled" means any person 1114
who is designated as such pursuant to section 5123.13 of the 1115
Revised Code and is in compliance with section 109.77 of the 1116
Revised Code. 1117

~~(OO)~~(QQ) "State university law enforcement officer" means any 1118
person who is employed full-time as a state university law 1119
enforcement officer pursuant to section 3345.04 of the Revised 1120
Code and who is in compliance with section 109.77 of the Revised 1121
Code. 1122

~~(PP)~~(RR) "Hamilton county municipal court bailiff" means a 1123
person appointed by the clerk of courts of the Hamilton county 1124
municipal court under division (A)(3) of section 1901.32 of the 1125
Revised Code who is employed full-time as a bailiff or deputy 1126
bailiff, who has received a certificate attesting to the person's 1127
satisfactory completion of the peace officer training school as 1128
required by division (C) of section 109.77 of the Revised Code, 1129
and whose primary duties are to preserve the peace, to protect 1130
life and property, and to enforce the laws of this state. 1131

~~(QQ)~~(SS) Notwithstanding section 2901.01 of the Revised Code, 1132
"law enforcement officer" means a sheriff, deputy sheriff, 1133
township constable or police officer in a township police 1134

department or district, drug agent, liquor control investigator, 1135
natural resources law enforcement staff officer, park officer, 1136
forest officer, preserve officer, wildlife officer, state 1137
watercraft officer, park district police officer, conservancy 1138
district officer, Ohio veterans' home police officer, special 1139
police officer for a mental health institution, special police 1140
officer for an institution for the mentally retarded and 1141
developmentally disabled, state university law enforcement 1142
officer, Hamilton county municipal court bailiff, or municipal 1143
police officer. 1144

~~(RR)~~(TT) "Fiduciary" means a person who does any of the 1145
following: 1146

(1) Exercises any discretionary authority or control with 1147
respect to the management of the system or with respect to the 1148
management or disposition of its assets; 1149

(2) Renders investment advice for a fee, direct or indirect, 1150
with respect to money or property of the system; 1151

(3) Has any discretionary authority or responsibility in the 1152
administration of the system. 1153

~~(SS)~~(UU) "Actuary" means an individual who satisfies all of 1154
the following requirements: 1155

(1) Is a member of the American academy of actuaries; 1156

(2) Is an associate or fellow of the society of actuaries; 1157

(3) Has a minimum of five years' experience in providing 1158
actuarial services to public retirement plans. 1159

Sec. 145.33. (A) Except as provided in division (B) of this 1160
section, a member with at least five years of total service credit 1161
who has attained age sixty, or who has thirty years of total Ohio 1162
service credit, may apply for age and service retirement, which 1163
shall consist of: 1164

(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;	1165 1166
(2) A pension equal to the annuity provided by division (A)(1) of this section;	1167 1168
(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;	1169 1170 1171 1172
(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section. The cost of the basic annual pension shall be included in the deficiency contribution provided by sections 145.48 and 145.50 of the Revised Code.	1173 1174 1175 1176 1177 1178 1179 1180
(5) When a member retires on age and service retirement, the member's total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base amount adjusted in accordance with this <u>division (A)(5) of this section</u> and determined by multiplying the member's total service credit by the greater of the following:	1181 1182 1183 1184 1185 1186 1187
(a) Eighty-six dollars;	1188
(b) Two and one-tenth per cent of the member's final average salary for each of the first thirty years of service plus two and one-half per cent of the member's final average salary for each subsequent year of service.	1189 1190 1191 1192
The allowance shall be adjusted by the factors of attained age or years of service to provide the greater amount as	1193 1194

determined by the following schedule:

1195

Attained	or	Years of Total Service	Percentage of	
Birthdays		Credit	Base Amount	
58		25	75	1199
59		26	80	1200
60		27	85	1201
61			88	1202
		28	90	1203
62			91	1204
63			94	1205
		29	95	1206
64			97	1207
65		30 or more	100	1208

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

1209
1210
1211

Attained	Percentage
Birthdays	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
shall receive under division (A)(5) of this section shall not
exceed the lesser of one hundred per cent of the member's final
average salary or the limit established by section 415 of the
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415,
as amended.

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1221
1222
1223
1224
1225

(B)(1) A member who has at least twenty-five years of total

1226

service credit, including credit for military service under 1227
division (C)(2) of this section, while serving as a law 1228
enforcement officer and who has attained age fifty-two may apply 1229
for an age and service retirement benefit, which shall consist of 1230
an annual single lifetime allowance equal to the sum of two and 1231
one-half per cent of the member's final average salary multiplied 1232
by the first twenty years of the member's total service plus two 1233
and one-tenth per cent of the member's final average salary 1234
multiplied by the number of years of the member's total service 1235
credit in excess of twenty years, except that no allowance shall 1236
exceed the lesser of ninety per cent of the member's final average 1237
salary or the limit established by section 415 of the "Internal 1238
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 1239
amended. 1240

(2) A member who has at least fifteen years of total service 1241
credit, including credit for military service under division 1242
(C)(2) of this section, while serving as a law enforcement officer 1243
and has attained sixty-two years of age may apply for an age and 1244
service retirement benefit, which shall consist of an annual 1245
single lifetime allowance computed as provided in division (B)(1) 1246
of this section. The benefit shall not exceed the limit 1247
established by section 415 of the "Internal Revenue Code of 1986," 1248
100 Stat. 2085, 26 U.S.C.A. 415, as amended. 1249

(3) A member with at least fifteen years of total service 1250
credit, including credit for military service under division 1251
(C)(2) of this section, while serving as a law enforcement officer 1252
who voluntarily resigns or is discharged for any reason except 1253
death, dishonesty, cowardice, intemperate habits, or conviction of 1254
a felony, may apply for an age and service retirement benefit, 1255
which shall consist of an annual single lifetime allowance equal 1256
to one and one-half per cent of the member's final average salary 1257
multiplied by the number of years of the member's total service 1258

credit. The benefit shall not exceed the limit established by 1259
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 1260
2085, 26 U.S.C.A. 415, as amended. The allowance shall commence on 1261
the first day of the calendar month following the month in which 1262
the application is filed with the public employees retirement 1263
board on or after the attainment by the applicant of age 1264
fifty-two. 1265

(4) A member who has at least twenty-five years of total 1266
service credit, including credit for military service under 1267
division (C)(2) of this section, while serving as a law 1268
enforcement officer who voluntarily resigns or is discharged for 1269
any reason except death, dishonesty, cowardice, intemperate 1270
habits, or conviction of a felony, on or after the date of 1271
attaining forty-eight years of age, but before the date of 1272
attaining fifty-two years of age, may elect to receive a reduced 1273
benefit as determined by the following schedule: 1274

Attained Age	Reduced Benefit	
48	75% of the benefit payable under division (B)(1) of this section	1275 1276 1277
49	80% of the benefit payable under division (B)(1) of this section	1278 1279
50	86% of the benefit payable under division (B)(1) of this section	1280 1281
51	93% of the benefit payable under division (B)(1) of this section	1282 1283

A member who has at least twenty-five years of law 1284
enforcement service credit, upon attaining forty-eight, 1285
forty-nine, fifty, or fifty-one years of age, may elect to retire 1286
and receive a reduced benefit determined by the above schedule. 1287

If a member elects to receive a reduced benefit on or after 1288
the date of attaining forty-eight years of age, but before the 1289
date of attaining forty-nine years of age, the reduced benefit is 1290

payable from the date the member attained forty-eight years of age 1291
or from the date the member becomes eligible to receive the 1292
reduced benefit, whichever is later. If a member elects to receive 1293
a reduced benefit on or after the date of attaining forty-nine 1294
years of age, but before the date of attaining fifty years of age, 1295
the reduced benefit is payable from the date the member attained 1296
forty-nine years of age or from the date the member becomes 1297
eligible to receive the reduced benefit, whichever is later. If a 1298
member elects to receive a reduced benefit on or after the date of 1299
attaining fifty years of age, but before the date of attaining 1300
fifty-one years of age, the reduced benefit is payable from the 1301
date the member attained fifty years of age or from the date the 1302
member becomes eligible to receive the reduced benefit, whichever 1303
is later. If a member elects to receive a reduced benefit on or 1304
after the date of attaining fifty-one years of age, but before the 1305
date of attaining fifty-two years of age, the reduced benefit is 1306
payable from the date the member attained fifty-one years of age 1307
or from the date the member becomes eligible to receive the 1308
reduced benefit, whichever is later. 1309

Once a member elects to receive a reduced benefit determined 1310
by the above schedule and has received a payment, the member may 1311
not reelect to change that election. 1312

If a member who has resigned or been discharged has left on 1313
deposit the member's accumulated contributions in the employees' 1314
savings fund and has not elected to receive a reduced benefit 1315
determined by the above schedule, upon attaining fifty-two years 1316
of age, the member shall be entitled to receive a benefit computed 1317
and paid under division (B)(1) of this section. 1318

(C)(1) A member with service credit as a law enforcement 1319
officer and other service credit under this chapter may elect one 1320
of the following: 1321

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

(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 obtained 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 April 16, 1993,~~ 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;	1353
(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;	1354 1355
(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, Ohio veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;	1356 1357 1358 1359 1360 1361 1362 1363 1364
(f) Any person who is originally <u>is</u> employed as a state university law enforcement officer, on or after November 6, 1996;	1365 1366
(g) Any person who is originally <u>is</u> employed as a Hamilton county municipal court bailiff on or after November 6, 1996;	1367 1368
(h) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after the effective date of this amendment <u>September 16, 1998:</u>	1369 1370 1371
(i) Any person who originally is employed as a preserve officer on or after the effective date of this amendment;	1372 1373
(j) <u>Any person who originally is employed as a natural resources law enforcement staff officer on or after the effective date of this amendment.</u>	1374 1375 1376
(D) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.	1377 1378
Sec. 149.01. Each elective state officer, the adjutant general, the adult parole authority, the department of agriculture, the director of administrative services, the public	1379 1380 1381

utilities commission, the superintendent of insurance, the 1382
superintendent of financial institutions, the superintendent of 1383
purchases and printing, ~~the division of geological survey,~~ the 1384
state commissioner of soldiers' claims, the fire marshal, the 1385
industrial commission, the administrator of workers' compensation, 1386
the state department of transportation, the department of health, 1387
the state medical board, the state dental board, the board of 1388
embalmers and funeral directors, the department of human services, 1389
the Ohio commission for the blind, the accountancy board of Ohio, 1390
the state council of uniform state laws, the board of 1391
commissioners of the sinking fund, the department of taxation, the 1392
board of tax appeals, the clerk of the supreme court, the division 1393
of liquor control, the director of state armories, the trustees of 1394
the Ohio state university, and every private or quasi-public 1395
institution, association, board, or corporation receiving state 1396
money for its use and purpose, shall make annually, at the end of 1397
each fiscal year, in quadruplicate, a report of the transactions 1398
and proceedings of that office or department for ~~such~~ that fiscal 1399
year, excepting receipts and disbursements unless otherwise 1400
specifically required by law. ~~Such~~ The report shall contain a 1401
summary of the official acts of ~~such~~ the officer, board, council, 1402
commission, institution, association, or corporation, and ~~such~~ any 1403
suggestions and recommendations ~~as~~ that are proper. On the first 1404
day of August of each year, one of ~~such~~ the reports shall be filed 1405
with the governor, one with the secretary of state, and one with 1406
the state library, and one shall be kept on file in the office of 1407
~~such~~ the officer, board, council, commission, institution, 1408
association, or corporation. 1409

Sec. 505.82. (A) If a board of township trustees by a 1410
unanimous vote, or, in the event of the unavoidable absence of one 1411
trustee, by an affirmative vote of two trustees adopts a 1412

resolution declaring that an emergency exists ~~which~~ that threatens 1413
life or property within the unincorporated territory of the 1414
township or that such an emergency is imminent, the board may 1415
exercise the following powers during the emergency in the 1416
one-month period following the adoption of the resolution: 1417

~~(A) Notwithstanding section 1517.16 of the Revised Code, if~~ 1418
(1) If an owner of an undedicated road or stream bank in the 1419
unincorporated territory of the township has not provided for the 1420
removal of snow, ice, debris, or other obstructions from the road 1421
or bank, provide for ~~such~~ that removal. Prior to providing for 1422
~~such~~ the removal, the board of township trustees shall give, or 1423
make good faith attempt to give, oral notice to the owner of the 1424
road or bank of the trustees' intent to clear the road or bank and 1425
impose a service charge for doing so. The board shall establish 1426
just and equitable service charges for ~~such~~ the removal to be paid 1427
by the owners of the road or bank. The trustees shall keep a 1428
record of the costs incurred by the township in removing snow, 1429
ice, debris, or other obstructions from the road or bank. The 1430
service charges shall be based on these costs and shall be in an 1431
amount sufficient to recover these costs. If there is more than 1432
one owner of the road or bank, the board shall allocate the 1433
service charges among the owners on an equitable basis. The board 1434
shall notify, in writing, each owner of the road or bank of the 1435
amount of the service charge and shall certify the charges to the 1436
county auditor. The charges shall constitute a lien upon the 1437
property. The auditor shall place the charges on a special 1438
duplicate to be collected as other taxes and returned to the 1439
township general fund. 1440

~~(B)~~ (2) Contract for the immediate acquisition, replacement, 1441
or repair of equipment needed for the emergency situation, without 1442
following the competitive bidding requirements of section 5549.21 1443
or any other section of the Revised Code. 1444

~~(C)~~(B) The removal of snow, ice, debris, or other 1445
obstructions from an undedicated road by a board of township 1446
trustees acting pursuant to a resolution adopted under division 1447
(A) of this section does not constitute approval or acceptance of 1448
the undedicated road. 1449

~~(D)~~(C) As used in this section, "undedicated road" means a 1450
road that has not been approved and accepted by the board of 1451
county commissioners and is not a part of the state, county, or 1452
township road systems as provided in section 5535.01 of the 1453
Revised Code. 1454

(D) Nothing in this section shall be construed to waive the 1455
requirement under section 1517.16 Of the Revised Code that 1456
approval of plans be obtained from the director of natural 1457
resources or the director's representative prior to modifying or 1458
causing the modification of the channel of any watercourse in a 1459
wild, scenic, or recreational river area outside the limits of a 1460
municipal corporation. 1461

Sec. 918.12. (A) An establishment, as defined in section 1462
918.01 of the Revised Code, that slaughters or otherwise prepares 1463
meat of bison, cervidea, other bovidea, camelidae and hybrids 1464
thereof, ratites, domestic rabbits, domestic deer, as defined in 1465
section 1531.01 Of the Revised Code, or other animals determined 1466
by the director of agriculture by rule, for human food purposes 1467
may receive voluntary state inspection, as defined in division (B) 1468
of section 918.01 of the Revised Code, if the establishment 1469
complies with sections 918.01 to 918.11 of the Revised Code and 1470
the rules adopted under those sections for establishments that 1471
slaughter or otherwise prepare for food purposes other animals and 1472
if the establishment complies with division (C) of this section. 1473

(B) The owner of an establishment, as defined in section 1474
918.21 of the Revised Code, who slaughters or otherwise prepares 1475

the meat of, pheasant, quail, partridge, peafowl, grouse, captive
raised wild turkey, captive raised waterfowl, or other poultry
determined by the director by rule may receive voluntary state
inspection as defined in division (I) of section 918.21 of the
Revised Code and the rules adopted under those sections for
establishments that slaughter or otherwise prepare for food
purposes other poultry and if the establishment complies with
division (C) of this section and sections 918.21 to 918.28 of the
Revised Code.

(C) The An establishment pays that receives voluntary state
inspection under division (A) or (B) of this section shall pay the
costs of the inspection at a rate and under terms established by
rule of the director of agriculture in accordance with section
918.04 of the Revised Code.

Sec. 971.01. As used in this chapter, "owner" means both of
the following:

(A) The owner of land in fee simple, of estates for life, or
of rights-of-way, while used by the owners thereof as farm
outlets, ~~but proceedings;~~

(B) The department of natural resources with regard to any
land that it owns, leases, manages, or otherwise controls.

Proceedings under this chapter do not bind the owner unless
he the owner is notified as provided in section 971.13 of the
Revised Code.

Sec. 1501.013. (A) Subject to division (B) of this section,
the director of natural resources may designate an employee of the
department of natural resources as a natural resources law
enforcement staff officer who falls under section 109.71 and
section 145.01 Of the Revised Code. Such an officer may do any or
all of the following:

(1) Coordinate the law enforcement activities, training, and policies of the department; 1506
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(2) Serve as the department's liaison with other law enforcement agencies and jurisdictions and as the director's representative regarding law enforcement activities; 1508
1509
1510

(3) Conduct internal investigations of employees of the department as necessary; 1511
1512

(4) Perform other functions related to the department's law enforcement activities, training, and policies that the director assigns to the officer. 1513
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A natural resources law enforcement staff officer, on any lands or waters owned, controlled, maintained, or administered by the department, has the authority 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 rules governing those lands and waters, and to make arrests for violation of those laws and rules. 1516
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The governor, upon the recommendation of the director, shall issue to a natural resources law enforcement staff officer a commission indicating authority to make arrests as provided in division (A) of this section. 1523
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The director shall furnish a suitable badge to a commissioned natural resources law enforcement staff officer as evidence of that officer's authority. 1527
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(B)(1) As used in division (B) of this section, "felony" has the same meaning as in section 109.511 of the Revised Code. 1530
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(2) The director shall not designate a person as a natural resources law enforcement staff officer under division (A) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the 1532
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person previously has been convicted of or has pleaded guilty to a 1536
felony. 1537

(3) The director shall terminate the employment as a natural 1538
resources law enforcement staff officer of a person designated as 1539
such an officer if that person does either of the following: 1540

(a) Pleads guilty to a felony; 1541

(b) Pleads guilty to a misdemeanor pursuant to a negotiated 1542
plea agreement as provided in division (D) of section 2929.29 of 1543
the Revised Code in which the natural resources law enforcement 1544
staff officer agrees to surrender the certificate awarded to that 1545
officer under section 109.77 of the Revised Code. 1546

(4) The director shall suspend from employment as a natural 1547
resources law enforcement staff officer a person designated as 1548
such an officer if that person is convicted, after trial, of a 1549
felony. If the natural resources law enforcement staff officer 1550
files an appeal from that conviction and the conviction is upheld 1551
by the highest court to which the appeal is taken, or if the 1552
officer does not file a timely appeal, the director shall 1553
terminate the employment of the natural resources law enforcement 1554
staff officer. If the natural resources law enforcement staff 1555
officer files an appeal that results in the officer's acquittal of 1556
the felony or conviction of a misdemeanor, or in the dismissal of 1557
the felony charge against the officer, the director shall 1558
reinstate the natural resources law enforcement staff officer. A 1559
natural resources law enforcement staff officer who is reinstated 1560
under division (B)(4) of this section shall not receive any back 1561
pay unless the officer's conviction of the felony was reversed on 1562
appeal, or the felony charge was dismissed, because the court 1563
found insufficient evidence to convict the officer of the felony. 1564

(5) Division (B) of this section does not apply regarding an 1565
offense that was committed prior to January 1, 1999. 1566

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

Sec. 1501.02. The director of natural resources may enter into cooperative or contractual arrangements with the United States or any agency or department thereof, other states, other departments and subdivisions of this state, or any other person or body politic for the accomplishment of the purposes for which the department of natural resources was created. The director shall cooperate with, and not infringe upon the rights of, other state departments, divisions, boards, commissions, and agencies, political subdivisions, and other public officials and public and private agencies in the conduct of conservation plans and other matters in which the interests of the department of natural resources and the other departments and agencies overlap.

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

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

The director shall adopt rules in accordance with Chapter 1598
119. Of the Revised Code establishing guidelines for entering into 1599
and may enter into a cooperative or contractual arrangement with 1600
any individual, agency, organization, or business entity to assist 1601
the department in funding a program or project of the department, 1602
its divisions, or its offices, through securing, without 1603
limitation, donations, sponsorships, marketing, advertising, and 1604
licensing arrangements. state moneys appropriated to the 1605
department shall continue to be used as authorized and shall not 1606
be redirected to any other purpose as a result of financial 1607
savings resulting from the department's entering into the 1608
cooperative or contractual arrangement. 1609

The director may enter into a mutual aid compact with the 1610
chief law enforcement officer of any federal agency, state agency, 1611
county, township, municipal corporation, or other political 1612
subdivision or with the superintendent of the state highway patrol 1613
to enable forest officers, park officers, and state watercraft 1614
officers and the law enforcement officers of the respective 1615
federal or state agencies or political subdivisions or the state 1616
highway patrol to assist each other in the provision of police 1617
services within each other's jurisdiction. 1618

Sec. 1501.10. Advertisement for bids for the leasing of 1619
public service facilities in state parks shall be published in any 1620
newspaper of general circulation in Franklin county and each 1621
county in which the facility to be leased is situated. The 1622
publication shall be made once each week for four consecutive 1623
weeks prior to the date fixed for the acceptance of the bids. The 1624
notice shall set forth the pertinent facts concerning the facility 1625
to be leased and the periods of required operation during the year 1626
and shall refer to the terms and conditions that the lease shall 1627
include, which shall be on file in the office of the director of 1628

natural resources and open to public inspection, except that 1629
questionnaires and financial statements submitted under this 1630
section shall be confidential and shall not be open to public 1631
inspection. 1632

~~Such~~ The public service facilities may be leased for ~~such~~ a 1633
period of years ~~as~~ that may be determined by the director, 1634
provided that the director ~~may~~, at the expiration of the original 1635
lease, without advertisement for bids, may grant the lessee a 1636
renewal of the lease for an additional period not to exceed four 1637
years. Leases executed under this section may contain any 1638
provisions ~~which~~ that the director considers necessary, provided 1639
that the following provisions shall be contained in the leases: 1640

(A) The lessee shall be responsible for keeping the 1641
facilities in good condition and repair, reasonable wear and tear 1642
and damages caused by casualty or acts beyond the control of the 1643
lessee excepted. 1644

(B) The lessee shall operate the facilities for ~~such~~ periods 1645
during the year ~~as~~ that the director determines are necessary to 1646
satisfy the needs of the people of the state, provided that the 1647
periods of required operation shall be set forth in the notice for 1648
the acceptance of bids. 1649

(C) The lessee, upon the execution of the lease, shall 1650
furnish ~~a~~ surety to ensure that the lessee shall perform fully all 1651
terms of the lease. The surety shall be in the form of a 1652
performance bond or, an irrevocable letter of credit to the state 1653
in an amount as, cash, or negotiable certificates of deposit of 1654
any bank or savings and loan association organized or transacting 1655
business in the United states. the cash, market value of the 1656
certificates of deposit, or face value of the irrevocable letter 1657
of credit shall be equal to or greater than the amount of the bond 1658
~~prescribed by the director, to ensure that the lessee shall fully~~ 1659

~~perform all terms of~~ in the lease. 1660

immediately upon a deposit of cash or certificates of 1661
deposit, the director shall deliver them to the treasurer of 1662
state, who shall be responsible for their safekeeping and hold 1663
them in trust for the purposes for which they have been deposited. 1664
A lessee making a deposit of cash or certificates of deposit may 1665
withdraw and receive from the treasurer of state, on the written 1666
order of the director, all or any portion of the cash or 1667
certificates of deposit upon depositing with the treasurer of 1668
state cash or negotiable certificates of deposit issued by any 1669
bank organized or transacting business in this state equal in par 1670
value to the par value of the cash or certificates of deposit 1671
withdrawn. A lessee may demand and receive from the treasurer of 1672
state all interest or other income from any such certificates as 1673
it becomes due. 1674

The director may lease any public service facilities in state 1675
parks to the person, ~~firm, partnership, association, or~~ 1676
~~corporation~~ who submits the highest and best bid under the terms 1677
set forth in this section and in accordance with the rules of the 1678
director, taking into account the financial responsibility and the 1679
ability of the lessee to operate the facilities. Bids shall be 1680
sealed and opened at a date and time certain, published in 1681
advance. 1682

This section does not apply to a lease and contract executed 1683
under section 1501.012 of the Revised Code. 1684

Sec. 1502.01. As used in this chapter: 1685

(A) "Litter" means garbage, trash, waste, rubbish, ashes, 1686
cans, bottles, wire, paper, cartons, boxes, automobile parts, 1687
furniture, glass, or anything else of an unsightly or unsanitary 1688
nature thrown, dropped, discarded, placed, or deposited by a 1689
person on public property, on private property not owned by ~~him~~ 1690

<u>the person</u> , or in or on waters of the state unless one of the	1691
following applies:	1692
(1) The person has been directed to do so by a public	1693
official as part of a litter collection drive;	1694
(2) The person has thrown, dropped, discarded, placed, or	1695
deposited the material in a receptacle in a manner that prevented	1696
its being carried away by the elements;	1697
(3) The person has been issued a permit or license covering	1698
the material pursuant to Chapter 3734. or 6111. of the Revised	1699
Code.	1700
(B) "Recycling" means the process of collecting, sorting,	1701
cleansing, treating, and reconstituting waste or other discarded	1702
materials for the purpose of recovering and reusing the materials.	1703
(C) "Agency of the state" includes, but is not limited to, an	1704
"agency" subject to Chapter 119. of the Revised Code and a "state	1705
university or college" as defined in section 3345.12 of the	1706
Revised Code.	1707
(D) "Waste reduction" means activities that decrease the	1708
initial production of waste materials at their point of origin.	1709
(E) "Enterprise" means a business with its principal place of	1710
business in this state and that proposes to engage in research and	1711
development or recycling in this state.	1712
(F) "Research and development" means inquiry,	1713
experimentation, or demonstration to advance basic scientific or	1714
technical knowledge or the application, adaptation, or use of	1715
existing or newly discovered scientific or technical knowledge	1716
regarding <u>recycling, waste reduction, or litter prevention</u> .	1717
(G) "Recyclables" means waste materials that are collected,	1718
separated, or processed and used as raw materials or products.	1719
(H) "Recycling market development" means activities that	1720

stimulate the demand for recycled products, provide for a 1721
consistent supply of recyclables to meet the needs of recycling 1722
industries, or both. 1723

(I) "Solid waste management districts" means solid waste 1724
management districts established under Chapter 343. of the Revised 1725
Code. 1726

Sec. 1502.03. (A) The chief of recycling and litter 1727
prevention shall establish and implement statewide waste 1728
reduction, recycling, recycling market development, and litter 1729
prevention programs that include all of the following: 1730

(1) The assessment of waste generation within the state and 1731
implementation of waste reduction practices; 1732

(2) The implementation of recycling and recycling market 1733
development activities and projects, including all of the 1734
following: 1735

(a) Collection of recyclables; 1736

(b) Separation of recyclables; 1737

(c) Processing of recyclables; 1738

(d) Facilitation and encouragement of the use of recyclables 1739
and products made with recyclables; 1740

~~(e) Research and development regarding recycling activities 1741
and materials or products manufactured with recyclables; 1742~~

~~(f) Education and training concerning recycling and products 1743
manufactured with recyclables; 1744~~

~~(g)~~(f) Public awareness campaigns to promote recycling; 1745

~~(h)~~(g) Other activities and projects that promote recycling 1746
and recycling market development. 1747

(3) Litter prevention assistance to enforce antilitter laws, 1748

educate the public, and stimulate collection and containment of 1749
litter; 1750

(4) Research and development regarding waste reduction, 1751
recycling, and litter prevention, including, without limitation, 1752
research and development regarding materials or products 1753
manufactured with recyclables. 1754

(B) The chief, with the approval of the director of natural 1755
resources, may enter into contracts or other agreements and may 1756
execute any instruments necessary or incidental to the discharge 1757
of ~~his~~ the chief's responsibilities under this chapter. 1758

Sec. 1502.04. There is hereby created within the division of 1759
recycling and litter prevention the recycling and litter 1760
prevention advisory council consisting of thirteen members. The 1761
speaker of the house of representatives shall appoint one member 1762
of the house of representatives to the council, and the president 1763
of the senate shall appoint one member of the senate to the 1764
council. If the president of the senate belongs to the same 1765
political party as the speaker of the house of representatives, 1766
the president shall appoint a member of the senate who belongs to 1767
a different political party as recommended by the minority leader 1768
of the senate. The speaker of the house of representatives and the 1769
president of the senate shall make their initial appointments to 1770
the council within sixty days after ~~the effective date of this~~ 1771
~~amendment~~ JULY 20, 1994. Each member appointed by the speaker of 1772
the house of representatives or the president of the senate shall 1773
serve for a term of office of three years. The appropriate 1774
appointing authority may fill any vacancy occurring during the 1775
term of any member whom ~~he~~ the appointing authority has appointed 1776
to the advisory council. 1777

The remaining eleven members shall be appointed by the 1778
governor with the advice and consent of the senate and shall be 1779

persons with knowledge of or experience in recycling or litter 1780
prevention programs. The council shall have broad based 1781
representation of interests including agriculture, labor, the 1782
environment, manufacturing, wholesale and retail industry, and the 1783
public. One of the business members shall be from the commercial 1784
recycling industry, and another shall be from an industry required 1785
to pay taxes under section 5733.065 of the Revised Code. The 1786
director of natural resources shall not be a member of the 1787
council. The governor shall make ~~his~~ initial appointments to the 1788
council within thirty days after October 20, 1987. Of ~~his~~ the 1789
governor's initial appointments to the council, five shall be for 1790
a term of one year and six shall be for a term of two years. 1791
Thereafter, terms of office shall be for three years. Each member 1792
appointed by the governor shall hold office from the date of ~~his~~ 1793
the member's appointment until the end of the term for which ~~he~~ 1794
the member was appointed. In the event of death, removal, 1795
resignation, or incapacity of a member of the council appointed by 1796
the governor, the governor, with the advice and consent of the 1797
senate, shall appoint a successor who shall hold office for the 1798
remainder of the term for which ~~his~~ the successor's predecessor 1799
was appointed. A member shall continue in office subsequent to the 1800
expiration date of ~~his~~ the member's term until ~~his~~ the member's 1801
successor takes office, or until a period of sixty days has 1802
elapsed, whichever occurs first. The governor at any time may 1803
remove any of ~~his~~ the governor's appointees from the council for 1804
misfeasance, nonfeasance, or malfeasance in office. 1805

Members of the council may be reappointed. 1806

The council shall hold at least four regular quarterly 1807
meetings each year. Special meetings may be held at the behest of 1808
the chairperson or a majority of the members. The council annually 1809
shall select from among its members a chairperson, a 1810
vice-chairperson, and a secretary to keep a record of its 1811

proceedings. 1812

A majority vote of the members of the council is necessary to 1813
take action in any matter. 1814

A member of the council shall serve without compensation for 1815
attending council meetings, but shall be reimbursed for all 1816
traveling, hotel, and other ordinary and necessary expenses 1817
incurred in the performance of ~~his~~ the member's work as a member 1818
of the council. 1819

Membership on the council does not constitute holding a 1820
public office or position of employment under the laws of this 1821
state and does not constitute grounds for removal of public 1822
officers or employees from their offices or positions of 1823
employment. 1824

The council shall do all of the following: 1825

(A) Assist the interagency recycling market development 1826
workgroup created in section 1502.10 of the Revised Code in 1827
executing its duties under division (A) of that section; 1828

(B) In conjunction with the chief of recycling and litter 1829
prevention and with the approval of the director of natural 1830
resources, establish criteria by which to certify, and certify, 1831
agencies of the state, municipal corporations with a population of 1832
more than fifty thousand, counties, and solid waste management 1833
districts as eligible to receive grants under section 1502.05 of 1834
the Revised Code; 1835

(C) In conjunction with the chief and with the approval of 1836
the director, establish criteria by which to certify, and certify, 1837
political subdivisions for receipt of special grants for ~~novel or~~ 1838
~~innovative~~ activities or projects that are intended to accomplish 1839
the purposes of any of the programs established under section 1840
1502.03 of the Revised Code; 1841

(D) Advise the chief in carrying out ~~his~~ the chief's duties 1842
under this chapter. 1843

Sec. 1502.05. (A) The chief of recycling and litter 1844
prevention, pursuant to division (B) of section 1502.04 of the 1845
Revised Code and with the approval of the director of natural 1846
resources, may make grants from the recycling and litter 1847
prevention fund created in section 1502.02 of the Revised Code to 1848
accomplish the purposes of the programs established under section 1849
1502.03 of the Revised Code. 1850

(B) Except as provided in division (C) of this section, the 1851
chief, with the approval of the director, may require any eligible 1852
applicant certified by the recycling and litter prevention 1853
advisory council under division (B) of section 1502.04 of the 1854
Revised Code that applies for a grant for an activity or project 1855
that is intended to further the purposes of any program 1856
established under division (A)(1) ~~or~~ (2), or (4) of section 1857
1502.03 of the Revised Code to provide a matching contribution of 1858
not more than fifty per cent of the grant. 1859

(C) Notwithstanding division (B) of this section, any grant 1860
awarded under division (A) of this section to foster cooperative 1861
research and development regarding recycling or the cooperative 1862
establishment or expansion of private recycling facilities or 1863
programs shall be made in conjunction with a contribution to the 1864
project by a cooperating enterprise that maintains or proposes to 1865
maintain a relevant research and development or recycling facility 1866
or program in this state or by an agency of the state, provided 1867
that funding provided by a state agency shall not be provided from 1868
general revenue funds appropriated by the general assembly. No 1869
grant made under division (A) of this section for the purposes 1870
described in this division shall exceed the contribution made by 1871
the cooperating enterprise or state agency. The chief may consider 1872

cooperating contributions in the form of state of the art new 1873
equipment or in other forms if the chief determines that the 1874
contribution is essential to the successful implementation of the 1875
project. 1876

Grants made under division (A) of this section for the 1877
purposes described in this division shall be made in such form and 1878
conditioned on such terms as the chief considers to be 1879
appropriate. 1880

(D)(1) The chief, with the approval of the director, may 1881
require any eligible applicant certified by the recycling and 1882
litter prevention advisory council under division (B) of section 1883
1502.04 of the Revised Code that applies for a grant that is 1884
intended to further the purposes of the program established under 1885
division (A)(3) of section 1502.03 of the Revised Code, except any 1886
eligible applicant that is or is located in a county that has a 1887
per capita income equal to or below ninety per cent of the median 1888
county per capita income of the state as determined by the chief 1889
using the most recently available figures from the United States 1890
census bureau, to provide a matching contribution as follows: 1891

(a) Up to ten per cent of the grant from any eligible 1892
applicant that is or is located in a county that has a per capita 1893
income above ninety per cent of the median county per capita 1894
income of the state, but equal to or below one hundred per cent of 1895
the median county per capita income of the state; 1896

(b) Up to twenty per cent of the grant from any eligible 1897
applicant that is or is located in a county that has a per capita 1898
income above the median county per capita income of the state. 1899

(2) If the eligible applicant is a joint solid waste 1900
management district ~~and at least fifty per cent of the counties~~ 1901
~~comprising the district have a per capita income equal to or below~~ 1902
~~ninety per cent of the median county per capita income of the~~ 1903

state, the district need not provide a matching contribution for a 1904
grant under division (D)(1) of this section. If at least fifty per 1905
cent of the counties comprising the district have a per capita 1906
income above ninety per cent of the median county per capita 1907
income of the state, but equal to or below one hundred per cent of 1908
the median county per capita income of the state, the district 1909
shall provide a matching contribution in accordance with division 1910
(D)(1)(a) of this section. If at least fifty per cent of the 1911
counties comprising the district have a per capita income above 1912
the median county per capita income of the state, the district 1913
shall provide a matching contribution in accordance with division 1914
(D)(1)(b) of this section or is filing a joint application on 1915
behalf of two or more counties, the matching contribution required 1916
under division (D)(1) of this section shall be the average of the 1917
matching contributions of all of the counties covered by the 1918
application as determined in accordance with that division. The 1919
matching contribution of a county that has a per capita income 1920
equal to or below ninety per cent of the median county per capita 1921
income of the state shall be included as zero in calculating the 1922
average matching contribution. 1923

(E) After receiving notice from the director of environmental 1924
protection that each county within the state is subject to the 1925
solid waste management plan of a solid waste management district, 1926
the chief shall ensure that not less than fifty per cent of the 1927
moneys distributed as grants under this section shall be expended 1928
for the purposes of recycling and recycling market development. 1929
1930

Sec. 1502.99. Whoever violates section ~~1502.06~~ 1502.07 of the 1931
Revised Code is guilty of a minor misdemeanor. Each day of 1932
violation constitutes a separate offense. 1933

Sec. 1503.05. (A) The chief of the division of forestry may 1934

sell timber and other forest products from the state forest and 1935
state forest nurseries whenever the chief considers such a sale 1936
desirable and, with the approval of the attorney general and the 1937
director of natural resources, may sell portions of the state 1938
forest lands when such a sale is advantageous to the state. 1939

(B) Except as otherwise provided in this section, a timber 1940
sale agreement shall not be executed unless the person or 1941
governmental entity bidding on the sale executes and files a 1942
surety bond conditioned on completion of the timber sale in 1943
accordance with the terms of the agreement in an amount equal to 1944
twenty-five per cent of the highest value cutting section. All 1945
bonds shall be given in a form prescribed by the chief and shall 1946
run to the state as obligee. 1947

The chief shall not approve any bond until it is personally 1948
signed and acknowledged by both principal and surety, or as to 1949
either by the attorney in fact thereof, with a certified copy of 1950
the power of attorney attached. The chief shall not approve the 1951
bond unless there is attached a certificate of the superintendent 1952
of insurance that the company is authorized to transact a fidelity 1953
and surety business in this state. 1954

In lieu of a bond, the bidder may deposit any of the 1955
following: 1956

(1) Cash in an amount equal to the amount of the bond; 1957

(2) United States government securities having a par value 1958
equal to or greater than the amount of the bond; 1959

(3) Negotiable certificates of deposit or irrevocable letters 1960
of credit issued by any bank organized or transacting business in 1961
this state, having a par value equal to or greater than the amount 1962
of the bond. 1963

The cash or securities shall be deposited on the same terms 1964

as bonds. If one or more certificates of deposit are deposited in
lieu of a bond, the chief shall require the bank that issued any
of the certificates to pledge securities of the aggregate market
value equal to the amount of the certificate or certificates that
is in excess of the amount insured by the federal deposit
insurance corporation. The securities to be pledged shall be those
designated as eligible under section 135.18 of the Revised Code.
The securities shall be security for the repayment of the
certificate or certificates of deposit.

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

A bidder may demand and receive from the treasurer of state
all interest or other income from any such securities or
certificates as it becomes due. If securities so deposited with
and in the possession of the treasurer of state mature or are
called for payment by ~~the~~ their issuer ~~thereof~~, the treasurer of
state, at the request of the bidder who deposited them, shall
convert the proceeds of the redemption or payment of the

securities into ~~such~~ other United States government securities, 1997
negotiable certificates of deposit, or cash as the bidder 1998
designates. 1999

When the chief finds that a person or governmental agency has 2000
failed to comply with the conditions of the person's or 2001
governmental agency's bond, the chief shall make a finding of that 2002
fact and declare the bond, cash, securities, certificates, or 2003
letters of credit forfeited. The chief thereupon shall certify the 2004
total forfeiture to the attorney general, who shall proceed to 2005
collect the amount of the bond, cash, securities, certificates, or 2006
letters of credit. 2007

In lieu of total forfeiture, the surety, at its option, may 2008
cause the timber sale to be completed or pay to the treasurer of 2009
state the cost thereof. 2010

All moneys collected as a result of forfeitures of bonds, 2011
cash, securities, certificates, and letters of credit under this 2012
section shall be credited to the state forest fund created in this 2013
section. 2014

(C) The chief may grant easements and leases on portions of 2015
the state forest lands and state forest nurseries under ~~such~~ terms 2016
~~as that~~ are advantageous to the state, and the chief may grant 2017
mineral rights on a royalty basis on those lands and nurseries, 2018
with the approval of the attorney general and the director. 2019

(D) All moneys received from the sale of state forest lands, 2020
or in payment for easements or leases on or as rents from those 2021
lands or from state forest nurseries, shall be paid into the state 2022
treasury to the credit of the state forest fund, which is hereby 2023
created. All moneys received from the sale of standing timber 2024
taken from the state forest lands shall be deposited into the 2025
general revenue fund. All moneys received from the sale of forest 2026
products, other than standing timber, and minerals taken from the 2027

state forest lands and state forest nurseries, together with 2028
royalties from mineral rights, shall be paid into the state forest 2029
fund. 2030

At the time of making such a payment or deposit, the chief 2031
shall determine the amount and gross value of all such products 2032
sold or royalties received from lands and nurseries in each 2033
county, in each township within the county, and in each school 2034
district within the county. Afterward the chief shall send to each 2035
county treasurer a copy of the determination and shall provide for 2036
payment to the county treasurer, for the use of the general fund 2037
of that county from the amount so received as provided in this 2038
division, an amount equal to eighty per cent of the gross value of 2039
the products sold or royalties received from lands and nurseries 2040
located in that county. The county auditor shall do all of the 2041
following: 2042

(1) Retain for the use of the general fund of the county 2043
one-fourth of the amount received by the county under division (D) 2044
of this section; 2045

(2) Pay into the general fund of any township located within 2046
the county and containing such lands and nurseries one-fourth of 2047
the amount received by the county from products sold or royalties 2048
received from lands and nurseries located in the township; 2049

(3) Request the board of education of any school district 2050
located within the county and containing such lands and nurseries 2051
to identify which fund or funds of the district should receive the 2052
moneys available to the school district under division (D)(3) of 2053
this section. After receiving notice from the board, the county 2054
auditor shall pay into the fund or funds so identified one-half of 2055
the amount received by the county from products sold or royalties 2056
received from lands and nurseries located in the school district, 2057
distributed proportionately as identified by the board. 2058

The division of forestry shall not supply logs, lumber, or 2059
other forest products or minerals, taken from the state forest 2060
lands or state forest nurseries, to any other agency or 2061
subdivision of the state unless payment is made therefor in the 2062
amount of the actual prevailing value thereof. This section is 2063
applicable to the moneys so received. All moneys received from the 2064
sale of reforestation tree stock or other revenues derived from 2065
the operation of the state forests, facilities, or equipment shall 2066
be paid into the state forest fund. 2067

The fund shall not be expended for any purpose other than the 2068
administration, operation, maintenance, development, or 2069
utilization of the state forests, forest nurseries, and forest 2070
programs, for facilities or equipment incident ~~thereto~~ to them, or 2071
for the further purchase of lands for state forest or forest 2072
nursery purposes. 2073

Sec. 1503.29. (A) As used in this section, "felony" has the 2074
same meaning as in section 109.511 of the Revised Code. 2075

(B)(1) Subject to division (D) of this section, any person 2076
employed by the chief of the division of forestry for 2077
administrative service in a state forest may be designated by the 2078
chief and known as a forest officer. A forest officer, on any 2079
lands or waters owned, controlled, maintained, or administered by 2080
the department of natural resources and on highways, as defined in 2081
section 4511.01 Of the Revised Code, adjacent to lands and waters 2082
owned, controlled, maintained, or administered by the division of 2083
forestry, has the authority ~~vested in police officers~~ specified 2084
under section 2935.03 of the Revised Code for peace officers of 2085
the department of natural resources to keep the peace, to enforce 2086
all laws and rules governing those lands and waters, and to make 2087
arrests for violation of those laws and rules, provided that ~~such~~ 2088
the authority shall be exercised on lands or waters administered 2089

by another division of the department only pursuant to an 2090
agreement with the chief of that division or to a request for 2091
assistance by an enforcement officer of that division in an 2092
emergency. 2093

(2) A forest officer, in or along any watercourse within, 2094
abutting, or upstream from the boundary of any area administered 2095
by the department, has the authority to enforce section 3767.32 of 2096
the Revised Code and other laws prohibiting the dumping of refuse 2097
into or along waters and to make arrests for violation of those 2098
laws. The jurisdiction of forest officers shall be concurrent with 2099
that of the peace officers of the county, township, or municipal 2100
corporation in which the violation occurs. 2101

(3) A forest officer may enter upon private and public lands 2102
to investigate an alleged violation of, and may enforce, this 2103
chapter and sections 2909.02, 2909.03, and 2909.06 of the Revised 2104
Code when the alleged violation or other act pertains to forest 2105
fires. 2106

(C)(1) A forest officer may render assistance to a state or 2107
local law enforcement officer at the request of that officer or 2108
may render assistance to a state or local law enforcement officer 2109
in the event of an emergency. Forest officers serving outside the 2110
division of forestry under this section or serving under the terms 2111
of a mutual aid compact authorized under section 1501.02 of the 2112
Revised Code shall be considered as performing services within 2113
their regular employment for the purposes of compensation, pension 2114
or indemnity fund rights, workers' compensation, and other rights 2115
or benefits to which they may be entitled as incidents of their 2116
regular employment. 2117

(2) Forest officers serving outside the division of forestry 2118
under this section or under a mutual aid compact retain personal 2119
immunity from civil liability as specified in section 9.86 of the 2120
Revised Code and shall not be considered an employee of a 2121

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 designate a person as a forest officer pursuant to division (B)(1) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The chief of the division of forestry shall terminate the employment as a forest officer of a person designated as a forest 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 forest officer agrees to surrender the certificate awarded to the forest officer under section 109.77 of the Revised Code.

(b) The chief shall suspend from employment as a forest officer a person designated as a forest officer under division (B)(1) of this section if that person is convicted, after trial, of a felony. If the forest 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 forest officer does not file a timely appeal, the chief shall terminate the employment of that forest officer. If the forest officer files an appeal that results

in that forest officer's acquittal of the felony or conviction of
a misdemeanor, or in the dismissal of the felony charge against
the forest officer, the chief shall reinstate that forest officer.
A forest officer who is reinstated under division (D)(2)(b) of
this section shall not receive any back pay unless that forest
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 forest officer of the felony.

(3) Division (D) 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 forest officer under division (D)(2) of this
section shall be in accordance with Chapter 119. of the Revised
Code.

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

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

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

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

(2) "Utility facility" includes, without limitation, towers,
poles, pipes, sewers, tubing, conduits, conductors, cables,

valves, lines, wires, manholes, and appurtenances thereto owned by
a utility facility operator. 2183
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(3) "Utility facility operator" means a person or public
authority that supplies any of the following materials or services
by means of a utility facility: 2185
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(a) Flammable, toxic, or corrosive gas; 2188

(b) Crude oil, petroleum products, or hazardous liquids; 2189

(c) Coal; 2190

(d) Electricity; 2191

(e) Electronic, telephonic, or telegraphic communications; 2192

(f) Television signals; 2193

(g) Sewage disposal or drainage; 2194

(h) Potable water; 2195

(i) Steam or hot water. 2196

(B) That portion of contiguous state lands located in Scioto
and Adams counties and within the Shawnee state forest and bounded
by forest road seventeen and sunshine ridge to the north, by upper
Twin Creek road to the east and northeast, by United States route
fifty-two to the south, and by lower Twin Creek road to the west
and southwest is hereby designated the Shawnee wilderness area.
Except as otherwise specifically provided by this section or by
rule adopted under this chapter, the provisions of this chapter
apply to the Shawnee wilderness area, and that area shall continue
to be a part of the Shawnee state forest. 2197
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(C) The Shawnee wilderness area shall be managed to preserve
natural conditions and ensure the continuance of natural
processes. The chief of the division of forestry, with the
approval of the director of natural resources, shall administer
the Shawnee wilderness area in accordance with a management plan, 2207
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which ~~he~~ the chief shall develop and adopt within one year after 2212
September 14, 1988. Sixty days prior to adopting a plan, the chief 2213
shall solicit public review and comment on a draft plan. At least 2214
once every ten years, the chief shall conduct a review of the 2215
plan, with public input, and revise the plan as appropriate. The 2216
chief shall make the plan available for review by any person upon 2217
request. 2218

(D) Notwithstanding any other authority granted to ~~him~~ the 2219
chief under this chapter, the chief shall include within the 2220
management plan adopted ~~by him~~ under division (C) of this section 2221
prohibitions of the following activities within the Shawnee 2222
wilderness area except for the areas exempted in division (E) of 2223
this section: 2224

(1) Picking, removal, cutting, or alteration in any manner of 2225
any vegetation unless the person ~~has~~ first has obtained written 2226
consent from the chief for that activity and the action is 2227
necessary for appropriate public access, the preservation or 2228
restoration of a plant or wildlife species, or the documentation 2229
of scientific values; 2230

(2) Granting of any easement or license, or sale or lease of 2231
any of the land, for any purpose. Division (D)(2) of this section 2232
does not apply to any private easement or license in existence on 2233
September 14, 1988. 2234

(3) Exploration for or extraction of any coal, oil, gas, or 2235
minerals; 2236

(4) Operation, construction, or installation of a utility 2237
facility above or below the surface of the land; 2238

(5) Operation of a commercial enterprise; 2239

(6) Except as provided in division (D)(7) of this section, 2240
construction of a road upon any of the land or use of the land as 2241

a road;	2242
(7) Except as is necessary to meet emergency requirements for administration of the area:	2243 2244
(a) Landing of an aircraft;	2245
(b) Operation of a motor vehicle, motor boat, other form of mechanical transport, or motorized equipment;	2246 2247
(c) Construction of any building or other structure;	2248
(d) Use of the land as a temporary road.	2249
(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:	2250 2251 2252 2253
(a) The Buena Vista manager's residence;	2254
(b) The Buena Vista walnut seed orchard;	2255
(c) The Twin Creek fire tower.	2256
(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.	2257 2258 2259 2260 2261
(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.	2262 2263 2264 2265 2266
Sec. 1504.02. (A) The division of real estate and land management shall do all of the following:	2267 2268
(1) Except as otherwise provided in the Revised Code,	2269

coordinate and conduct all real estate functions for the 2270
department of natural resources, including at least acquisitions 2271
by purchase, lease, gift, devise, bequest, appropriation, or 2272
otherwise; grants through sales, leases, exchanges, easements, and 2273
licenses; inventories of land; and other related general 2274
management duties; 2275

(2) Assist the department and its divisions by providing 2276
department-wide planning, including at least master planning, 2277
comprehensive planning, capital improvements planning, and special 2278
purpose planning such as trails coordination and planning under 2279
section 1519.03 of the Revised Code; 2280

(3) On behalf of the director of natural resources, 2281
administer the coastal management program established under 2282
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 2283
Code and consult with and provide coordination among state 2284
agencies, political subdivisions, the United States and agencies 2285
of it, and interstate, regional, and areawide agencies to assist 2286
the director in executing ~~his~~ the director's duties and 2287
responsibilities under that program and to assist the department 2288
as the lead agency for the development and implementation of the 2289
program; 2290

(4) On behalf of the director, administer sections 1506.10 2291
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 2292

(5) Cooperate with the United States and agencies of it and 2293
with political subdivisions in administering federal recreation 2294
moneys under the "Land and Water Conservation Fund Act of 1965," 2295
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 2296
distribute the statewide comprehensive outdoor recreation plan; 2297
and administer the state recreational vehicle fund created in 2298
section 4519.11 of the Revised Code; 2299

(6)(a) Support the geographic information system needs for 2300

the department as requested by the director, which shall include, 2301
but not be limited to, all of the following: 2302

(i) Assisting in the training and education of department 2303
resource managers, administrators, and other staff in the 2304
application and use of ~~general~~ geographic information system 2305
technology; 2306

(ii) Providing technical support to the department in the 2307
design, preparation of data, and use of appropriate geographic 2308
information system applications in order to help solve resource 2309
related problems and to improve the effectiveness and efficiency 2310
of department delivered services; 2311

(iii) Creating, maintaining, and documenting spatial digital 2312
data bases for the division and for other divisions as assigned by 2313
the director. 2314

(b) Provide information to and otherwise assist government 2315
officials, planners, and resource managers in understanding land 2316
use planning and resource management; 2317

(c) Provide continuing assistance to local government 2318
officials and others in natural resource digital data base 2319
development and in applying and utilizing the geographic 2320
information system for land use planning, current agricultural 2321
use, value assessment, development reviews, coastal management, 2322
and other resource management activities; 2323

(d) Coordinate and administer the remote sensing needs of the 2324
department including the collection and analysis of aerial 2325
photography, satellite data, and other data pertaining to land, 2326
water, and other resources of the state; 2327

(e) Prepare and publish maps and digital data relating to the 2328
state's land use and land cover over time on a local, regional, 2329
and statewide basis; 2330

(f) Locate and distribute hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public.	2331 2332 2333
(7) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director.	2334 2335
(B) The division may do any of the following:	2336
(1) Coordinate such environmental matters concerning the department and the state as are necessary to comply with the "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;	2337 2338 2339 2340 2341 2342 2343
(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;	2344 2345 2346 2347 2348
(3) Administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director.	2349 2350 2351
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:	2352 2353 2354
(A) A list of the operators of mines, quarries, pits, or other mineral resource extraction operations in this state;	2355 2356
(B) Information on the location of and commodity extracted at each operation;	2357 2358
(C) Information on the employment at each operation;	2359

(D) Information on the tonnage of coal or other minerals 2360
extracted at each operation along with the method of extraction; 2361

(E) Information on the production, use, distribution, value, 2362
and other facts relative to the mineral resources of the state 2363
that may be of public interest. 2364

Each operator engaged in the extraction of minerals shall 2365
submit an accurate and complete annual report, on or before the 2366
last day of ~~February~~ of January each year, to the chief of the 2367
division of geological survey on forms provided by the chief and 2368
containing the information specified in divisions (A) to (E) of 2369
this section for the immediately preceding calendar year. The 2370
chief of the division of mines and reclamation may use all or 2371
portions of the information collected pursuant to this section in 2372
preparing the annual report required by section 1561.04 of the 2373
Revised Code. 2374

No person shall fail to comply with this section. 2375

Sec. 1505.99. (A) Whoever violates section 1505.07 of the 2376
Revised Code shall be fined not less than one thousand nor more 2377
than two thousand dollars on a first offense; on each subsequent 2378
offense, the person shall be fined not less than two thousand nor 2379
more than five thousand dollars. 2380

(B) Whoever violates section 1505.10 of the Revised Code 2381
shall be fined not less than one hundred nor more than one 2382
thousand dollars on a first offense; on each subsequent offense, 2383
the person shall be fined not less than one thousand nor more than 2384
two thousand dollars. Notwithstanding any section of the Revised 2385
Code relating to the distribution or crediting of fines for 2386
violations of the Revised Code, all fines imposed under this 2387
division shall be paid into the geological mapping fund created in 2388
section 1505.09 of the Revised Code. 2389

Sec. 1506.02. (A) The department of natural resources is 2390
hereby designated the lead agency for the development and 2391
implementation of a coastal management program. The director of 2392
natural resources: 2393

(1) Shall develop and adopt the coastal management program 2394
document ~~no later than December 31, 1994~~. The director shall 2395
cooperate and coordinate with other agencies of the state and its 2396
political subdivisions in the development of the document. Before 2397
adopting the document, the director shall hold four public 2398
hearings on it in the coastal area, and may hold additional public 2399
meetings, to give the public the opportunity to make comments and 2400
recommendations concerning its terms. The director shall consider 2401
the public comments and recommendations before adopting the 2402
document. The director may amend the coastal management program 2403
document, provided that, prior to making changes in it, the 2404
director notifies by mail those persons who submitted comments and 2405
recommendations concerning the original document and appropriate 2406
agencies of the state and its political subdivisions. The director 2407
may hold at least one public hearing on the proposed changes. 2408
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(2) Shall administer the coastal management program in 2410
accordance with the coastal management program document, this 2411
chapter, and rules adopted under it; 2412

(3) Shall adopt and may amend or rescind rules under Chapter 2413
119. of the Revised Code for the implementation, administration, 2414
and enforcement of the coastal management program and the other 2415
provisions of this chapter. Before the adoption, amendment, or 2416
rescission of rules under ~~this division (A)(3) of this section~~, 2417
the director shall do all of the following: 2418

(a) Maintain a list of interested public and private 2419
organizations and mail notice to those organizations of any 2420

proposed rule or amendment to or rescission of a rule at least 2421
thirty days before any public hearing on the proposal; 2422

(b) Mail a copy of each proposed rule, amendment, or 2423
rescission to any person who requests a copy within five days 2424
after receipt of the request; 2425

(c) Consult with appropriate statewide organizations and 2426
units of local government that would be affected by the proposed 2427
rule, amendment, or rescission. ~~Although~~ 2428

Although the director is expected to discharge these duties 2429
diligently, failure to mail any notice or copy or to so consult 2430
with any person is not jurisdictional and shall not be construed 2431
to invalidate any proceeding or action of the director. 2432

(4) Shall provide for consultation and coordination between 2433
and among state agencies, political subdivisions of the state, and 2434
interstate, regional, areawide, and federal agencies in carrying 2435
out the purposes of the coastal management program and the other 2436
provisions of this chapter; 2437

(5) Shall, to the extent practicable and consistent with the 2438
protection of coastal area resources, coordinate the rules and 2439
policies of the department of natural resources with the rules and 2440
policies of other state and federal agencies to simplify and 2441
consolidate the regulation of activities along the Lake Erie 2442
shoreline; 2443

(6) May, to accomplish the purposes of the coastal management 2444
program and the other provisions of this chapter, contract with 2445
any person and may accept and expend gifts, bequests, and grants 2446
of money or property from any person. 2447

(B) Every agency of the state, upon request of the director, 2448
shall cooperate with the department of natural resources in the 2449
implementation of the coastal management program. 2450

(C) The director shall establish a coastal management 2451
assistance grant program. Grants may be awarded from federal funds 2452
received for that purpose and from such other funds as may be 2453
provided by law to any municipal corporation, county, township, 2454
park district created under section 511.18 or 1545.04 of the 2455
Revised Code, conservancy district established under Chapter 6101. 2456
of the Revised Code, port authority, other political subdivision, 2457
state agency, educational institution, or nonprofit corporation 2458
~~that is located in whole or in part in the coastal area~~ to help 2459
implement, administer, or enforce any aspect of the coastal 2460
management program. Grants may be used for any of the following 2461
purposes: 2462

(1) Feasibility studies and engineering reports for projects 2463
that are consistent with the policies in the coastal management 2464
program document; 2465

(2) The protection and preservation of wetlands, beaches, 2466
fish and wildlife habitats, minerals, natural areas, prime 2467
agricultural land, endangered plant and animal species, or other 2468
significant natural coastal resources; 2469

(3) The management of shoreline development to prevent loss 2470
of life and property in coastal flood hazard areas and coastal 2471
erosion areas, to set priorities for water-dependent energy, 2472
commercial, industrial, agricultural, and recreational uses, or to 2473
identify environmentally acceptable sites for dredge spoil 2474
disposal; 2475

(4) Increasing public access to Lake Erie and other public 2476
places in the coastal area; 2477

(5) The protection and preservation of historical, cultural, 2478
or aesthetic coastal resources; 2479

(6) Improving the predictability and efficiency of 2480
governmental decision making related to coastal area management; 2481

(7) Adopting, administering, and enforcing zoning ordinances 2482
or resolutions relating to coastal flood hazard areas or coastal 2483
erosion areas; 2484

(8) The redevelopment of deteriorating and underutilized 2485
waterfronts and ports; 2486

(9) Other purposes approved by the director. 2487

Sec. 1506.11. (A) "Territory," as used in this section, means 2488
the waters and the lands presently underlying the waters of Lake 2489
Erie and the lands formerly underlying the waters of Lake Erie and 2490
now artificially filled, between the natural shoreline and the 2491
international boundary line with Canada. 2492

(B) Whenever the state, acting through the director of 2493
natural resources, upon application of any person who wants to 2494
develop or improve part of the territory, and after notice that 2495
the director, at the director's discretion, may give as provided 2496
in this section, determines that any part of the territory can be 2497
developed and improved or the waters thereof used as specified in 2498
the application without impairment of the public right of 2499
navigation, water commerce, and fishery, a lease of all or any 2500
part of the state's interest therein may be entered into with the 2501
applicant, or a permit may be issued for that purpose, subject to 2502
the powers of the United States government and in accordance with 2503
rules adopted by the director in accordance with Chapter 119. of 2504
the Revised Code, and without prejudice to the littoral rights of 2505
any owner of land fronting on Lake Erie, provided that the 2506
legislative authority of the municipal corporation within which 2507
any such part of the territory is located, if the municipal 2508
corporation is not within the jurisdiction of a port authority, or 2509
the county commissioners of the county within which such part of 2510
the territory is located, excluding any territory within a 2511
municipal corporation or under the jurisdiction of a port 2512

authority, or the board of directors of a port authority with 2513
respect to such part of the territory included in the jurisdiction 2514
of the port authority, has enacted an ordinance or resolution 2515
finding and determining that such part of the territory, described 2516
by metes and bounds or by an alternate description referenced to 2517
the applicant's upland property description that is considered 2518
adequate by the director, is not necessary or required for the 2519
construction, maintenance, or operation by the municipal 2520
corporation, county, or port authority of breakwaters, piers, 2521
docks, wharves, bulkheads, connecting ways, water terminal 2522
facilities, and improvements and marginal highways in aid of 2523
navigation and water commerce and that the land uses specified in 2524
the application comply with regulation of permissible land use 2525
under a waterfront plan of the local authority. 2526

(C) Upon the filing of the application with the director, the 2527
director may hold a public hearing thereon and ~~shall~~ may cause 2528
written notice of the filing to be given to any municipal 2529
corporation, county, or port authority, as the case may be, in 2530
which such part of the territory is located and also shall cause 2531
public notice of the filing to be given by advertisement in a 2532
newspaper of general circulation within the locality where such 2533
part of the territory is located. If a hearing is to be held, 2534
public notice of the filing may be combined with public notice of 2535
the hearing and shall be given once a week for four consecutive 2536
weeks prior to the date of the initial hearing. All hearings shall 2537
be before the director and shall be open to the public, and a 2538
record shall be made of the proceeding. Parties thereto are 2539
entitled to be heard and to be represented by counsel. The 2540
findings and order of the director shall be in writing. All costs 2541
of the hearings, including publication costs, shall be paid by the 2542
applicant. The director also may hold public meetings on the 2543
filing of an application. 2544

If the director finds that a lease may properly be entered 2545
into with the applicant or a permit may properly be issued to the 2546
applicant, the director shall determine the consideration to be 2547
paid by the applicant, which consideration shall exclude the value 2548
of the littoral rights of the owner of land fronting on Lake Erie 2549
and improvements made or paid for by the owner of land fronting on 2550
Lake Erie or that owner's predecessors in title. The lease or 2551
permit may be for such periods of time as the director determines. 2552
The rentals received under the terms of such a lease or permit 2553
shall be paid into the state treasury to the credit of the Lake 2554
Erie submerged lands fund, which is hereby created, and shall be 2555
distributed from that fund as follows: 2556

(1) Fifty per cent of each rental shall be paid to the 2557
department of natural resources for the administration of this 2558
section and section 1506.10 of the Revised Code and for the 2559
coastal management assistance grant program required to be 2560
established under division (C) of section 1506.02 of the Revised 2561
Code; 2562

(2) Fifty per cent of each rental shall be paid to the 2563
municipal corporation, county, or port authority making the 2564
finding provided for in this section. 2565

All leases and permits shall be executed in the manner 2566
provided by section 5501.01 of the Revised Code and shall contain, 2567
in addition to the provisions required in this section, a 2568
reservation to the state of all mineral rights and a provision 2569
that the removal of any minerals shall be conducted in such manner 2570
as not to damage any improvements placed by the littoral owner, 2571
lessee, or permit holder on the lands. No lease or permit of the 2572
lands defined in this section shall express or imply any control 2573
of fisheries or aquatic wildlife now vested in the division of 2574
wildlife of the department. 2575

(D) Upland owners who, prior to October 13, 1955, have 2576
erected, developed, or maintained structures, facilities, 2577
buildings, or improvements or made use of waters in the part of 2578
the territory in front of those uplands shall be granted a lease 2579
or permit by the state upon the presentation of a certification by 2580
the chief executive of a municipal corporation, resolution of the 2581
board of county commissioners, or resolution of the board of 2582
directors of the port authority establishing that the structures, 2583
facilities, buildings, improvements, or uses do not constitute an 2584
unlawful encroachment on navigation and water commerce. The lease 2585
or permit shall specifically enumerate the structures, facilities, 2586
buildings, improvements, or uses so included. 2587

(E) Persons having secured a lease or permit under this 2588
section are entitled to just compensation for the taking, whether 2589
for navigation, water commerce, or otherwise, by any governmental 2590
authority having the power of eminent domain, of structures, 2591
facilities, buildings, improvements, or uses erected or placed 2592
upon the territory pursuant to the lease or permit or the littoral 2593
rights of the person and for the taking of the leasehold and the 2594
littoral rights of the person pursuant to the procedure provided 2595
in Chapter 163. of the Revised Code. The compensation shall not 2596
include any compensation for the site in the territory except to 2597
the extent of any interest in the site theretofore acquired by the 2598
person under this section or by prior acts of the general assembly 2599
or grants from the United States government. The failure of any 2600
person to apply for or obtain a lease or permit under this section 2601
does not prejudice any right the person may have to compensation 2602
for a taking of littoral rights or of improvements made in 2603
accordance with a lease, a permit, or littoral rights. 2604

(F) If any taxes or assessments are levied or assessed upon 2605
property that is the subject of a lease or permit under this 2606
section, the taxes or assessments are the obligation of the lessee 2607

or permit holder.

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

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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.

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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

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paid into that fund. The fund shall be administered by the 2639
department of natural resources for the protection of Lake Erie 2640
shores and waters; investigation and prevention of erosion; the 2641
planning, development, and construction of facilities for 2642
recreational use of Lake Erie; implementation of section 1507.04 2643
of the Revised Code; preparation of the state shore erosion plan 2644
under section 1507.10 of the Revised Code; and state 2645
administration of Lake Erie coastal erosion areas under sections 2646
1506.06 and 1506.07 of the Revised Code. 2647

Sec. 1509.01. As used in this chapter: 2648

(A) "Well" means any borehole, whether drilled or bored, 2649
within the state, for production, extraction, or injection of any 2650
gas or liquid mineral, excluding potable water to be used as such, 2651
but including natural or artificial brines and oil field waters. 2652

(B) "Oil" means crude petroleum oil and all other 2653
hydrocarbons, regardless of gravity, that are produced in liquid 2654
form by ordinary production methods, but does not include 2655
hydrocarbons that were originally in a gaseous phase in the 2656
reservoir. 2657

(C) "Gas" means all natural gas and all other fluid 2658
hydrocarbons that are not ~~defined above as~~ oil, including 2659
condensate. 2660

(D) "Condensate" means liquid hydrocarbons that were 2661
originally in the gaseous phase in the reservoir. 2662

(E) "Pool" means an underground reservoir containing a common 2663
accumulation of oil or gas, or both, but does not include a gas 2664
storage reservoir. Each zone of a geological structure that is 2665
completely separated from any other zone in the same structure may 2666
contain a separate pool. 2667

(F) "Field" means the general area underlaid by one or more 2668

pools.	2669
(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.	2670 2671 2672
(H) "Waste" includes <u>all of the following</u> :	2673
(1) Physical waste, as such that term is generally <u>is</u> understood in the oil and gas industry;	2674 2675
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation of , <u>of</u> reservoir energy;	2676 2677
(3) Inefficient storing of oil or gas;	2678
(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;	2679 2680 2681 2682 2683 2684
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	2685 2686
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under his <u>the person's</u> tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	2687 2688 2689 2690 2691
(J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.	2692 2693
(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 <u>produced</u> therefrom either for himself <u>the person</u> or for others, except that a person ceases to be an owner with	2694 2695 2696 2697 2698

respect to a well when the well has been plugged in accordance 2699
with applicable rules adopted and orders issued under this 2700
chapter. 2701

(L) "Royalty interest" means the fee holder's interest share 2702
in the production from a well, ~~usually one eighth of the gross~~ 2703
~~production.~~ 2704

(M) "Discovery well" means the first well capable of 2705
producing oil or gas in commercial quantities from a pool. 2706

(N) "Prepared clay" means a clay ~~which~~ that is plastic and is 2707
thoroughly saturated with fresh water to a weight and consistency 2708
great enough to settle through saltwater in the well in which it 2709
is to be used, except as otherwise approved by the chief of the 2710
division of oil and gas. 2711

(O) "Rock sediment" means the combined cutting and residue 2712
from drilling sedimentary rocks and formation. 2713

(P) "Excavations and workings," "mine," and "pillar" have the 2714
~~meaning set forth~~ same meanings as in section 1561.01 of the 2715
Revised Code. 2716

(Q) "Coal bearing township" means a township designated as 2717
such by the chief of the division of mines and reclamation under 2718
section 1561.06 of the Revised Code. 2719

(R) "Gas storage reservoir" means a continuous area of a 2720
subterranean porous sand or rock stratum or strata into which gas 2721
is or may be injected for the purpose of storing it therein and 2722
removing it therefrom, and includes a gas storage reservoir as 2723
defined in ~~division (A) of~~ section 1571.01 of the Revised Code. 2724

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 2725
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), ~~and any amendments~~ 2726
~~thereto~~ as amended by the "Safe Drinking Water Amendments of 2727
1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water 2728

Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and 2729
the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 2730
42 U.S.C.A. 300(f), and regulations adopted under those acts. 2731

(T) "Person" includes any political subdivision, department, 2732
agency, or instrumentality of this state; the United States and 2733
any department, agency, or instrumentality thereof; and any legal 2734
entity defined as a person under section 1.59 of the Revised Code. 2735

(U) "Brine" means all saline geological formation water 2736
resulting from, obtained from, or produced in connection with the 2737
exploration, drilling, or production of oil or gas. 2738

(V) "Waters of the state" means all streams, lakes, ponds, 2739
marshes, watercourses, waterways, springs, irrigation systems, 2740
drainage systems, and other bodies of water, surface or 2741
underground, natural or artificial, that are situated wholly or 2742
partially within this state or within its jurisdiction, except 2743
those private waters that do not combine or effect a junction with 2744
natural surface or underground waters. 2745

(W) "Exempt Mississippian well" means a well that meets all 2746
of the following criteria: 2747

(1) Was drilled and completed before January 1, 1980; 2748

(2) Is located in an unglaciated part of the state; 2749

(3) Was completed in a reservoir no deeper than the 2750
Mississippian Big Injun sandstone in areas underlain by 2751
Pennsylvanian or Permian stratigraphy, or the Mississippian berea 2752
sandstone in areas directly underlain by Permian stratigraphy; ~~and~~ 2753

(4) Is used primarily to provide oil or gas for domestic use. 2754
2755

(X) "Exempt domestic well" means a well that meets all of the 2756
following criteria: 2757

(1) Is owned by the owner of the surface estate of the tract 2758

on which the well is located;	2759
(2) Is used primarily to provide gas for the owner's domestic use;	2760 2761
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house, other than an inhabited private dwelling house located on the tract on which the well is located;	2762 2763 2764 2765
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	2766 2767 2768 2769
Sec. 1509.06. An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of oil and gas upon such form as the chief prescribes and shall contain each of the following that is applicable:	2770 2771 2772 2773 2774 2775
(A) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	2776 2777
(B) The signature of the owner or his <u>the owner's</u> authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of his <u>the</u> appointment as such agent.	2778 2779 2780 2781
(C) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;	2782 2783 2784
(D) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;	2785 2786 2787

(E) Designation of the well by name and number;	2788
(F) The geological formation to be tested or used and the proposed total depth of the well;	2789 2790
(G) The type of drilling equipment to be used;	2791
(H) The name and address of the corporate surety and the identifying number of the bond;	2792 2793
(I) The plan for the storage and disposal of brine and other waste substances resulting from, obtained from, or produced in connection with exploration, drilling, or production of oil or gas. The plan shall provide for compliance with sections 1509.22 to 1509.226 of the Revised Code.	2794 2795 2796 2797 2798
(J) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected;	2799 2800 2801
(K) <u>(I)</u> A sworn statement that all requirements of any municipal corporation, county, or township having jurisdiction over any activity related to the drilling or operation of an oil or gas well that have been filed with the division of oil and gas and are in effect at the time the application is filed, including, but not limited to, zoning ordinances and resolutions and the requirements of section 4513.34 of the Revised Code, will be complied with until abandonment of the well;	2802 2803 2804 2805 2806 2807 2808 2809
(L) <u>(J)</u> A plan for restoration of the land surface disturbed by drilling operations. The plan shall provide for compliance with the restoration requirements of division (A) of section 1509.072 of the Revised Code and any rules adopted by the chief pertaining to that restoration.	2810 2811 2812 2813 2814
(M) <u>(K)</u> A description by name or number of the county, township, and municipal corporation roads, streets, and highways that the applicant anticipates will be used for access to and	2815 2816 2817

egress from the well site; 2818

~~(N)~~(L) Such other relevant information as the chief 2819
prescribes by rule. 2820

Each application shall be accompanied by a map, on a scale 2821
not smaller than four hundred feet to the inch, prepared by an 2822
Ohio registered surveyor, showing the location of the well and 2823
containing such other data as may be prescribed by the chief. If 2824
the well is or is to be located within the excavations and 2825
workings of a mine, the map also shall include the location of the 2826
mine, the name of the mine, and the name of the person operating 2827
the mine. 2828

The chief shall cause a copy of the weekly circular prepared 2829
by the division ~~of oil and gas~~ to be provided to the county 2830
engineer of each county that contains active or proposed drilling 2831
activity. The weekly circular shall contain, in the manner 2832
prescribed by the chief, the names of all applicants for permits, 2833
the location of each well or proposed well, the information 2834
required by division ~~(M)~~(K) of this section, and any additional 2835
information the chief prescribes. 2836

The chief shall not issue a permit for at least ten days 2837
after the date of filing of the application for the permit unless, 2838
upon reasonable cause shown, ~~he~~ the chief waives that period or a 2839
request for expedited review is filed under this section. However, 2840
the chief shall issue a permit within twenty-one days of the 2841
filing of the application unless ~~he~~ the chief denies the 2842
application by order. 2843

An applicant may file a request with the chief for expedited 2844
review of ~~his~~ a permit application if the well is not or is not to 2845
be located in a gas storage reservoir or reservoir protective 2846
area, as "reservoir protective area" is defined in section 1571.01 2847
of the Revised Code. If the well is or is to be located in a coal 2848

bearing township, the application shall be accompanied by the 2849
affidavit of the landowner prescribed in section 1509.08 of the 2850
Revised Code. ~~On the first business day of each week, the chief~~ 2851
~~shall issue a policy memorandum indicating the number of requests~~ 2852
~~for expedited review that he will accept for review during the~~ 2853
~~week immediately following the week in which the policy memorandum~~ 2854
~~is issued. The chief shall make each policy memorandum available~~ 2855
~~to the public.~~ 2856

In addition to a complete application for a permit that meets 2857
the requirements of this section and the permit fee prescribed by 2858
this section, a request for expedited review shall be accompanied 2859
by a separate nonrefundable filing fee of five hundred dollars. 2860
Upon the filing of a request for expedited review, the chief shall 2861
cause the chief of the division of mines and reclamation and the 2862
county engineer of the county in which the well is or is to be 2863
located to be notified of the filing of the permit application and 2864
the request for expedited review by telephone or ~~such~~ other means 2865
~~as that~~ in the judgment of the chief ~~would~~ will provide timely 2866
notice of the application and request. ~~When a request for~~ 2867
~~expedited review is filed, the chief immediately shall begin to~~ 2868
~~process the application, but shall not issue the permit for at~~ 2869
~~least five days after the date of the filing of the request.~~ The 2870
chief shall issue a permit within seven days of the filing of the 2871
request unless ~~he~~ the chief denies the application by order. 2872
Notwithstanding the provisions of this section governing expedited 2873
review of permit applications, the chief may refuse to accept 2874
requests for expedited review if, in ~~his~~ the chief's judgment, the 2875
acceptance of the requests would prevent the issuance, within 2876
twenty-one days of their filing, of permits for which applications 2877
are pending. 2878

A well shall be drilled and operated in accordance with the 2879
plans, sworn statements, and other information submitted in the 2880

approved application. 2881

The chief shall issue an order denying a permit if the chief 2882
finds that there is a substantial risk that the operation will 2883
result in violations of this chapter or rules adopted ~~thereunder~~ 2884
under it that will present an imminent danger to public health or 2885
safety or damage to the environment, provided that where the chief 2886
finds that terms or conditions to the permit can reasonably be 2887
expected to prevent such violations, the chief shall issue the 2888
permit subject to those terms or conditions. 2889

Each application for a permit required by section 1509.05 of 2890
the Revised Code, except an application for a well drilled or 2891
reopened for purposes of section 1509.22 of the Revised Code, also 2892
shall be accompanied by a nonrefundable fee of two hundred fifty 2893
dollars. 2894

The chief may order the immediate suspension of drilling, 2895
operating, or plugging activities ~~if he finds~~ after finding that 2896
any person is causing, engaging in, or maintaining a condition or 2897
activity ~~which that~~ in his the chief's judgment presents an 2898
imminent danger to public health or safety or results in or is 2899
likely to result in immediate substantial damage to natural 2900
resources or for nonpayment of the fee required by this section. 2901
The chief may order the immediate suspension of the drilling or 2902
reopening of a well ~~if he is~~ after being so requested by the chief 2903
of the division of mines and reclamation under section 1509.08 of 2904
the Revised Code. Before issuing any such order, the chief shall 2905
notify the owner in such manner as in the chief's judgment would 2906
provide reasonable notification that ~~he~~ the chief intends to issue 2907
a suspension order. The chief may issue such an order without 2908
prior notification if reasonable attempts to notify the owner have 2909
failed, but in such an event notification shall be given as soon 2910
thereafter as practical. Within five calendar days after the 2911
issuance of the order, the chief shall provide the owner an 2912

opportunity to be heard and to present evidence that the condition 2913
or activity is not likely to result in immediate substantial 2914
damage to natural resources or does not present an imminent danger 2915
to public health or safety. Notwithstanding any provision of this 2916
chapter, the owner may appeal the order directly to the court of 2917
common pleas of the county in which the activity is located. 2918

Sec. 1509.07. An owner of any well, except an exempt 2919
Mississippian well or an exempt domestic well, shall ~~file with the~~ 2920
~~division of oil and gas a certificate issued by an insurance~~ 2921
~~company authorized to do business in this state certifying that~~ 2922
~~the owner has in force~~ obtain liability insurance coverage from a 2923
company authorized to do business in this state in an amount of 2924
not less than three hundred thousand dollars bodily injury 2925
coverage and three hundred thousand dollars property damage 2926
coverage to pay damages for injury to persons or damage to 2927
property caused by the drilling, operation, or plugging of all the 2928
owner's wells in this state. The owner shall maintain that 2929
coverage until all ~~his~~ the owner's wells are plugged and abandoned 2930
as required by law. The ~~policy or policies providing that coverage~~ 2931
owner shall ~~require the~~ provide proof of liability insurance 2932
~~company to give notice~~ coverage to the chief of the division of 2933
oil and gas ~~if the policy or policies lapse for any reason upon~~ 2934
request. Upon ~~any such termination of coverage~~ failure of the 2935
owner to provide that proof when requested, the chief may order 2936
the suspension of any outstanding permits and operations of the 2937
owner until the owner ~~obtains~~ provides proof of the required 2938
insurance coverage. 2939

~~An~~ Except as otherwise provided in this section, an owner of 2940
any well, before being issued a permit under section 1509.06 of 2941
the Revised Code, shall execute and file with the division of oil 2942
and gas a surety bond conditioned on compliance with the 2943
restoration requirements of section 1509.072, the plugging 2944

requirements of section 1509.12, the permit provisions of section 2945
1509.13 of the Revised Code, and all rules and orders of the chief 2946
relating thereto, in an amount set by rule of the chief. 2947

The owner may deposit with the chief, instead of a surety 2948
bond, cash in an amount equal to the surety bond as prescribed ~~in~~ 2949
pursuant to this section or negotiable certificates of deposit or 2950
irrevocable letters of credit, issued by any bank organized or 2951
transacting business in this state or by any savings and loan 2952
association as defined in section 1151.01 of the Revised Code, 2953
having a cash value equal to or greater than the amount of the 2954
surety bond as prescribed ~~in~~ pursuant to this section. Cash or 2955
certificates of deposit shall be deposited upon the same terms as 2956
those upon which surety bonds may be deposited. If certificates of 2957
deposit are deposited with the chief instead of a surety bond, ~~he~~ 2958
the chief shall require the bank or savings and loan association 2959
that issued any such certificate to pledge securities of a cash 2960
value equal to the amount of the certificate that is in excess of 2961
the amount insured by any of the agencies and instrumentalities 2962
created under the "Federal Deposit Insurance Act," 64 Stat. 873 2963
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 2964
it, including at least the federal deposit insurance corporation, 2965
bank insurance fund, and savings association insurance fund. The 2966
securities shall be security for the repayment of the certificate 2967
of deposit. 2968

Immediately upon a deposit of cash, certificates of deposit, 2969
or letters of credit with the chief, ~~he~~ the chief shall deliver 2970
them to the treasurer of state who shall hold them in trust for 2971
the purposes for which they have been deposited. 2972

Instead of a surety bond, the chief may accept proof of 2973
financial responsibility consisting of a sworn financial statement 2974
showing a net financial worth within this state equal to twice the 2975
amount of the bond for which it substitutes and, as may be 2976

required by the chief, a list of producing properties of the owner 2977
within this state or ~~such~~ other evidence showing ability and 2978
intent to comply with the law and rules concerning restoration and 2979
plugging ~~as~~ that may be required by rule of the chief. The owner 2980
of an exempt domestic or exempt Mississippian well is not required 2981
to file scheduled updates of the financial documents, but shall 2982
file updates of those documents if requested to do so by the 2983
chief. The owner of a nonexempt domestic or nonexempt 2984
Mississippian well shall file updates of the financial documents 2985
in accordance with a schedule established by rule of the chief. 2986
The chief ~~may require at any time updating of the documents filed~~ 2987
~~and~~, upon determining that an owner for whom the chief has 2988
accepted proof of financial responsibility instead of bond cannot 2989
demonstrate financial responsibility, shall order that the owner 2990
execute and file a bond or deposit cash, certificates of deposit, 2991
or irrevocable letters of credit as required by this section for 2992
the wells specified in the order within ten days of receipt of the 2993
order. If the order is not complied with, all wells of the owner 2994
that are specified in the order and for which no bond is filed or 2995
cash, certificates of deposit, or letters of credit are deposited 2996
shall be plugged. No owner shall fail or refuse to plug such a 2997
well. Each day on which such a well remains unplugged thereafter 2998
constitutes a separate offense. 2999

The surety bond provided for in this section shall be 3000
executed by a surety company authorized to do business in this 3001
state. 3002

The chief shall not approve any bond until it is personally 3003
signed and acknowledged by both principal and surety, or as to 3004
either by ~~his~~ the principal's or surety's attorney in fact, with a 3005
certified copy of the power of attorney attached thereto. The 3006
chief shall not approve a bond unless there is attached a 3007
certificate of the superintendent of insurance that the company is 3008

authorized to transact a fidelity and surety business in this 3009
state. 3010

All bonds shall be given in a form to be prescribed by the 3011
chief and shall run to the state as obligee. 3012

An owner of an exempt Mississippian well or an exempt 3013
domestic well, in lieu of filing a surety bond, cash in an amount 3014
equal to the surety bond, certificates of deposit, irrevocable 3015
letters of credit, or a sworn financial statement, may file a 3016
one-time fee of fifty dollars, which shall be deposited in the oil 3017
and gas well plugging fund created in section 1509.071 of the 3018
Revised Code. 3019

Sec. 1509.071. (A) When the chief of the division of oil and 3020
gas finds that an owner has failed to comply with the restoration 3021
requirements of section 1509.072, plugging requirements of section 3022
1509.12, or permit provisions of section 1509.13 of the Revised 3023
Code, or rules and orders relating thereto, the chief shall make a 3024
finding of that fact and declare any surety bond filed to ensure 3025
compliance with those sections and rules forfeited in the amount 3026
set by rule of the chief. The chief thereupon shall certify the 3027
total forfeiture to the attorney general, who shall proceed to 3028
collect the amount ~~thereof~~ of the forfeiture. 3029

In lieu of total forfeiture, the surety, at its option, may 3031
cause the well to be properly plugged and abandoned and the area 3032
properly restored or pay to the treasurer of state the cost 3033
~~thereof~~ of plugging and abandonment. 3034

(B) All moneys collected ~~on account~~ because of forfeitures of 3035
bonds as provided in this section shall be deposited in the state 3036
treasury to the credit of the oil and gas well plugging fund, 3037
which is hereby created. The fund shall be expended by the chief 3038
for the following purposes: 3039

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

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

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

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

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

(b) Mail notice to the owner of the land on which the well is located informing the landowner that the well is to be plugged. If the owner of the oil or gas lease under which the well was drilled is different from the owner of the well or if any persons other than the owner of the well own interests in the lease, the chief

also shall mail notice that the well is to be plugged to the owner 3071
of the lease or to each person owning an interest in the lease, as 3072
appropriate. 3073

(c) Mail notice to each person having legal title to, or a 3074
lien upon, any equipment appurtenant to the well, informing the 3075
person that the well is to be plugged and offering the person the 3076
opportunity to plug the well and restore the land surface at the 3077
well site at the person's own expense in order to avoid forfeiture 3078
of the equipment to this state. 3079

(2) If none of the persons described in division (C)(1)(c) of 3080
this section plugs the well within sixty days after the mailing of 3081
the notice required by that division, all equipment appurtenant to 3082
the well is hereby declared to be forfeited to this state without 3083
compensation and without the necessity for any action by the state 3084
for use to defray the cost of plugging and abandoning the well and 3085
restoring the land surface at the well site. 3086

(D) Expenditures from the fund for the purpose of division 3087
(B)(1) of this section shall be made in accordance with either of 3088
the following: 3089

(1) The expenditures may be made pursuant to contracts 3090
entered into by the chief with persons who agree to furnish all of 3091
the materials, equipment, work, and labor as specified and 3092
provided in such a contract. Agents or employees of persons 3093
contracting with the chief for the restoration, plugging, and 3094
injection projects may enter upon any land, public or private, for 3095
which a project has been approved by the controlling board and on 3096
which the well is located, for the purpose of performing the work. 3097
Prior to such entry, the chief shall give to the following persons 3098
written notice of the existence of a contract for a project to 3099
restore, plug, or inject oil or gas production wastes into a well, 3100
the names of the persons with whom the contract is made, and the 3101

date that the project will commence: the owner of the well, the
owner of the land upon which the well is located, the owner or
agents of adjoining land, and, if the well is located in the same
township as or in a township adjacent to the excavations and
workings of a mine and the owner or lessee of that mine has
provided written notice identifying those townships to the chief
at any time during the immediately preceding three years, the
owner or lessee of the mine.

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

(2)(a) The owner of the land on which a well is located who
has received notice under division (C)(1)(b) of this section may
plug the well and be reimbursed by the division for the reasonable
cost of plugging the well. In order to plug the well, the
landowner shall submit an application to the chief on a form
prescribed by the chief and approved by the technical advisory
council on oil and gas created in section 1509.38 of the Revised
Code. The application, at a minimum, shall require the landowner
to provide the same information as is required to be included in
the application for a permit to plug and abandon under section
1509.13 of the Revised Code. The application shall be accompanied
by a copy of a proposed contract to plug the well prepared by a
contractor regularly engaged in the business of plugging oil and
gas wells. The proposed contract shall require the contractor to
furnish all of the materials, equipment, work, and labor necessary
to ~~properly~~ plug the well properly and shall specify the price for

doing the work, including a credit for the equipment appurtenant 3134
to the well that was forfeited to the state through the operation 3135
of division (C)(2) of this section. The application also shall be 3136
accompanied by the permit fee required by section 1509.13 of the 3137
Revised Code unless the chief, in the chief's discretion, waives 3138
payment of the permit fee. If the chief waives payment of the 3139
permit fee in connection with an application, the chief shall 3140
certify the amount of the fee to the director of budget and 3141
management for transfer from the oil and gas well plugging fund to 3142
the oil and gas permit fund created in section 1509.02 of the 3143
Revised Code. The application constitutes an application for a 3144
permit to plug and abandon the well for the purposes of section 3145
1509.13 of the Revised Code. 3146

(b) Within thirty days after receiving an application and 3147
accompanying proposed contract under division (D)(2)(a) of this 3148
section, the chief shall determine whether the plugging would 3149
comply with the applicable requirements of this chapter and 3150
applicable rules adopted and orders issued under it and whether 3151
the cost of the plugging under the proposed contract is 3152
reasonable. If the chief determines that the proposed plugging 3153
would comply with those requirements and that the proposed cost of 3154
the plugging is reasonable, the chief shall notify the landowner 3155
of that determination and issue to the landowner a permit to plug 3156
and abandon the well under section 1509.13 of the Revised Code. 3157
Upon approval of the application and proposed contract, the chief 3158
shall transfer ownership of the equipment appurtenant to the well 3159
to the landowner. The chief may disapprove an application 3160
submitted under division (D)(2)(a) of this section if the chief 3161
determines that the proposed plugging would not comply with the 3162
applicable requirements of this chapter and applicable rules 3163
adopted and orders issued under it, that the cost of the plugging 3164
under the proposed contract is unreasonable, or that the proposed 3165
contract is not a bona fide, arms length contract. 3166

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

(d) Upon determining that the plugging has been completed 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. 3199

(E) Expenditures from the fund for the purpose of division 3200
(B)(2) of this section may be made pursuant to contracts entered 3201
into by the chief with persons who agree to furnish all of the 3202
materials, equipment, work, and labor as specified and provided in 3203
such a contract. The competitive bidding requirements of Chapter 3204
153. of the Revised Code do not apply if the chief reasonably 3205
determines that correction of the applicable health or safety risk 3206
requires immediate action. The chief, designated representatives 3207
of the chief, and agents or employees of persons contracting with 3208
the chief under this division may enter upon any land, public or 3209
private, for the purpose of performing the work. 3210

(F) Contracts entered into by the chief under this section 3211
are not subject to either of the following: 3212

(1) Chapter 4115. of the Revised Code; 3213

(2) Section 153.54 of the Revised Code, except that the 3214
contractor shall obtain and provide to the chief as a bid guaranty 3215
a surety bond or letter of credit in an amount equal to ten per 3216
cent of the amount of the contract. 3217

(G) The owner of land on which a well is located who has 3218
received notice under division (C)(1)(b) of this section, in lieu 3219
of plugging the well in accordance with division (D)(2) of this 3220
section, may cause ownership of the well to be transferred to an 3221
owner who is lawfully doing business in this state and who has met 3222
the financial responsibility requirements established under 3223
section 1509.07 of the Revised Code, subject to the approval of 3224
the chief. The transfer of ownership also shall be subject to the 3225
landowner's filing the appropriate forms required under this 3226
chapter and providing to the chief sufficient information to 3227
demonstrate the landowner's or owner's right to produce a 3228
formation or formations. That information may include a deed, a 3229

lease, or other documentation of ownership or property rights. 3230

The chief shall approve or disapprove the transfer of 3231
ownership of the well. If the chief approves the transfer, the 3232
owner is responsible for operating the well in accordance with 3233
this chapter and rules adopted under it, including, without 3234
limitation, all of the following: 3235

(1) Filing an application with the chief under section 3236
1509.06 of the Revised Code if the owner intends to drill deeper 3237
or produce a formation that is not listed in the records of the 3238
division for that well; 3239

(2) Taking title to and possession of the equipment 3240
appurtenant to the well that has been identified by the chief as 3241
having been abandoned by the former owner; 3242

(3) Complying with all applicable requirements that are 3243
necessary to drill deeper, plug the well, or plug back the well. 3244

Sec. 1509.072. No oil or gas well owner or his agent of an 3245
oil or gas well owner shall fail to restore the land surface 3246
within the area disturbed in siting, drilling, completing, and 3247
producing the well as required in this section. 3248

(A) Within five months after the date upon which the surface 3249
drilling of a well is commenced, the owner or ~~his~~ the owner's 3250
agent ~~shall~~, in accordance with ~~his~~ the restoration plan filed 3251
under division ~~(I)~~(J) of section 1509.06 of the Revised Code, 3252
shall fill all the pits for containing brine, other waste 3253
substances resulting, obtained, or produced in connection with 3254
exploration, or drilling for, or production of, oil or gas, or oil 3255
that are not required by other state or federal law or regulation, 3256
and remove all concrete bases, drilling supplies, and drilling 3257
equipment. Within nine months after the date upon which the 3258
surface drilling of a well is commenced, the owner or ~~his~~ the 3259

owner's agent shall grade or terrace and plant, seed, or sod the area disturbed that is not required in production of the well, where necessary to bind the soil and prevent substantial erosion and sedimentation. If the chief of the division of oil and gas finds that a pit used for containing brine, other waste substances, or oil is in violation of section 1509.22 of the Revised Code or rules adopted or orders issued ~~thereunder~~ under it, the chief may require the pit to be emptied and closed before expiration of the five-month restoration period.

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

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

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

The chief ~~may~~, upon written application by an owner or ~~his~~ an 3292
owner's agent showing reasonable cause, may extend the period 3293
within which restoration shall be completed under divisions (A) 3294
and (B) of this section, but not to exceed a further six-month 3295
period, except under extraordinarily adverse weather conditions or 3296
when essential equipment, fuel, or labor is unavailable to the 3297
owner or ~~his~~ the owner's agent. 3298

If the chief refuses to approve a request for waiver or 3299
extension, ~~he~~ the chief shall do so by order. 3300

Sec. 1509.13. No person shall plug and abandon a well without 3301
having a permit to do so issued by the chief of the division of 3302
oil and gas. The permit shall be issued by the chief in accordance 3303
with this chapter, and the chief may ~~by rule~~ establish by rule a 3304
period of time from date of issue during which permits will be 3305
valid. Application by the owner for a permit to plug and abandon 3306
shall be filed as many days in advance as will be necessary for an 3307
oil and gas well inspector or, if the well is located in a coal 3308
bearing township, the gas storage well inspector or a deputy mine 3309
inspector to be present at the plugging. The application shall be 3310
filed with the chief ~~of the division of oil and gas~~ upon such a 3311
form as that the chief prescribes and shall contain the following 3312
information: 3313

(A) The name and address of the owner; 3314

(B) The signature of the owner or ~~his~~ the owner's authorized 3315
agent. When an authorized agent signs an application, it shall be 3316
accompanied by a certified copy of ~~his~~ the appointment as ~~such~~ 3317
that agent. 3318

(C) The location of the well identified by section or lot 3319
number, city, village, township, and county; 3320

(D) Designation of well by name and number; 3321

(E) The total depth of the well to be plugged; 3322

(F) The date and amount of last production from the well; 3323

(G) ~~Such other~~ Other data ~~as that~~ the chief may require. 3324

If oil or gas has been produced from the well, the 3325
application shall be accompanied by a fee of fifty dollars. If a 3326
new dry well has been drilled in accordance with law and the 3327
permit is still valid, the permit holder may receive approval to 3328
plug the well from an oil and gas well inspector or, if the well 3329
is located in a coal bearing township, the gas storage well 3330
inspector or a deputy mine inspector so that the well can be 3331
plugged and abandoned without undue delay. No well located outside 3332
a coal bearing township shall be plugged and abandoned without an 3333
oil and gas well inspector present unless permission has been 3334
granted by the chief of the division of oil and gas, and no well 3335
located within a coal bearing township shall be plugged and 3336
abandoned without the gas storage well inspector or a deputy mine 3337
inspector present unless permission has been granted by the chief 3338
of the division of mines and reclamation. The owner of the well 3339
shall give written notice at the same time to the owner of the 3340
land upon which the well is located, the owners or agents of 3341
adjoining land, adjoining well owners or agents, and, if the well 3342
penetrates or passes within one hundred feet of the excavations 3343
and workings of a mine, the owner or lessee of that mine, of ~~his~~ 3344
the well owner's intention to abandon the well and of the time 3345
when ~~he~~ the well owner will be prepared to commence plugging it. 3346

An applicant may file a request with the chief of the 3347
division of oil and gas for expedited review of an application for 3348
a permit to plug and abandon a well. The chief ~~shall~~ may refuse to 3349
accept a request for expedited review ~~after three such requests~~ 3350
~~have been filed in a week, and shall not accept more than one~~ 3351
~~request from the same applicant in any week~~ if, in the chief's 3352

judgment, acceptance of the request will prevent the issuance, 3353
within twenty-one days of filing, of permits for which 3354
applications filed under section 1509.06 Of the Revised Code are 3355
pending. In addition to a complete application for a permit that 3356
meets the requirements of this section and the permit fee 3357
prescribed by this section, if applicable, a request shall be 3358
accompanied by a nonrefundable filing fee of two hundred fifty 3359
dollars unless the chief has ordered the applicant to plug and 3360
abandon the well. When a request for expedited review is filed, 3361
the chief shall immediately begin to process the application and 3362
shall issue a permit within seven days of the filing of the 3363
request unless ~~he~~ the chief, by order, denies the application. 3364

Upon filing of an application for a permit to plug and 3365
abandon a well that is located in a coal bearing township, the 3366
chief shall cause the chief of the division of mines and 3367
reclamation to be notified of the filing of the permit application 3368
by telephone or ~~such~~ other means ~~as~~ that in the judgment of the 3369
chief would provide timely notice of the application. 3370

This section does not apply to a well plugged or abandoned in 3371
compliance with section 1571.05 of the Revised Code. 3372

Sec. 1509.14. Any person who abandons a well, when written 3373
permission has been granted by the chief of the division of oil 3374
and gas or the chief of the division of mines and reclamation to 3375
abandon and plug ~~such~~ the well without an inspector being present 3376
to supervise the plugging, shall make a written report of ~~such~~ the 3377
abandonment to the chief ~~who~~ of the division of oil and gas 3378
regardless of which chief granted such permission for the 3379
abandonment. The report shall be submitted to the chief of the 3380
division of oil and gas not later than thirty days after the date 3381
of abandonment and shall include all of the following: 3382

(A) The date of abandonment; 3383

(B) The name of the owner or operator of ~~such~~ the well at the 3384
time of abandonment and ~~his~~ the post-office address of the owner 3385
or operator; 3386

(C) The location of ~~such~~ the well as to township and county 3387
and the name of the owner of the surface upon which ~~such~~ the well 3388
is drilled, with the address thereof; 3389

(D) The date of the permit to drill; 3390

(E) The date when drilled; 3391

(F) ~~Whether such well has been mapped;~~ 3392

~~(G)~~ The depth of the well; 3393

~~(H)~~(G) The depth of the top of the formation to which the 3394
well was drilled; 3395

~~(I)~~(H) The depth of each seam of coal drilled through; 3396

~~(J)~~(I) A detailed report as to how ~~such~~ the well was plugged, 3397
giving in particular the manner in which the coal and various 3398
formations were plugged, and the date of the plugging of ~~such~~ the 3399
well, including ~~therein~~ the names of those who witnessed the 3400
plugging of the well. 3401

~~Such~~ The report shall be signed by the owner or operator, or 3402
the agent ~~thereof~~ of the owner or operator, who abandons and plugs 3403
~~such~~ the well and verified by the oath of the party so signing. 3404
For the purposes of this section, the oil and gas well inspectors, 3405
gas storage well inspectors, or deputy mine inspectors may take 3406
acknowledgments and administer oaths to the parties signing ~~such~~ 3407
the report. 3408

Sec. 1509.22. (A) Except when acting in accordance with 3409
section 1509.226 of the Revised Code, no person shall place or 3410
cause to be placed brine in surface or ground water or in or on 3411
the land in such quantities or in such manner as actually causes 3412

or could reasonably be anticipated to cause either of the 3413
following: 3414

(1) Water used for consumption by humans or domestic animals 3415
to exceed the standards of the "Safe Drinking Water Act"; ~~or~~ 3416

(2) Damage or injury to public health or safety or the 3417
environment. 3418

(B) No person shall store or dispose of brine in violation of 3419
a plan approved under ~~division (I) of section 1509.06 of the~~ 3420
~~Revised Code,~~ division (A) of section 1509.222 ~~of the Revised~~ 3421
~~Code,~~ or section 1509.226 of the Revised Code, in violation of a 3422
resolution submitted under section 1509.226 of the Revised Code, 3423
or in violation of rules or orders applicable to ~~such~~ those plans 3424
or resolutions. 3425

(C) The chief of the division of oil and gas shall adopt 3426
rules and issue orders regarding storage and disposal of brine and 3427
other waste substances; however, the storage and disposal of brine 3428
and the chief's rules relating ~~thereto~~ to storage and disposal are 3429
subject to all of the following standards: 3430

(1) Brine from any well except an exempt Mississippian well 3431
shall ~~only~~ be disposed of only by injection into an underground 3432
formation, including annular disposal if approved by rule of the 3433
chief, which injection shall be subject to division (D) of this 3434
section; by surface application in accordance with section 3435
1509.226 of the Revised Code; in association with a method of 3436
enhanced recovery as provided in section 1509.21 of the Revised 3437
Code; or by other methods approved by the chief for testing or 3438
implementing a new technology or method of disposal. Brine from 3439
exempt Mississippian wells shall not be discharged directly into 3440
the waters of the state. 3441

(2) Muds, cuttings, and other waste substances shall not be 3442

disposed of in violation of any rule; 3443

(3) Pits may be used for containing brine and other waste 3444
substances resulting from, obtained from, or produced in 3445
connection with drilling, fracturing, reworking, reconditioning, 3446
plugging back, or plugging operations, but ~~such~~ the pits shall be 3447
constructed and maintained to prevent the escape of brine and ~~such~~ 3448
other waste substances. A dike or pit may be used for spill 3449
prevention and control. A dike or pit so used shall be constructed 3450
and maintained to prevent the escape of brine, and the reservoir 3451
within such a dike or pit shall be kept reasonably free of brine 3452
and other waste substances. 3453

(4) Earthen impoundments constructed pursuant to the 3454
division's specifications may be used for the temporary storage of 3455
brine and other waste substances in association with a saltwater 3456
injection well, an enhanced recovery project, or a solution mining 3457
project; 3458

(5) No pit, earthen impoundment, or dike shall be used for 3459
the temporary storage of brine except in accordance with divisions 3460
(C)(3) and (4) of this section; ~~and~~ 3461

(6) No pit or dike shall be used for the ultimate disposal of 3462
brine. 3463

(D) No person ~~shall~~, without first having obtained a permit 3464
from the chief, shall inject brine or other waste substances 3465
resulting from, obtained from, or produced in connection with oil 3466
or gas drilling, exploration, or production into an underground 3467
formation, unless a rule of the chief expressly authorizes the 3468
injection without a permit. The permit shall be in addition to any 3469
permit required by section 1509.05 of the Revised Code, and the 3470
permit application shall be accompanied by a permit fee of one 3471
hundred dollars. The chief shall adopt rules in accordance with 3472
Chapter 119. of the Revised Code regarding the injection into 3473

wells of brine and other waste substances resulting from, obtained 3474
from, or produced in connection with oil or gas drilling, 3475
exploration, or production. The rules shall include provisions 3476
regarding applications for and issuance of the permits required by 3477
this division; entry to conduct inspections and to examine and 3478
copy records to ascertain compliance with this division and rules, 3479
orders, and terms and conditions of permits adopted or issued 3480
~~thereunder~~ under it; the provision and maintenance of information 3481
through monitoring, recordkeeping, and reporting; and other 3482
provisions in furtherance of the goals of this section and the 3483
"Safe Drinking Water Act." To implement the goals of the "Safe 3484
Drinking Water Act," ~~88 Stat. 1661, 42 U.S.C.A. 300(f), as~~ 3485
~~amended~~, the chief shall not issue a permit for the injection of 3486
brine or other waste substances resulting from, obtained from, or 3487
produced in connection with oil or gas drilling, exploration, or 3488
production, unless the chief concludes that the applicant has 3489
demonstrated that the injection will not result in the presence of 3490
any contaminant in ground water that supplies or can reasonably be 3491
expected to supply any public water system, such that the presence 3492
of the contaminant may result in the system's not complying with 3493
any national primary drinking water regulation or may otherwise 3494
adversely affect the health of persons. This division and rules, 3495
orders, and terms and conditions of permits adopted or issued 3496
~~thereunder~~ under it shall be construed to be no more stringent 3497
than required for compliance with the Safe Drinking Water Act, 3498
unless essential to ensure that underground sources of drinking 3499
water will not be endangered. 3500

(E) The owner holding a permit, or an assignee or transferee 3501
who has assumed the obligations and liabilities imposed by ~~Chapter~~ 3502
~~1509. of the Revised Code~~ this chapter and any rules adopted or 3503
orders issued ~~thereunder~~ under it pursuant to section 1509.31 of 3504
the Revised Code, and the operator of a well shall be liable for a 3505
violation of this section or any rules adopted or orders or terms 3506

or conditions of a permit issued under ~~this section~~ it. 3507

(F) An owner shall replace the water supply of the holder of 3508
an interest in real property who obtains all or part of ~~his~~ the 3509
holder's supply of water for domestic, agricultural, industrial, 3510
or other legitimate use from an underground or surface source 3511
where the supply has been substantially disrupted by 3512
contamination, diminution, or interruption proximately resulting 3513
from the owner's oil or gas operation, or the owner may elect to 3514
compensate the holder of the interest in real property for the 3515
difference between the fair market value of the interest before 3516
the damage occurred to the water supply and the fair market value 3517
after the damage occurred, if the cost of replacing the water 3518
supply exceeds this difference in fair market values. However, 3519
during the pendency of any order issued under this division, the 3520
owner shall obtain for the holder or shall reimburse the holder 3521
for the reasonable cost of obtaining a water supply from the time 3522
of the contamination, diminution, or interruption by the operation 3523
until the owner has complied with an order of the chief for 3524
compliance with this division or such an order has been revoked or 3525
otherwise becomes not effective. If the owner elects to pay the 3526
difference in fair market values, but the owner and the holder 3527
have not agreed on the difference within thirty days after the 3528
chief issues an order for compliance with this division, ~~then~~ 3529
within ten days after the expiration of ~~this~~ that thirty-day 3530
period, the owner and the chief ~~shall~~ each shall appoint an 3531
appraiser to determine the difference in fair market values, 3532
except that the holder of the interest in real property may elect 3533
to appoint and compensate ~~his~~ the holder's own appraiser, in which 3534
case the chief shall not appoint an appraiser. The two appraisers 3535
appointed shall appoint a third appraiser, and within thirty days 3536
after the appointment of the third appraiser, the three appraisers 3537
shall hold a hearing to determine the difference in fair market 3538
values. Within ten days after the hearing, the appraisers shall 3539

make their determination by majority vote and issue their final 3540
determination of the difference in fair market values. The chief 3541
shall accept a determination of the difference in fair market 3542
values made by agreement of the owner and holder or by appraisers 3543
under this division and shall make and dissolve orders 3544
accordingly. This division does not affect in any way the right of 3545
any person to enforce or protect, under applicable law, ~~his~~ the 3546
person's interest in water resources affected by an oil or gas 3547
operation. 3548

(G) In any action brought by the state for a violation of 3549
division (A) of this section involving any well at which annular 3550
disposal is used, there shall be a rebuttable presumption 3551
available to the state that the annular disposal caused the 3552
violation if the well is located within a one-quarter mile radius 3553
of the site of the violation. 3554

Sec. 1509.222. (A)(1) Except as provided in section 1509.226 3555
of the Revised Code, no person shall transport brine by vehicle in 3556
this state unless the business entity that employs the person 3557
first registers with and obtains a registration certificate and 3558
identification number from the chief of the division of oil and 3559
gas. 3560

(2) No more than one registration certificate shall be 3561
required of any business entity. Registration certificates issued 3562
under this section are not ~~transferrable~~ TRANSFERABLE. An 3563
applicant shall file an application with the chief, containing 3564
such information in such form as the chief prescribes, but 3565
including a plan for disposal that provides for compliance with 3566
the requirements of this chapter and rules of the chief pertaining 3567
to the transportation of brine by vehicle and the disposal of 3568
brine so transported and that lists all disposal sites that the 3569
applicant intends to use, the bond required by section 1509.225 of 3570

the Revised Code, and a certificate issued by an insurance company 3571
authorized to do business in this state certifying that the 3572
applicant has in force a liability insurance policy in an amount 3573
not less than three hundred thousand dollars bodily injury 3574
coverage and three hundred thousand dollars property damage 3575
coverage to pay damages for injury to persons or property caused 3576
by the collecting, handling, transportation, or disposal of brine. 3577
The policy shall be maintained in effect during the term of the 3578
registration certificate. The policy or policies providing ~~such~~ 3579
the coverage shall require the insurance company to give notice to 3580
the chief if the policy or policies lapse for any reason. Upon 3581
such termination of the policy, the chief may suspend the 3582
registration certificate until proper insurance coverage is 3583
obtained. Each application for a registration certificate shall be 3584
accompanied by a nonrefundable fee of five hundred dollars. 3585

(B) The chief shall issue an order denying an application for 3586
a registration certificate if the chief finds that either of the 3587
following applies: 3588

(1) The applicant, at the time of applying for the 3589
registration certificate, has been found liable by a final 3590
nonappealable order of a court of competent jurisdiction for 3591
damage to streets, roads, highways, bridges, culverts, or 3592
drainways pursuant to section 4513.34 or 5577.12 of the Revised 3593
Code until the applicant provides the chief with evidence of 3594
compliance with the order; 3595

(2) The applicant's plan for disposal does not provide for 3596
compliance with the requirements of this chapter and rules of the 3597
chief pertaining to the transportation of brine by vehicle and the 3598
disposal of brine so transported. 3599

(C) No applicant shall attempt to circumvent division (B) of 3600
this section by applying for a registration certificate under a 3601
different name or business organization name, by transferring 3602

responsibility to another person or entity, or by any similar act. 3603

(D) A registered transporter shall apply to revise a disposal 3604
plan under procedures that the chief shall prescribe by rule. 3605
However, at a minimum, an application for a revision shall list 3606
all sources and disposal sites of brine currently transported. ~~If~~ 3607
~~the chief approves a revision of a plan under this division, the~~ 3608
~~approval also constitutes approval of a revision of affected~~ 3609
~~disposal plans required by division (I) of section 1509.06 of the~~ 3610
~~Revised Code, except as the chief otherwise specifically provides~~ 3611
~~in the order approving the revision.~~ The chief shall deny any 3612
application for a revision of a plan under this division if the 3613
chief finds that the proposed revised plan does not provide for 3614
compliance with the requirements of this chapter and rules of the 3615
chief pertaining to the transportation of brine by vehicle and the 3616
disposal of brine so transported. Approvals and denials of 3617
revisions shall be by order of the chief. 3618

(E) The chief may adopt rules, issue orders, and attach terms 3619
and conditions to registration certificates as may be necessary to 3620
administer, implement, and enforce sections 1509.222 to 1509.226 3621
of the Revised Code for protection of public health or safety or 3622
conservation of natural resources. 3623

Sec. 1509.31. Whenever the entire interest of an oil and gas 3624
lease is assigned or otherwise transferred, the assignor or 3625
transferor shall notify the holders of the royalty interests, and, 3626
if a well or wells exist on the lease, the division of oil and 3627
gas, of the name and address of the assignee or transferee by 3628
certified mail, return receipt requested, not later than thirty 3629
days after the date of the assignment or transfer. When notice of 3630
any such assignment or transfer is required to be provided to the 3631
division, it shall be provided on a form prescribed and provided 3632
by the division and verified by both the assignor or transferor 3633

and by the assignee or transferee. The notice form applicable to 3634
assignments or transfers of a well to the owner of the surface 3635
estate of the tract on which the well is located shall contain a 3636
statement informing the landowner that the well may require 3637
periodic servicing to maintain its productivity; that, upon 3638
assignment or transfer of the well to ~~him~~ the landowner, the 3639
landowner becomes responsible for compliance with the requirements 3640
of this chapter and rules adopted under it, including, without 3641
limitation, the proper disposal of brine obtained from the well, 3642
the plugging of the well when it becomes incapable of producing 3643
oil or gas, and the restoration of the well site; and that, upon 3644
assignment or transfer of the well to ~~him~~ the landowner, the 3645
landowner becomes responsible for the costs of compliance with the 3646
requirements of this chapter and rules adopted under it and the 3647
costs for operating and servicing the well. 3648

The owner holding a permit under section 1509.05 of the 3649
Revised Code is responsible for all obligations and liabilities 3650
imposed by this chapter and any rules, orders, and terms and 3651
conditions of a permit adopted or issued thereunder under it, and 3652
no assignment or transfer by the owner relieves the owner of the 3653
obligations and liabilities until and unless the assignee or 3654
transferee files with the division ~~of oil and gas~~ the information 3655
described in divisions (A), (B), (C), (D), (E), ~~(H)~~(I), (J), (K), 3656
and (L), ~~(M)~~, and ~~(N)~~ of section 1509.06 of the Revised Code; 3657
~~files or has filed the certificate of~~ obtains liability insurance 3658
coverage required by section 1509.07 of the Revised Code, except 3659
when none is required by that section; and executes and files a 3660
surety bond, negotiable certificates of deposit or irrevocable 3661
letters of credit, or cash, as described in that section ~~1509.07~~ 3662
~~of the Revised Code~~. Instead of a bond, but only upon acceptance 3663
by the chief, the assignee or transferee may file proof of 3664
financial responsibility, described in section 1509.07 of the 3665

Revised Code. Section 1509.071 of the Revised Code applies to the 3666
surety bond, cash, and negotiable certificates of deposit and 3667
irrevocable letters of credit described in this section. Unless 3668
the chief approves a modification, each assignee or transferee 3669
shall operate in accordance with the plans and information filed 3670
by the permit holder pursuant to section 1509.06 of the Revised 3671
Code. 3672

Sec. 1511.02. The chief of the division of soil and water 3673
conservation, subject to the approval of the director of natural 3674
resources, shall do all of the following: 3675

(A) Provide administrative leadership to local soil and water 3676
conservation districts in planning, budgeting, staffing, and 3677
administering district programs and the training of district 3678
supervisors and personnel in their duties, responsibilities, and 3679
authorities as prescribed in this chapter and Chapter 1515. of the 3680
Revised Code; 3681

(B) Administer this chapter and Chapter 1515. of the Revised 3682
Code pertaining to state responsibilities and provide staff 3683
assistance to the Ohio soil and water conservation commission in 3684
exercising its statutory responsibilities; 3685

(C) Assist in expediting state responsibilities for watershed 3686
development and other natural resource conservation works of 3687
improvement; 3688

(D) Coordinate the development and implementation of 3689
cooperative programs and working agreements between local soil and 3690
water conservation districts and divisions or sections of the 3691
department of natural resources, or other agencies of local, 3692
state, and federal government; 3693

(E) Subject to the approval of the Ohio soil and water 3694
conservation commission, adopt, amend, or rescind rules pursuant 3695

to Chapter 119. of the Revised Code. Rules adopted pursuant to 3696
this section: 3697

(1) Shall establish technically feasible and economically 3698
reasonable standards to achieve a level of management and 3699
conservation practices in farming or silvicultural operations that 3700
will abate wind or water erosion of the soil or abate the 3701
degradation of the waters of the state by animal waste or by soil 3702
sediment including substances attached thereto, and establish 3703
criteria for determination of the acceptability of such management 3704
and conservation practices; 3705

(2) Shall establish technically feasible and economically 3706
reasonable standards to achieve a level of management and 3707
conservation practices that will abate wind or water erosion of 3708
the soil or abate the degradation of the waters of the state by 3709
soil sediment in conjunction with land grading, excavating, 3710
filling, or other soil-disturbing activities on land used or being 3711
developed for nonfarm commercial, industrial, residential, or 3712
other nonfarm purposes, and establish criteria for determination 3713
of the acceptability of such management and conservation 3714
practices. The standards shall be designed to implement applicable 3715
areawide waste treatment management plans prepared under section 3716
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 3717
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 3718
shall not apply in any municipal corporation or county that adopts 3719
ordinances or rules pertaining to sediment control, nor to lands 3720
being used in a strip mine operation as defined in section 1513.01 3721
of the Revised Code, nor to lands being used in a surface mining 3722
operation as defined in section 1514.01 of the Revised Code. 3723

(3) May recommend criteria and procedures for the approval of 3725
urban sediment pollution abatement plans and issuance of permits 3726
prior to any grading, excavating, filling, or other whole or 3727

partial disturbance of five or more contiguous acres of land owned 3728
by one person or operated as one development unit and require 3729
implementation of such a plan. Areas of less than five contiguous 3730
acres are not exempt from compliance with other provisions of this 3731
chapter and rules adopted under them. 3732

(4) Shall establish procedures for administration of rules 3733
for agricultural pollution abatement and urban sediment pollution 3734
abatement and for enforcement of rules for agricultural pollution 3735
abatement; 3736

(5) Shall specify the pollution abatement practices eligible 3737
for state cost sharing and determine the conditions for 3738
eligibility, the construction standards and specifications, the 3739
useful life, the maintenance requirements, and the limits of cost 3740
sharing for those practices. Eligible practices shall be limited 3741
to practices that address agricultural or silvicultural operations 3742
and that require expenditures that are likely to exceed the 3743
economic returns to the owner or operator and that abate soil 3744
erosion or degradation of the waters of the state by animal waste 3745
or soil sediment including pollutants attached thereto. 3746

(6) Until June 1, 1996, shall specify the multiflora rose 3747
control practices eligible for state cost sharing, the conditions 3748
of eligibility for state cost sharing, the limits of cost sharing 3749
for those practices, specifications for carrying out those 3750
practices to ensure effective control of the multiflora rose and 3751
to safeguard the health and safety of human beings and domestic 3752
animals and the environment, and the contract provisions to be 3753
included in cost-sharing agreements with landowners; 3754

(7) Until June 1, 1996, shall establish procedures for 3755
administering grants to soil and water conservation districts for 3756
control of multiflora rose; 3757

(8) Shall establish procedures for administering grants to 3758

owners or operators of agricultural land or concentrated animal 3759
feeding operations for the implementation of operation and 3760
management plans; 3761

(9) Shall establish procedures for administering grants to 3762
soil and water conservation districts for urban sediment pollution 3763
abatement programs, specify the types of projects eligible for 3764
grants, establish limits on the availability of grants, and 3765
establish requirements governing the execution of projects to 3766
encourage the reduction of erosion and sedimentation associated 3767
with soil-disturbing activities; 3768

(10) Shall do all of the following with regard to composting 3769
conducted in conjunction with agricultural operations: 3770

(a) Provide for the distribution of educational material 3771
concerning composting to the offices of the Ohio cooperative 3772
extension service for the purposes of section 1511.022 of the 3773
Revised Code; 3774

(b) Establish methods, techniques, or practices for 3775
composting dead animals, or particular types of dead animals, that 3776
are to be used at such operations, as the chief considers to be 3777
necessary or appropriate; 3778

(c) Establish requirements and procedures governing the 3779
review and approval or disapproval of composting plans by the 3780
supervisors of soil and water conservation districts under 3781
division ~~(T)~~(U) of section 1515.08 of the Revised Code. 3782

(11) Shall be adopted, amended, or rescinded after the chief 3783
does all of the following: 3784

(a) Mails notice to each statewide organization that ~~he~~ the 3785
chief determines represents persons or local governmental agencies 3786
who would be affected by the proposed rule, amendment thereto, or 3787
rescission thereof at least thirty-five days before any public 3788

hearing thereon; 3789

(b) Mails a copy of each proposed rule, amendment thereto, or 3790
rescission thereof to any person who requests a copy, within five 3791
days after receipt of the request; 3792

(c) Consults with appropriate state and local governmental 3793
agencies or their representatives, including statewide 3794
organizations of local governmental officials, industrial 3795
representatives, and other interested persons; 3796

(d) If the rule relates to agricultural pollution abatement, 3797
develops an economic impact statement concerning the effect of the 3798
proposed rule or amendment. 3799

(12) Shall not conflict with air or water quality standards 3800
adopted pursuant to section 3704.03 or 6111.041 of the Revised 3801
Code. Compliance with rules adopted pursuant to this section ~~shall~~ 3802
does not affect liability for noncompliance with air or water 3803
quality standards adopted pursuant to section 3704.03 or 6111.041 3804
of the Revised Code. The application of a level of management and 3805
conservation practices recommended under this section to control 3806
windblown soil from farming operations ~~shall create~~ creates a 3807
presumption of compliance with section 3704.03 of the Revised Code 3808
as that section applies to windblown soil. 3809

(13) Insofar as the rules relate to urban sediment pollution, 3810
shall not be applicable in a municipal corporation or county that 3811
adopts ordinances or rules for urban sediment control, except that 3812
a municipal corporation or county that adopts such ordinances or 3813
rules may receive moneys for urban sediment control that are 3814
disbursed by the board of supervisors of the applicable soil and 3815
water conservation district under division (R) of section 1515.08 3816
of the Revised Code. The rules shall not exempt any person from 3817
compliance with municipal ordinances enacted pursuant to Section 3 3818
of Article XVIII, Ohio Constitution. 3819

(F) Cost share with landowners on practices established 3820
pursuant to division (E)(5) of this section as moneys are 3821
appropriated and available for that purpose. Any practice for 3822
which cost share is provided shall be maintained for its useful 3823
life. Failure to maintain a cost share practice for its useful 3824
life shall subject the landowner to full repayment to the 3825
division. 3826

(G) Issue orders requiring compliance with any rule adopted 3827
under division (E)(1) of this section or with section 1511.022 of 3828
the Revised Code. Before the chief issues an order, ~~he~~ the chief 3829
shall afford each person allegedly liable an adjudication hearing 3830
under Chapter 119. of the Revised Code. The chief may require in 3831
an order that a person who has caused agricultural pollution by 3832
failure to comply with the standards established under division 3833
(E)(1) of this section operate under an operation and management 3834
plan approved by the chief under this section. The chief shall 3835
require in an order that a person who has failed to comply with 3836
division (A) of section 1511.022 of the Revised Code prepare a 3837
composting plan in accordance with rules adopted under division 3838
(E)(10)(c) of this section and operate in accordance with that 3839
plan or that a person who has failed to operate in accordance with 3840
such a plan begin to operate in accordance with it. Each order 3841
shall be issued in writing and contain a finding by the chief of 3842
the facts upon which the order is based and the standard that is 3843
not being met. 3844

(H) Refrain from issuing any order requiring a pollution 3845
abatement practice that is eligible for cost sharing under 3846
division (E)(5) of this section unless public funds are available 3847
for cost sharing on those practices at not less than seventy-five 3848
per cent of the cost, but not more than fifteen thousand dollars 3849
per person per year for practices for abating agricultural 3850
pollution. The fifteen thousand dollar per person per year limit 3851

may be waived by majority vote of the Ohio soil and water
conservation commission.

(I) Employ field assistants and such other employees as are
necessary for the performance of the work prescribed by Chapter
1515. of the Revised Code, for performance of work of the
division, and as agreed to under working agreements or contractual
arrangements with local soil and water conservation districts,
prescribe their duties, and fix their compensation in accordance
with such schedules as are provided by law for the compensation of
state employees.

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

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

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

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

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

(4) Recommend measures to retard erosion and protect soil and water resources through the installation of water impoundment or other soil and water conservation practices;	3883 3884 3885
(5) Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources.	3886 3887 3888 3889
(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;	3890 3891 3892
(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;	3893 3894 3895 3896
(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.	3897 3898 3899 3900 3901 3902 3903
(N) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;	3904 3905 3906
(O)	3907
(P)	3908
(Q)	3909
(R)	3910
(S)	3911

~~(P)~~(O) When necessary for the purposes of this chapter or 3912
Chapter 1515. of the Revised Code, develop or approve operation 3913
and management plans. 3914

This section does not restrict the excrement of domestic or 3915
farm animals defecated on land outside a concentrated animal 3916
feeding operation or runoff therefrom into the waters of the 3917
state. 3918

Sec. 1511.022. (A) Any person who owns or operates an 3919
agricultural operation, or owns the animals raised by the owner or 3920
operator of an agricultural operation, and who wishes to conduct 3921
composting of dead animals resulting from the agricultural 3922
operation shall do both of the following: 3923

(1) Participate in an educational course concerning 3924
composting conducted by the Ohio cooperative extension service and 3925
obtain a certificate of completion for the course; 3926

(2) Use the appropriate method, technique, or practice of 3927
composting established in rules adopted under division (E)(10) of 3928
section 1511.02 of the Revised Code. 3929

(B) Any person who fails to comply with division (A) of this 3930
section shall prepare and operate under a composting plan in 3931
accordance with an order issued by the chief of the division of 3932
soil and water conservation under division (H) of section 1511.02 3933
of the Revised Code. If the person's proposed composting plan is 3934
disapproved by the board of supervisors of the appropriate soil 3935
and water conservation district under division ~~(F)~~(U)(3) of 3936
section 1515.08 of the Revised Code, the person may appeal the 3937
plan disapproval to the chief, who shall afford the person a 3938
hearing. Following the hearing, the chief shall uphold the plan 3939
disapproval or reverse it. If the chief reverses the disapproval, 3940
the plan shall be deemed approved. 3941

Sec. 1513.02. (A) The division of mines and reclamation shall 3942
administer, enforce, and implement this chapter. The chief of the 3943
division of mines and reclamation shall do all of the following: 3944
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(1) Adopt, amend, and rescind rules: 3946

(a) To administer and enforce this chapter; 3947

(b) To implement the requirements of this chapter for the 3948
reclamation of lands affected by coal mining, including such rules 3949
governing mining practices and procedures, segregation and 3950
placement of soil and topsoil, backfilling, grading, terracing, 3951
resoiling, soil conditioning and reconditioning, planting, 3952
establishment of drainage patterns, construction of impoundments, 3953
and the construction, maintenance, and disposition of haul roads, 3954
ditches, and dikes, as may be necessary or desirable, under 3955
varying conditions of slope, drainage, physical and chemical 3956
characteristics of soil and overburden, erodability of materials, 3957
season, growth characteristics of plants, and other factors 3958
affecting coal mining and reclamation, to facilitate the return of 3959
the land to a condition required by this chapter; to prevent 3960
pollution or substantial diminution of waters of the state, 3961
substantial erosion, substantial deposition of sediment, 3962
landslides, accumulation and discharge of acid water, and 3963
flooding, both during mining and reclamation and thereafter; to 3964
restore the recharge capacity of the mined area to approximate 3965
premining conditions; and to ensure full compliance with all 3966
requirements of this chapter relating to reclamation, and the 3967
attainment of those objectives in the interest of the public 3968
health, safety, and welfare to which these reclamation 3969
requirements are directed; 3970

(c) To meet the requirements of the "Surface Mining Control 3971
and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C. 1201. 3972

(2) Issue orders to enforce this chapter and rules adopted under it;	3973 3974
(3) Adopt rules for the internal management of the division that do not affect private rights;	3975 3976
(4) Adopt programs, rules, and procedures designed to assist 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.	3977 3978 3979 3980 3981 3982 3983 3984 3985 3986 3987
(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.;	3988 3989 3990 3991 3992 3993 3994 3995
(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;	3996 3997 3998 3999
(7)(a) <u>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</u>	4000 4001 4002 4003

coal mining and reclamation operations and abandoned mine lands is 4004
subject to all applicable performance standards and requirements 4005
established under this chapter and rules adopted under it, 4006
including, without limitation, standards and requirements 4007
established under section 1513.16 of the Revised Code and rules 4008
adopted pursuant to it. 4009

The beneficial use of coal combustion byproducts that is 4010
authorized at coal mining and reclamation operations and abandoned 4011
mine lands that are regulated under this chapter and rules adopted 4012
under it is not subject to the following provisions of Chapters 4013
3734. and 6111. of the Revised Code and rules adopted under those 4014
provisions: 4015

(i) Permit and license requirements for solid waste 4016
facilities established under sections 3734.02 and 3734.05 of the 4017
Revised Code; 4018

(ii) The prohibition against the open dumping of solid wastes 4019
established in section 3734.03 of the Revised Code; 4020

(iii) Solid waste generation and disposal fees established 4021
under sections 3734.57 to 3734.574 of the Revised Code; 4022

(iv) Permit to install and plan approval requirements 4023
established under sections 6111.03, 6111.44, and 6111.45 of the 4024
Revised Code. 4025

Nothing in division (A)(7) of this section shall be construed 4026
to limit any other requirements that are applicable to the 4027
beneficial use of coal combustion byproducts and that are 4028
established under Chapter 3704., 3714., 3734., or 6111. of the 4029
Revised Code or under local or federal laws, including, without 4030
limitation, requirements governing air pollution control permits, 4031
hazardous waste, national pollutant discharge elimination system 4032
permits, and section 401 water quality certifications. 4033

(b) As used in division (A)(7) of this section: 4034

(i) "Coal combustion byproducts" means fly ash, bottom ash, coal slag, flue gas desulphurization and fluidized bed combustion byproducts, air or water pollution control residues from the operation of a coal-fired electric or steam generation facility, and any material from a clean coal technology demonstration project or other innovative process at a coal-fired electric or steam generation facility. 4035
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(ii) "Beneficial use" means the use of coal combustion byproducts in a manner that is not equivalent to the establishment of a disposal system or a solid waste disposal facility and that is unlikely to affect human health or safety or the environment adversely or to degrade the existing quality of the land, air, or water. "Beneficial use" includes, without limitation, land application uses for agronomic value; land reclamation uses; and discrete, controlled uses for structural fill, pavement aggregate, pipe bedding aggregate, mine sealing, alternative drainage or capping material, and pilot demonstration projects. 4042
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(iii) "Structural fill" means the discrete, controlled use of a coal combustion byproduct as a substitute for a conventional aggregate, raw material, or soil under or immediately adjacent to a building or structure. "Structural fill" does not include uses that involve general filling or grading operations or valley fills. 4052
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(iv) "Pavement aggregate" means the discrete, controlled use of a coal combustion byproduct as a subbase material or drainage layer under or immediately adjacent to a paved road or a paved parking lot where the coal combustion byproduct is a substitute for a conventional aggregate, raw material, or soil. 4058
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(v) "Pipe bedding aggregate" means the discrete, controlled use of a coal combustion byproduct as a substitute for a conventional aggregate, raw material, or soil under, around, or 4063
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immediately adjacent to a water, sewer, or other pipeline. 4066

(vi) "Coal-fired electric or steam generation facility" 4067
includes any boiler that is fired with coal or with coal in 4068
combination with petroleum coke, oil, natural gas, or any other 4069
fossil fuel. 4070

(vii) "Solid waste disposal facility" means a facility for 4071
the disposal of solid wastes as provided in Chapter 3734. of the 4072
Revised Code and rules adopted under it. 4073

(viii) "Disposal system" has the same meaning as in section 4074
6111.01 of the Revised Code. 4075

(B) The chief, by rule, may designate as unsuitable for coal 4076
mining natural areas maintained on the registry of natural areas 4077
of the department of natural resources pursuant to ~~that chapter~~ 4078
Chapter 1517. Of the Revised Code, wild, scenic, or recreational 4079
river areas designated pursuant to ~~Chapter 1501. of the Revised~~ 4080
~~Code that chapter~~, publicly owned or dedicated parks, and other 4081
areas of unique and irreplaceable natural beauty or condition, or 4082
areas within specified distances of a public road, occupied 4083
dwelling, public building, school, church, community, or 4084
institutional building, public park, or cemetery. Such a 4085
designation may include land adjacent to the perimeters of those 4086
areas that may be necessary to protect their integrity. 4087

(C)(1) The adoption, amendment, and rescission of rules under 4088
divisions (A)(1) and (B) of this section are subject to Chapter 4089
119. of the Revised Code. 4090

(2) The issuance of orders under division (A)(2) of this 4091
section and appeals therefrom are not governed by or subject to 4092
Chapter 119. of the Revised Code, but are governed by this 4093
chapter. 4094

(D)(1) When the chief or an authorized representative of the 4095
chief determines that any condition or practice exists or that any 4096

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,
or water resources, the chief or the authorized representative
immediately shall order the cessation of coal mining and
reclamation operations or the portion thereof relevant to the
condition, practice, or violation. The cessation order shall
remain in effect until the chief or the authorized representative
determines that the condition, practice, or violation has been
abated or until the order is modified, vacated, or terminated by
the chief or the authorized representative pursuant to division
(D)(4) of this section or by the reclamation commission pursuant
to section 1513.13 of the Revised Code. When the chief or ~~an~~ the
authorized representative ~~of the chief~~ finds that the ordered
cessation of coal mining and reclamation operations or any portion
thereof will not completely abate the imminent danger to the
health or safety of the public or the significant, imminent
environmental harm to land, air, or water resources, the chief or
the authorized representative, in addition to the cessation order,
shall order the operator to take whatever steps the chief or the
authorized representative considers necessary to abate the
imminent danger or the significant environmental harm.

(2) When the chief or an authorized representative of the
chief determines that any person is in violation of any
requirement of this chapter or any permit condition required by
this chapter, but the violation does not create an imminent danger
to the health or safety of the public or cannot reasonably be
expected to cause significant, imminent environmental harm to
land, air, or water resources, the chief or the authorized
representative shall issue a notice of violation to the person or

the person's agent fixing a reasonable time for the abatement of 4129
the violation, provided that the time afforded a person to abate 4130
the violation shall not exceed the time limitations prescribed by 4131
the secretary of the interior in 30 C.F.R. Part 843 for an 4132
approvable state regulatory program under the "Surface Mining 4133
Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C. 4134
1201. 4135

If, upon expiration of the period of time as originally fixed 4136
or subsequently extended for good cause shown and upon the written 4137
finding of the chief or ~~an~~ the authorized representative ~~of the~~ 4138
~~chief~~, the chief or the authorized representative finds that the 4139
violation has not been abated, the chief or the authorized 4140
representative immediately shall order the cessation of coal 4141
mining and reclamation operations or the portion thereof relevant 4142
to the violation. The cessation order shall remain in effect until 4143
the chief or the authorized representative determines that the 4144
violation has been abated or until the order is modified, vacated, 4145
or terminated by the chief or the authorized representative 4146
pursuant to division (D)(4) of this section or by the reclamation 4147
commission pursuant to section 1513.13 of the Revised Code. In a 4148
cessation order issued under ~~this~~ division (D)(2) of this section, 4149
the chief or the authorized representative shall prescribe the 4150
steps necessary to abate the violation in the most expeditious 4151
manner possible. 4152

(3) When in the judgment of the chief or an authorized 4153
representative of the chief a pattern of violations of any 4154
requirements of this chapter or any permit conditions required by 4155
this chapter exists or has existed and the violations are caused 4156
by the unwarranted failure of the permittee to comply with any 4157
requirements of this chapter or any permit conditions or are 4158
willfully caused by the permittee, the chief or the authorized 4159
representative immediately shall issue an order to the permittee 4160

to show cause why the permit should not be suspended or revoked. 4161
If a hearing is requested, the chief shall inform all interested 4162
parties of the time and place of the hearing and conduct the 4163
hearing pursuant to division (D) of section 1513.13 of the Revised 4164
Code. Upon the permittee's failure to show cause why the permit 4165
should not be suspended or revoked, the chief or the authorized 4166
representative immediately shall suspend or revoke the permit. 4167

(4) Notices of violation and orders issued pursuant to this 4168
section shall set forth with reasonable specificity the nature of 4169
the violation and the remedial action required, the period of time 4170
established for abatement, and a reasonable description of the 4171
portion of the coal mining and reclamation operation to which the 4172
notice or order applies. Each notice or order issued under this 4173
section shall be given promptly to the alleged violator or the 4174
agent of the alleged violator by the chief or ~~the~~ an authorized 4175
representative of the chief who issues the notice or order. 4176
Notices and orders shall be in writing and shall be signed by the 4177
chief or the authorized ~~representatives~~ representative and may be 4178
modified, vacated, or terminated by the chief or the authorized 4179
representative. Any notice or order issued pursuant to this 4180
section that requires cessation of mining by the operator shall 4181
expire within thirty days after actual notice to the operator 4182
unless a public hearing pursuant to section 1513.13 of the Revised 4183
Code is held at the site or within such reasonable proximity to 4184
the site that any viewings of the site can be conducted during the 4185
course of the public hearing. 4186

(E) The chief may appoint, under section 121.13 of the 4187
Revised Code, an advisory committee of experts in the fields of 4188
hydrology, soil conservation, historic preservation, and related 4189
fields to provide advice on coal mining and reclamation practices, 4190
the environmental impact of coal mining, the adoption of rules, 4191
the approval of plans, and the issuance of permits under section 4192

1513.07 of the Revised Code. 4193

(F)(1) A person who violates a permit condition or any other 4194
provision of this chapter may be assessed a civil penalty by the 4195
chief, except that if the violation leads to the issuance of a 4196
cessation order under division (D) of this section, the civil 4197
penalty shall be assessed for each day until the person initiates 4198
the necessary corrective steps. The penalty shall not exceed five 4199
thousand dollars for each violation. Each day of continuing 4200
violation may be deemed a separate violation for purposes of 4201
penalty assessments. In determining the amount of the penalty, 4202
consideration shall be given to the person's history of previous 4203
violation at the particular coal mining operation; the seriousness 4204
of the violation, including any irreparable harm to the 4205
environment and any hazard to the health or safety of the public; 4206
whether the person was negligent; and the demonstrated diligence 4207
of the person charged in attempting to achieve rapid compliance 4208
after notification of the violation. 4209

(2) A civil penalty shall be assessed by the chief only after 4210
the person charged with a violation under division (F)(1) of this 4211
section has been given an opportunity for a public hearing. If a 4212
person charged with such a violation fails to avail self of the 4213
opportunity for a public hearing, a civil penalty shall be 4214
assessed by the chief after the chief has determined that a 4215
violation did occur, and the amount of the penalty ~~which~~ that is 4216
warranted, and has issued an order requiring that the penalty be 4217
paid. 4218

(3) Upon the issuance of a notice or order charging that a 4219
violation of this chapter has occurred, the chief shall inform the 4220
operator within thirty days of the proposed amount of the penalty 4221
and provide opportunity for an adjudicatory hearing pursuant to 4222
section 1513.13 of the Revised Code. The person charged with the 4223
penalty then shall have thirty days to pay the proposed penalty in 4224

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
shall have thirty days after receipt of the written decision to
pay the amount in full or file an appeal with the court of appeals
in accordance with section 1513.14 of the Revised Code. At the
time the petition for review of the proposed assessment is filed
with the secretary, the person shall forward the amount of the
penalty to the secretary for placement in the reclamation penalty
fund, which is hereby created. The fund shall be in the custody of
the treasurer of state, but shall not be a part of the state
treasury. Pursuant to administrative or judicial review of the
penalty, the secretary, within thirty days, shall remit the
appropriate amount of the penalty to the person, with interest, if
it is determined that no violation occurred or that the amount of
the penalty should be reduced, and the secretary shall forward the
balance of the penalty or, if the penalty was not reduced, the
entire amount of the penalty, with interest, to the chief for
deposit in the coal mining administration and reclamation reserve
fund created in section 1513.181 of the Revised Code. Failure to
forward the money to the secretary within thirty days after the
chief informs the operator of the proposed amount of the penalty
shall result in a waiver of all legal rights to contest the
violation or the amount of the penalty. Within fifteen days after
being informed of the penalty, the person charged with the penalty
may request in writing an informal assessment conference to review
the amount of the penalty. The conference shall be presided over
by the chief or ~~someone~~ an individual appointed by the chief other
than the inspector that issued the notice of violation or order
upon which the penalty is based. The chief shall adopt rules

governing procedures to be followed in informal conferences. Time 4258
allowed for payment of the penalty or appeal to the commission 4259
shall be tolled while the penalty is being reviewed in an informal 4260
conference. 4261

(4) An operator who fails to correct a violation for which a 4262
notice of violation or order has been issued under division (D) of 4263
this section within the period permitted for its correction shall 4264
be assessed a civil penalty of not less than seven hundred fifty 4265
dollars for each day during which the failure or violation 4266
continues. However, a civil penalty shall not be assessed under 4267
~~this~~ division (F)(4) of this section if the commission orders the 4268
suspension of the abatement requirement after determining, based 4269
upon the findings of an expedited hearing held under section 4270
1513.13 of the Revised Code at the request of the operator, that 4271
the operator will suffer irreparable loss or damage from the 4272
application of the abatement requirement or if the court orders 4273
suspension of the abatement requirement pursuant to review 4274
proceedings held under section 1513.14 of the Revised Code at the 4275
request of the operator. 4276

(G) The chief may enter into a cooperative agreement with the 4277
secretary of the interior to provide for state regulation of coal 4278
mining and reclamation operations on federal lands within the 4279
state. 4280

(H) The chief may prohibit augering if necessary to maximize 4281
the utilization, recoverability, or conservation of the solid fuel 4282
resources or to protect against adverse water quality impacts. 4283

(I) The chief shall transmit copies of all schedules 4284
submitted under section 1513.07 of the Revised Code pertaining to 4285
violations of air or water quality laws and rules adopted and 4286
orders issued ~~thereunder~~ under those laws in connection with coal 4287
mining operations to the director of environmental protection for 4288
verification. 4289

(J) For the purposes of sections 1513.18, 1513.24, 1513.37, 4290
and 1514.06 of the Revised Code, the chief triennially shall 4291
determine the average wage rate for companies performing 4292
reclamation work for the division under those sections by 4293
averaging the wage rate paid by all companies performing such 4294
reclamation work during the three years immediately preceding the 4295
determination. However, in making the initial determination under 4296
this division, the chief shall average the wage rate paid by all 4297
companies performing such reclamation work during the ten years 4298
immediately preceding October 29, 1995. 4299

Sec. 1513.18. (A) All money that becomes the property of the 4300
state under ~~divisions (A) to~~ division (G) of section 1513.16 of 4301
the Revised Code shall be deposited in the reclamation forfeiture 4302
fund, which is hereby created in the state treasury. Disbursements 4303
from the fund shall be made by the chief of the division of mines 4304
and reclamation only for the purpose of reclaiming areas of land 4305
affected by coal mining under a coal mining and reclamation permit 4306
issued on or after September 1, 1981, on which an operator has 4307
defaulted. 4308

(B) All cash that becomes the property of the state under 4309
division (H) of section 1513.16 of the Revised Code shall be 4310
deposited in the ~~defaulted areas~~ reclamation supplemental 4311
forfeiture fund, which is hereby created in the state treasury. 4312
The fund shall consist of all moneys so deposited, any moneys 4313
transferred to it under this division from the unreclaimed lands 4314
fund created in section 1513.30 of the Revised Code, any moneys 4315
transferred to it under section 1513.181 of the Revised Code from 4316
the coal mining and reclamation reserve fund created in that 4317
section, and moneys collected and credited to it pursuant to 4318
section 5749.02 of the Revised Code. Disbursements from the fund 4319
shall be made by the chief only for the purpose of reclaiming 4320

~~areas of land affected by coal mining under a permit issued under~~ 4321
~~this chapter after April 10, 1972, but before September 1, 1981,~~ 4322
~~on which an operator has defaulted. The that an operator has~~ 4323
~~affected by mining and failed to reclaim under a coal mining and~~ 4324
~~reclamation permit issued under this chapter or under a surface~~ 4325
~~mining permit issued under Chapter 1514. of the Revised Code. The~~ 4326
~~chief's priority for management of the fund, including the~~ 4327
~~selection of projects and transfer of moneys, shall be to ensure~~ 4328
~~that sufficient moneys are available for the reclamation of areas~~ 4329
~~affected by mining under a coal mining and reclamation permit.~~ 4330

The chief may expend moneys from the defaulted areas fund to 4331
pay necessary administrative costs, including engineering and 4332
design services, incurred by the division in reclaiming these 4333
areas. Expenditures from the fund to pay such administrative costs 4334
need not be made under contract. 4335

As moneys are spent from the fund, the director of budget and 4336
management, upon the certification of the chief, shall transfer 4337
additional moneys from the unreclaimed lands fund created in 4338
section 1513.30 of the Revised Code that the chief requests, 4339
provided that the director shall not transfer more than one 4340
million dollars from the unreclaimed lands fund to the reclamation 4341
supplemental forfeiture fund during any fiscal year. 4342

(C) Except when paying necessary administrative costs 4343
authorized by division (B) of this section, expenditures from 4344
either fund shall be made under contracts entered into by the 4345
chief, with the approval of the director of natural resources, in 4346
accordance with procedures established by the chief, by rules 4347
adopted in accordance with section 1513.02 of the Revised Code. 4348
The chief may reclaim the land in the same manner as set forth in 4349
sections 1513.21 to 1513.24 of the Revised Code. Each contract 4350
awarded by the chief shall be awarded to the lowest responsive and 4351
responsible bidder, in accordance with section 9.312 of the 4352

Revised Code, after sealed bids are received, opened, and
published at the time and place fixed by the chief. The chief
shall publish notice of the time and place at which bids will be
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- 4417

~~(G)~~(E) The chief shall keep a detailed accounting of the 4418
expenditures from the reclamation supplemental forfeiture fund ~~and~~ 4419
~~of the additional expenditures from the defaulted areas fund to~~ 4420
complete reclamation of the land and, upon completion of the 4421
reclamation, shall certify the expenditures to the attorney 4422
general. Upon the chief's certification of the expenditures from 4423
the reclamation supplemental forfeiture fund ~~or the additional~~ 4424
~~expenditures from the defaulted areas fund,~~ the attorney general 4425
shall bring an action for that amount of money. The operator is 4426
liable for ~~such~~ that expense in addition to any other liabilities 4427
imposed by law. Moneys so recovered shall be credited to the 4428
reclamation supplemental forfeiture fund ~~or the defaulted areas~~ 4429
~~fund, as appropriate.~~ The chief shall not postpone the reclamation 4430
because of any action brought by the attorney general under this 4431
division. Prior to completing reclamation, the chief may collect 4432
through the attorney general any additional amount that the chief 4433
believes will be necessary for reclamation in excess of the 4434
forfeited bond amount applicable to the land that the operator 4435
should have, but failed to, reclaim. 4436

~~(H)~~(F) If any part of the moneys in the reclamation 4437
forfeiture fund remains in the fund after the chief has caused the 4438
area of land to be reclaimed and has paid all the reclamation 4439
costs and expenses, the chief may expend those moneys to complete 4440
other reclamation work performed under this section on forfeiture 4441
areas affected under a coal mining and reclamation permit issued 4442
on or after September 1, 1981. 4443

~~(I)~~ If any part of the moneys in the defaulted areas fund 4444
~~remains in the fund after the chief has caused the area of land to~~ 4445
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 4446
~~the chief may expend those moneys to complete other reclamation~~ 4447
~~work performed under this section on forfeiture areas affected~~ 4448

~~under a coal mining and reclamation permit issued after April 10, 1972, but before September 1, 1981.~~

~~(J)(G)~~ The chief shall require every contractor performing reclamation work pursuant to this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work as determined by the chief under section 1513.02 of the Revised Code.

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

chapter. 4480

Fines collected under division (F) of section 1513.02 and 4481
section 1513.99 of the Revised Code, and fines collected for a 4482
violation of section 2921.31 of the Revised Code that, prior to 4483
~~the effective date of this amendment July 1, 1996,~~ would have been 4484
a violation of division (G) of section 1513.17 of the Revised Code 4485
as it existed prior to that date, shall be paid into the coal 4486
mining administration and reclamation reserve fund. 4487

Sec. 1513.20. The chief of the division of mines and 4488
reclamation, with the approval of the director of natural 4489
resources, may purchase or acquire by gift, donation, or 4490
contribution any eroded land, including land affected by strip 4491
mining, for which no cash is held in the ~~strip mining~~ reclamation 4492
forfeiture fund created by section 1513.18 of the Revised Code. 4493
For this purpose the chief may expend moneys deposited in the 4494
unreclaimed lands fund created by section 1513.30 of the Revised 4495
Code. All lands purchased or acquired shall be deeded to the 4496
state, but no deed shall be accepted or the purchase price paid 4497
until the title has been approved by the attorney general. 4498

Sec. 1513.30. There is hereby created in the state treasury 4499
the unreclaimed lands fund, to be administered by the chief of the 4500
division of mines and reclamation and used for the purpose of 4501
reclaiming land, public or private ~~land,~~ affected by mining or 4502
controlling mine drainage, for which no cash is held in the ~~strip~~ 4503
~~mining~~ reclamation forfeiture fund created in section 1513.18 of 4504
the Revised Code or the surface mining reclamation fund created in 4505
section 1514.06 of the Revised Code, and also for the purpose of 4506
paying the expenses and compensation of the council on unreclaimed 4507
strip mined lands as required by section 1513.29 of the Revised 4508
Code. 4509

In order to direct expenditures from the unreclaimed lands fund toward reclamation projects that fulfill priority needs and provide the greatest public benefits, the chief ~~shall~~ periodically shall submit to the council project proposals to be financed from the unreclaimed lands fund, together with benefit and cost data and other pertinent information. For the purpose of selecting project areas and determining the boundaries of project areas, the council shall consider the feasibility, cost, and public benefits of reclaiming the areas, their potential for being mined, the availability of federal or other financial assistance for reclamation, and the geographic distribution of project areas to ensure fair distribution among affected areas.

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

(A) The pollution of the waters of the state and damage to adjacent property are most severe and widespread;*i*

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

At least two weeks before any meeting of the council on unreclaimed strip mined lands at which the chief will submit a project proposal, a project area will be selected, or the boundaries of a project area will be determined, the chief shall mail notice by first class mail to the board of county commissioners of the county and the board of township trustees of the township in which the proposed project lies and the chief

executive and the legislative authority of each municipal 4541
corporation within the proposed project area. The chief also shall 4542
give reasonable notice to the news media in the county where the 4543
proposed project lies. 4544

Expenditures from the unreclaimed lands fund for reclamation 4545
projects may be made only for projects that are within the 4546
boundaries of project areas approved by the council, and 4547
expenditures for a particular project may not exceed any 4548
applicable limits set by the council. Expenditures from the 4549
unreclaimed lands fund shall be made by the chief, with the 4550
approval of the director of natural resources. 4551

The controlling board may transfer excess funds from the oil 4552
and gas well plugging fund, after recommendation by the council on 4553
unreclaimed strip mined lands, to meet deficiencies in the 4554
unreclaimed lands fund. 4555

The chief may expend an amount not to exceed twenty per cent 4556
of the moneys credited annually by the treasurer of state to the 4557
unreclaimed lands fund for the purpose of administering the 4558
unreclaimed lands fund. 4559

The chief may engage in cooperative projects under this 4560
section with any agency of the United States, appropriate state 4561
agencies, or state universities or colleges as defined in section 4562
3345.27 Of the Revised Code and may transfer money from the fund, 4563
with the approval of the council, to other appropriate state 4564
agencies or to state universities or colleges in order to carry 4565
out the reclamation activities authorized by this section. 4566

Sec. 1513.37. (A) There is hereby created in the state 4567
treasury the abandoned mine reclamation fund, which shall be 4568
administered by the chief of the division of mines and 4569
reclamation. The fund shall consist of grants from the United 4570

~~States~~ secretary of the interior ~~out of~~ from the federal abandoned mine reclamation fund established by Title IV of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, regulations adopted ~~thereunder~~ under it, and amendments ~~thereto~~ to the act and regulations. Expenditures from the abandoned mine reclamation fund shall be made by the chief for the following purposes:

(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;

(2) Acquisition and filling of voids and sealing of tunnels, shafts, and entryways of ~~non-coal~~ NONCOAL lands;

(3) Acquisition of land as provided for in this section;

(4) Administrative expenses incurred in accomplishing the purposes of this section;

(5) All other necessary expenses to accomplish the purposes of this section.

(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:

(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;

(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;

(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;

(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;

(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;

(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.

(C)(1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:

(a) Are lands that were ~~and~~ abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws;

(b) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and August 16, 1982, and that any moneys for reclamation or abatement that are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site;

(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 for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform ~~such~~ the work in accordance with this section.

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

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

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

(4) Before making any expenditure of funds from the fund to implement any specific reclamation project under this section, the chief first shall submit to the council a project proposal and any other pertinent information regarding the project requested by the

council for review and approval of the specific project by the 4693
council. 4694

(5) The chief may submit ~~such~~ annual and other reports 4695
required by the secretary when funds are provided by the secretary 4696
under Title IV of the "Surface Mining Control and Reclamation Act 4697
of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, regulations adopted 4698
~~thereunder~~ under it, and amendments ~~thereto~~ to the act and
regulations. 4699
4700

(E)(1) There is hereby created in the state treasury the acid 4701
mine drainage abatement and treatment fund, which shall be 4702
administered by the chief. The fund shall consist of grants from 4703
the ~~United States~~ secretary of the interior ~~out of~~ from the 4704
federal abandoned mine reclamation fund pursuant to section 4705
402(g)(6) of Title IV of the "Surface Mining Control and 4706
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201. All 4707
investment earnings of the fund shall be credited to the fund. 4708

(2) The chief shall make expenditures from the fund, in 4709
consultation with the United States department of agriculture, 4710
soil conservation service, to implement acid mine drainage 4711
abatement and treatment plans approved by the ~~United States~~ 4712
secretary ~~of the interior~~. The plans shall provide for the 4713
comprehensive abatement of the causes and treatment of the effects 4714
of acid mine drainage within qualified hydrologic units affected 4715
by coal mining practices and shall include at least all of the 4716
following: 4717

~~(1)~~(a) An identification of the qualified hydrologic unit. As 4718
used in division (E) of this section, "qualified hydrologic unit" 4719
means a hydrologic unit that meets all of the following criteria: 4720
4721

~~(a)~~(i) The water quality in the unit has been significantly 4722
affected by acid mine drainage from coal mining practices in a 4723

manner that has an adverse impact on biological resources; 4724

~~(b)~~(ii) The unit contains lands and waters that meet the 4725
eligibility requirements established under division (C) of this 4726
section and any of the priorities established in divisions (B)(1) 4727
to (3) of this section; 4728

~~(e)~~(iii) The unit contains lands and waters that are proposed 4729
to be the subject of expenditures from the reclamation forfeiture 4730
fund created in section 1513.18 of the Revised Code, the ~~defaulted~~ 4731
~~areas~~ reclamation supplemental forfeiture fund created in that 4732
section, or the unreclaimed lands fund created in section 1513.30 4733
of the Revised Code. 4734

~~(2)~~(b) The extent to which acid mine drainage is affecting 4735
the water quality and biological resources within the hydrologic 4736
unit; 4737

~~(3)~~(c) An identification of the sources of acid mine drainage 4738
within the hydrologic unit; 4739

~~(4)~~(d) An identification of individual projects and the 4740
measures proposed to be undertaken to abate and treat the causes 4741
or effects of acid mine drainage within the hydrologic unit; 4742

~~(5)~~(e) The cost of undertaking the proposed abatement and 4743
treatment measures; 4744

~~(6)~~(f) An identification of existing and proposed sources of 4745
funding for those measures; 4746

~~(7)~~(g) An analysis of the cost-effectiveness and 4747
environmental benefits of abatement and treatment measures. 4748

(3) The chief may make grants of moneys from the acid mine 4749
drainage abatement and treatment fund to watershed groups for 4750
conducting projects to accomplish the purposes of this section. A 4751
grant may be made in an amount equal to not more than fifty per 4752
cent of each of the following: 4753

(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following: 4754
4755

(i) Identify a watershed as a qualified hydrologic unit; 4756

(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group. 4757
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(b) Engineering design costs and construction costs involved in the project, provided that the project is conducted in a qualified hydrologic unit and the chief considers the project to be a priority. 4760
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A watershed group that wishes to obtain a grant under division (E)(3) of this section shall submit an application to the chief on forms provided by the division of mines and reclamation, together with detailed estimates and timetables for accomplishing the stated goals of the project and any other information that the chief requires. 4764
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For the purposes of establishing priorities for awarding grants under division (E)(3) of this section, the chief shall consider each project's feasibility, cost-effectiveness, and environmental benefit, together with the availability of matching funding, including in-kind services, for the project. 4770
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The chief shall enter into a contract for funding with each applicant awarded a grant to ensure that the moneys granted are used for the purposes of this section and that the work that the project involves is done properly. The contract is not subject to division (B) of section 127.16 of the Revised Code. The final payment of grant moneys shall not be made until the chief inspects and approves the completed project. 4775
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The chief shall require each applicant awarded a grant under this section who conducts a project involving construction work to 4782
4783

pay workers at the greater of their regular rate of pay, as 4784
established by contract, agreement, or prior custom or practice, 4785
or the average wage rate paid in this state for the same or 4786
similar work performed in the same or a similar locality by 4787
private companies doing similar work on similar projects. 4788

As used in division (E)(3) of this section, "watershed group" 4789
means a charitable organization as defined in section 1716.01 of 4790
the Revised Code that has been established for the purpose of 4791
conducting reclamation of land and waters adversely affected by 4792
coal mining practices and specifically for conducting acid mine 4793
drainage abatement. 4794

(F)(1) If the chief makes a finding of fact that land or 4795
water resources have been adversely affected by past coal mining 4796
practices; the adverse effects are at a stage where, in the public 4797
interest, action to restore, reclaim, abate, control, or prevent 4798
the adverse effects should be taken; the owners of the land or 4799
water resources where entry must be made to restore, reclaim, 4800
abate, control, or prevent the adverse effects of past coal mining 4801
practices are not known or are not readily available; or the 4802
owners will not give permission for the state, political 4803
subdivisions, or their agents, employees, or contractors to enter 4804
upon the property to restore, reclaim, abate, control, or prevent 4805
the adverse effects of past coal mining practices; then, upon 4806
giving notice by mail to the owners, if known, or, if not known, 4807
by posting notice upon the premises and advertising once in a 4808
newspaper of general circulation in the municipal corporation or 4809
county in which the land lies, the chief or the chief's agents, 4810
employees, or contractors may enter upon the property adversely 4811
affected by past coal mining practices and any other property to 4812
have access to the property to do all things necessary or 4813
expedient to restore, reclaim, abate, control, or prevent the 4814
adverse effects. The entry shall be construed as an exercise of 4815

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; 4847

(c) Acquisition of coal refuse disposal sites and all coal 4848
refuse thereon will serve the purposes of this section or that 4849
public ownership is desirable to meet emergency situations and 4850
prevent recurrences of the adverse effects of past coal mining 4851
practices. 4852

(4)(a) Title to all lands acquired pursuant to this section 4853
shall be in the name of the state. The price paid for land 4854
acquired under this section shall reflect the market value of the 4855
land as adversely affected by past coal mining practices. 4856

(b) The chief may receive grants on a matching basis from the 4857
secretary of the interior for the purpose of carrying out this 4858
section. 4859

(5)(a) Where land acquired pursuant to this section is 4860
considered to be suitable for industrial, commercial, residential, 4861
or recreational development, the chief may sell the land by public 4862
sale under a system of competitive bidding at not less than fair 4863
market value and under ~~such~~ other requirements imposed by rule to 4864
ensure that the lands are put to proper use consistent with local 4865
and state land use plans, if any, as determined by the chief. 4866

(b) The chief, when requested, and after appropriate public 4867
notice, shall hold a public meeting in the county, counties, or 4868
other appropriate political subdivisions of the state in which 4869
lands acquired pursuant to this section are located. The meetings 4870
shall be held at a time ~~which~~ that shall afford local citizens and 4871
governments the maximum opportunity to participate in the decision 4872
concerning the use or disposition of the lands after restoration, 4873
reclamation, abatement, control, or prevention of the adverse 4874
effects of past coal mining practices. 4875

(6) In addition to the authority to acquire land under 4876
division (F)(3) of this section, the chief may use money in the 4877

fund to acquire land by purchase, donation, or condemnation, and
to reclaim and transfer acquired land to a political subdivision,
or to any person, if the chief determines that it is an integral
and necessary element of an economically feasible plan for the
construction or rehabilitation of housing for persons disabled as
the result of employment in the mines or work incidental ~~thereto~~
to that employment, persons displaced by acquisition of land
pursuant to this section, persons dislocated as the result of
adverse effects of coal mining practices that constitute an
emergency as provided in the "Surface Mining Control and
Reclamation Act of 1977," 91 Stat. 466, 30 U.S.C.A. 1240, or
amendments ~~thereto~~ to it, or persons dislocated as the result of
natural disasters or catastrophic failures from any cause. Such
activities shall be accomplished under such terms and conditions
as the chief requires, which may include transfers of land with or
without monetary consideration, except that to the extent that the
consideration is below the fair market value of the land
transferred, no portion of the difference between the fair market
value and the consideration shall accrue as a profit to those
persons. No part of the funds provided under this section may be
used to pay the actual construction costs of housing. The chief
may carry out the purposes of ~~this~~ division (F)(6) of this section
directly or by making grants and commitments for grants, and may
advance money under such terms and conditions as the chief may
require to any agency or instrumentality of the state or any
public body or nonprofit organization designated by the chief.

(G)(1) Within six months after the completion of projects to
restore, reclaim, abate, control, or prevent adverse effects of
past coal mining practices on privately owned land, the chief
shall itemize the moneys so expended and may file a statement
thereof of the expenditures in the office of the county recorder
of the county in which the land lies, together with a notarized

appraisal by an independent appraiser of the value of the land 4910
before the restoration, reclamation, abatement, control, or 4911
prevention of adverse effects of past coal mining practices if the 4912
moneys so expended result in a significant increase in property 4913
value. The statement shall constitute a lien upon the land as of 4914
the date of the expenditures of the moneys and shall have priority 4915
as a lien second only to the lien of real property taxes imposed 4916
upon the land. The lien shall not exceed the amount determined by 4917
the appraisal to be the increase in the fair market value of the 4918
land as a result of the restoration, reclamation, abatement, 4919
control, or prevention of the adverse effects of past coal mining 4920
practices. No lien shall be filed under ~~this~~ division (G) of this 4921
section against the property of any person who owned the surface 4922
prior to May 2, 1977, and did not consent to, participate in, or 4923
exercise control over the mining operation that necessitated the 4924
reclamation performed. 4925

(2) The landowner may petition, within sixty days after the 4926
filing of the lien, to determine the increase in the fair market 4927
value of the land as a result of the restoration, reclamation, 4928
abatement, control, or prevention of the adverse effects of past 4929
coal mining practices. The amount reported to be the increase in 4930
value of the premises shall constitute the amount of the lien and 4931
shall be recorded with the statement provided in this section. Any 4932
party aggrieved by the decision may appeal as provided by state 4933
law. 4934

(3) The lien provided in ~~this~~ division (G) of this section 4935
shall be recorded and indexed, under the name of the state and the 4936
landowner, in a lien index in the office of the county recorder of 4937
the county in which the land lies. The county recorder shall 4938
impose no charge for the recording or indexing of the lien. If the 4939
land is registered, the county recorder shall make a notation and 4940
enter a memorial of the lien upon the page of the register in 4941

which the last certificate of title to the land is registered, 4942
stating the name of the claimant, amount claimed, volume and page 4943
of the record where recorded, and exact time the memorial was 4944
entered. 4945

(4) The lien shall continue in force so long as any portion 4946
of the amount of the lien remains unpaid. If the lien remains 4947
unpaid at the time of conveyance of the land on which the lien was 4948
placed, the conveyance may be set aside. Upon repayment in full of 4949
the moneys expended under this section, the chief promptly shall 4950
issue a certificate of release of the lien. Upon presentation of 4951
the certificate of release, the county recorder of the county in 4952
which the lien is recorded shall record the lien as having been 4953
discharged. 4954

(5) A lien imposed under this section shall be foreclosed 4955
upon the substantial failure of a landowner to pay any portion of 4956
the amount of the lien. Before foreclosing any lien under this 4957
section, the chief shall make a written demand upon the landowner 4958
for payment. If the landowner does not pay the amount due within 4959
sixty days, the chief shall refer the matter to the attorney 4960
general, who shall institute a civil action to foreclose the lien. 4961

(H)(1) The chief may fill ~~such~~ voids, seal ~~such~~ abandoned 4962
tunnels, shafts, and entryways, and reclaim surface impacts of 4963
underground or strip mines that the chief determines could 4964
endanger life and property, constitute a hazard to the public 4965
health and safety, or degrade the environment. 4966

(2) In those instances where mine waste piles are being 4967
reworked for conservation purposes, the incremental costs of 4968
disposing of the wastes from those operations by filling voids and 4969
sealing tunnels may be eligible for funding, provided that the 4970
disposal of these wastes meets the purposes of this section. 4971

(3) The chief may acquire by purchase, donation, easement, or 4972

otherwise such interest in land as the chief determines necessary 4973
to carry out ~~this~~ division (H) of this section. 4974

~~(I) Not later than January 1, 1978, and annually thereafter,~~ 4975
~~the~~ The chief shall report annually to the secretary of the 4976
interior on operations under the fund and include recommendations 4977
as to its future uses. 4978

(J)(1) The chief may engage in any work and do all things 4979
necessary or expedient, including the adoption of rules, to 4980
implement and administer this section. 4981

(2) The chief may engage in cooperative projects under this 4982
section with any agency of the United States, any other state, or 4983
their governmental agencies or with any state university or 4984
college as defined in section 3345.27 Of the Revised Code. The 4985
cooperative projects are not subject to division (B) of section 4986
127.16 Of the Revised Code. 4987

(3) The chief may request the attorney general to initiate in 4988
any court of competent jurisdiction an action in equity for an 4989
injunction to restrain any interference with the exercise of the 4990
right to enter or to conduct any work provided in this section, 4991
which remedy is in addition to any other remedy available under 4992
this section. 4993

(4) The chief may construct or operate a plant or plants for 4994
the control and treatment of water pollution resulting from mine 4995
drainage. The extent of this control and treatment may be 4996
dependent upon the ultimate use of the water. Division (J)(4) of 4997
this section does not repeal or supersede any portion of the 4998
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 4999
U.S.C.A. 1151, as amended, and no control or treatment under 5000
division (J)(4) of this section, in any way, shall be less than 5001
that required by that act. The construction of a plant or plants 5002
may include major interceptors and other facilities appurtenant to 5003

the plant. 5004

(5) The chief may transfer money from the abandoned mine 5005
reclamation fund and the acid mine drainage abatement and 5006
treatment fund to other appropriate state agencies or to state 5007
universities or colleges in order to carry out the reclamation 5008
activities authorized by this section. 5009

(K) The chief may contract for any part of work to be 5010
performed under this section, with or without advertising for 5011
bids, if the chief determines that a condition exists that could 5012
reasonably be expected to cause substantial physical harm to 5013
persons, property, or the environment and to which persons or 5014
improvements on real property are currently exposed. 5015

The chief shall require every contractor performing 5016
reclamation work under this section to pay its workers at the 5017
greater of their regular rate of pay, as established by contract, 5018
agreement, or prior custom or practice, or the average wage rate 5019
paid in this state for the same or similar work as determined by 5020
the chief under section 1513.02 of the Revised Code. 5021

(L)(1) The chief may contract for the emergency restoration, 5022
reclamation, abatement, control, or prevention of adverse effects 5023
of mining practices on eligible lands if the chief determines that 5024
an emergency exists constituting a danger to the public health, 5025
safety, or welfare and that no other person or agency will act 5026
expeditiously to restore, reclaim, abate, control, or prevent 5027
those adverse effects. The chief may enter into a contract for 5028
emergency work under ~~this~~ division (L) of this section without 5029
advertising for bids. Any such contract or any purchase of 5030
materials for emergency work under ~~this~~ division (L) of this 5031
section is not subject to division (B) of section 127.16 of the 5032
Revised Code. 5033

(2) The chief or the chief's agents, employees, or 5034

contractors may enter on any land where such an emergency exists, 5035
and on other land in order to have access to that land, in order 5036
to restore, reclaim, abate, control, or prevent the adverse 5037
effects of mining practices and to do all things necessary or 5038
expedient to protect the public health, safety, or welfare. Such 5039
an entry shall be construed as an exercise of the police power and 5040
shall not be construed as an act of condemnation of property or of 5041
trespass. The moneys expended for the work and the benefits 5042
accruing to any premises so entered upon shall be chargeable 5043
against the land and shall mitigate or offset any claim in or any 5044
action brought by any owner of any interest in the premises for 5045
any alleged damages by virtue of the entry. This provision is not 5046
intended to create new rights of action or eliminate existing 5047
immunities. 5048

Sec. 1515.03. Each county shall have a soil and water 5049
conservation district coextensive with the geographic area of the 5050
county, and each district shall constitute a political subdivision 5051
of this state. ~~On May 2, 1980, each existing district created~~ 5052
~~pursuant to former section 1515.03 of the Revised Code shall~~ 5053
~~include the entire county in which it is located.~~ 5054

~~A municipal corporation may remove itself from or reinstate~~ 5055
~~itself in the territory of a soil and water conservation district~~ 5056
~~by filing a resolution of its legislative authority with the soil~~ 5057
~~and water conservation commission at least sixty days before the~~ 5058
~~effective date of the removal or reinstatement.~~ 5059

Sec. 1515.08. The supervisors of a soil and water 5060
conservation district have the following powers in addition to 5061
their other powers: 5062

(A) To conduct surveys, investigations, and research relating 5063
to the character of soil erosion, floodwater and sediment damages, 5064

and the preventive and control measures and works of improvement 5065
for flood prevention and the conservation, development, 5066
utilization, and disposal of water needed within the district, and 5067
to publish the results of those surveys, investigations, or 5068
research, provided that no district shall initiate any research 5069
program except in cooperation or after consultation with the Ohio 5070
agricultural research and development center; 5071

5072

(B) To develop plans for the conservation of soil resources, 5073
for the control and prevention of soil erosion, and for works of 5074
improvement for flood prevention and the conservation, 5075
development, utilization, and disposal of water within the 5076
district, and to publish those plans and information; 5077

(C) To implement, construct, repair, maintain, and operate 5078
preventive and control measures and other works of improvement for 5079
natural resource conservation and development and flood 5080
prevention, and the conservation, development, utilization, and 5081
disposal of water within the district on lands owned or controlled 5082
by this state or any of its agencies and on any other lands within 5083
the district, which works may include any facilities authorized 5084
under state or federal programs, and to acquire, by purchase or 5085
gift, to hold, encumber, or dispose of, and to lease real and 5086
personal property or interests in such property for those 5087
purposes; 5088

(D) To cooperate or enter into agreements with any occupier 5089
of lands within the district in the carrying on of natural 5090
resource conservation operations and works of improvement for 5091
flood prevention and the conservation, development, utilization, 5092
and management of natural resources within the district, subject 5093
to such conditions as the supervisors consider necessary; 5094

(E) To accept donations, gifts, grants, and contributions in 5095
money, service, materials, or otherwise, and to use or expend them 5096

according to their terms; 5097

(F) To adopt, amend, and rescind rules to carry into effect 5098
the purposes and powers of the district; 5099

(G) To sue and plead in the name of the district, and be sued 5100
and impleaded in the name of the district, with respect to its 5101
contracts and, as indicated in section 1515.081 of the Revised 5102
Code, certain torts of its officers, employees, or agents acting 5103
within the scope of their employment or official responsibilities, 5104
or with respect to the enforcement of its obligations and 5105
covenants made under this chapter; 5106

(H) To make and enter into all contracts, leases, and 5107
agreements and execute all instruments necessary or incidental to 5108
the performance of the duties and the execution of the powers of 5109
the district under this chapter, provided that all of the 5110
following apply: 5111

(1) ~~When~~ Except as provided in section 307.86 Of the Revised 5112
Code regarding expenditures by boards of county commissioners, 5113
when the cost under any such contract, lease, or agreement, other 5114
than compensation for personal services or rental of office space, 5115
involves an expenditure of more than ~~ten thousand dollars~~ the 5116
amount established in that section regarding expenditures by 5117
boards of county commissioners, the supervisors shall make a 5118
written contract with the lowest and best bidder after 5119
advertisement, for not less than two nor more than four 5120
consecutive weeks preceding the day of the opening of bids, in a 5121
newspaper of general circulation within the district and in such 5122
other publications as the supervisors determine. The notice shall 5123
state the general character of the work and materials to be 5124
furnished, the place where plans and specifications may be 5125
examined, and the time and place of receiving bids. 5126

(2) Each bid for a contract shall contain the full name of 5127

every person interested in it-*i* 5128

(3) Each bid for a contract for the construction, demolition, 5129
alteration, repair, or reconstruction of an improvement shall meet 5130
the requirements of section 153.54 of the Revised Code-*i* 5131
5132

(4) Each bid for a contract, other than a contract for the 5133
construction, demolition, alteration, repair, or reconstruction of 5134
an improvement, at the discretion of the supervisors, may be 5135
accompanied by a bond or certified check on a solvent bank in an 5136
amount not to exceed five per cent of the bid, conditioned that, 5137
if the bid is accepted, a contract shall be entered into-*i* 5138

(5) The supervisors may reject any and all bids. 5139

(I) To make agreements with the department of natural 5140
resources giving it control over lands of the district for the 5141
purpose of construction of improvements by the department under 5142
section 1501.011 of the Revised Code; 5143

(J) To charge, alter, and collect rentals and other charges 5144
for the use or services of any works of the district; 5145

(K) To enter, either in person or by designated 5146
representatives, upon lands, private or public, in the necessary 5147
discharge of their duties; 5148

(L) To enter into agreements or contracts with the department 5149
for the determination, implementation, inspection, and funding of 5150
agricultural pollution abatement and urban sediment pollution 5151
abatement measures whereby landowners, operators, managers, and 5152
developers may meet adopted state standards for a quality 5153
environment, except that failure of a district board of 5154
supervisors to negotiate an agreement or contract with the 5155
department shall authorize the division of soil and water 5156
conservation to implement the required program; 5157

(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 implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;

(S) To develop operation and management plans, as defined in

section 1511.01 of the Revised Code, as necessary; 5189

(T) To determine whether operation and management plans 5190
developed under division (A) of section 1511.021 of the Revised 5191
Code comply with the standards established under division (E)(1) 5192
of section 1511.02 of the Revised Code and to approve or 5193
disapprove the plans, based on such compliance. If an operation 5194
and management plan is disapproved, the board shall provide a 5195
written explanation to the person who submitted the plan. The 5196
person may appeal the plan disapproval to the chief, who shall 5197
afford the person a hearing. Following the hearing, the chief 5198
shall uphold the plan disapproval or reverse it. If the chief 5199
reverses the plan disapproval, the plan shall be deemed approved 5200
under this division. In the event that any person operating or 5201
owning agricultural land or a concentrated animal feeding 5202
operation in accordance with an approved operation and management 5203
plan who, in good faith, is following that plan, causes 5204
agricultural pollution, the plan shall be revised in a fashion 5205
necessary to mitigate the agricultural pollution, as determined 5206
and approved by the board of supervisors of the soil and water 5207
conservation district. 5208

~~(T)~~(U) With regard to composting conducted in conjunction 5209
with agricultural operations, to do all of the following: 5210

(1) Upon request or upon their own initiative, inspect 5211
composting at any such operation to determine whether the 5212
composting is being conducted in accordance with section 1511.022 5213
of the Revised Code; 5214

(2) If the board determines that composting is not being so 5215
conducted, request the chief to issue an order under division (H) 5216
of section 1511.02 of the Revised Code requiring the person who is 5217
conducting the composting to prepare a composting plan in 5218
accordance with rules adopted under division (E)(10)(c) of that 5219

section and to operate in accordance with that plan or to operate 5220
in accordance with a previously prepared plan, as applicable; 5221

(3) In accordance with rules adopted under division 5222
(E)(10)(c) of section 1511.02 of the Revised Code, review and 5223
approve or disapprove any such composting plan. If a plan is 5224
disapproved, the board shall provide a written explanation to the 5225
person who submitted the plan. 5226

As used in division ~~(T)~~(U) of this section, "composting" has 5227
the same meaning as in section 1511.01 of the Revised Code. 5228

~~(U)~~(V) To do all acts necessary or proper to carry out the 5229
powers granted in this chapter. 5230

The director of natural resources shall make recommendations 5231
to reduce the adverse environmental effects of each project that a 5232
soil and water conservation district plans to undertake under 5233
division (A), (B), (C), or (D) of this section and that will be 5234
funded in whole or in part by moneys authorized under section 5235
1515.16 of the Revised Code and shall disapprove any such project 5236
~~which he~~ that the director finds will adversely affect the 5237
environment without equal or greater benefit to the public. The 5238
director's disapproval or recommendations, upon the request of the 5239
district filed in accordance with rules adopted by the Ohio soil 5240
and water conservation commission, shall be reviewed by the 5241
commission, which may confirm the director's decision, modify it, 5242
or add recommendations to or approve a project the director has 5243
disapproved. 5244

Sec. 1515.24. Upon receipt of a certification made by the 5245
supervisors of a soil and water conservation district pursuant to 5246
section 1515.20 of the Revised Code, the board of county 5247
commissioners may levy upon the property within the project area 5248
an assessment at a uniform or varied rate based upon the benefit 5249

to the area certified by the supervisors, as necessary to pay the 5250
cost of construction of the improvement not otherwise funded and 5251
to repay advances made for purposes of the improvement from the 5252
fund created by section 1515.15 of the Revised Code. The board of 5253
county commissioners shall direct the person or authority 5254
preparing assessments to give primary consideration, in 5255
determining a parcel's estimated assessments relating to the 5256
disposal of water, to the potential increase in productivity that 5257
the parcel may experience as a result of the improvement and also 5258
to give consideration to the amount of water disposed of, the 5259
location of the property relative to the project, the value of the 5260
project to the watershed, and benefits as defined in ~~division (F)~~ 5261
~~of~~ section 6131.01 of the Revised Code. ~~Such~~ The part of the 5262
assessment ~~as~~ that is found to benefit state, county, or township 5263
roads or highways or municipal streets shall be assessed against 5264
the state, county, township, or municipal corporation, 5265
respectively, payable from motor vehicle revenues. ~~Such~~ The part 5266
of the assessment ~~as~~ that is found to benefit property owned by 5267
any public corporation, any political subdivision of the state, or 5268
the state shall be assessed against the public corporation, the 5269
political subdivision, or the state and shall be paid out of the 5270
general funds or motor vehicle revenues of the public corporation, 5271
the political subdivision of the state, or the state, except as 5272
otherwise provided by law. ~~The~~ 5273

The assessment shall be certified to the county auditor, and 5274
by ~~him~~ the county auditor to the county treasurer. The collection 5275
of ~~such~~ the assessment shall conform in all matters to Chapter 5276
323. of the Revised Code. Any land owned and managed by the 5277
department of natural resources for wildlife, recreation, nature 5278
preserve, or forestry purposes is exempt from assessments if the 5279
director of natural resources determines that the land derives no 5280
benefit from the improvement. In making such a determination, the 5281

director shall consider the purposes for which the land is owned 5282
and managed and any relevant articles of dedication or existing 5283
management plans for the land. If the director determines that the 5284
land derives no benefit from the improvement, ~~he~~ the director 5285
shall notify the board of county commissioners, within thirty days 5286
after receiving the assessment notification required by this 5287
section, indicating that ~~he~~ the director has determined that the 5288
land is to be exempt and explaining ~~his~~ the specific reason for 5289
making this determination. The board of county commissioners ~~may~~, 5290
within thirty days after receiving the director's exemption 5291
notification, may appeal ~~this~~ the determination to the court of 5292
common pleas. If the court of common pleas finds in favor of the 5293
board of county commissioners, the department of natural resources 5294
shall pay all court costs and legal fees. 5295

If the assessment is to be made at a varied rate, the board 5296
shall give notice by first class mail to every public and private 5297
property owner whose property is subject to assessment, at the tax 5298
mailing or other known address of the owner. ~~Such~~ the notice shall 5299
contain a statement of the amount to be assessed against the 5300
property of the addressee and a statement that ~~he~~ the addressee 5301
may file an objection in writing at the office of the board of 5302
county commissioners within thirty days after the mailing of 5303
notice. If the residence of any owner cannot be ascertained, or if 5304
any mailed notice is returned undelivered, the board shall publish 5305
~~such~~ the notice to all such owners in a newspaper of general 5306
circulation within the project area, at least once each week for 5307
three weeks, which notice shall include the information contained 5308
in the mailed notice, but ~~it~~ shall state that the owner may file 5309
an objection in writing at the office of the board of county 5310
commissioners within thirty days after the last publication of 5311
~~such~~ the notice. 5312

Upon receipt of objections as provided in this section, the 5313

board shall proceed within thirty days to hold a final hearing 5314
~~upon~~ on the objections by fixing a date and giving notice by first 5315
class mail to the objectors at ~~such~~ the address ~~as~~ provided in 5316
filing ~~his~~ the objection. If any mailed notice is returned 5317
undelivered, the board shall give due notice to ~~such~~ the objectors 5318
in a newspaper of general circulation in the project area, stating 5319
the time, place, and purpose of the hearing. Upon hearing the 5320
objectors, the board may amend and shall approve the final 5321
schedule of assessments by journal entry. 5322

Any owner whose objection is not allowed may appeal within 5323
thirty days to the court of common pleas of the county in which 5324
the property is located. 5325

Any moneys collected in excess of the amount needed for 5326
construction of the improvement and the subsequent first year's 5327
maintenance may be maintained in a fund to be used for maintenance 5328
of the improvement. In any year subsequent to a year in which an 5329
assessment for construction of an improvement levied under this 5330
section has been collected, and upon determination by the board of 5331
county commissioners that funds are not otherwise available for 5332
maintenance or repair of the improvement, the board shall levy 5333
~~upon~~ on the property within the project area an assessment for 5334
maintenance at a uniform percentage of all construction costs 5335
based upon the assessment schedule used in determining the 5336
construction assessment. ~~Such~~ The assessment is not subject to the 5337
provisions concerning notice and petition contained in section 5338
1515.25 of the Revised Code. An assessment for maintenance shall 5339
not be levied in any year in which the unencumbered balance of 5340
funds available for maintenance of the ~~improvements~~ improvement 5341
exceeds twenty per cent of the cost of construction of the 5342
improvement, except that the board may adjust the level of 5343
assessment within the twenty per cent limitation, or suspend 5344
temporarily the levying of an assessment, for maintenance purposes 5345

as maintenance funds are needed. 5346

For the purpose of levying an assessment for maintenance of 5347
an improvement, a board may use the procedures established in 5348
Chapter 6137. of the Revised Code regarding maintenance of 5349
improvements as defined in section 6131.01 of the Revised Code in 5350
lieu of using the procedures established under this section. 5351

The board of county commissioners may issue bonds and notes 5352
as authorized by section 131.23 or 133.17 of the Revised Code. 5353

Sec. 1517.10. (A) As used in this section, "felony" has the 5354
same meaning as in section 109.511 of the Revised Code. 5355

(B)(1) Any person selected by the chief of the division of 5356
natural areas and preserves for custodial or patrol service on the 5357
lands and waters operated or administered by the division shall be 5358
employed in conformity with the law applicable to the classified 5359
civil service of the state. Subject to division (C) of this 5360
section, the chief may designate that person as a preserve 5361
officer. A preserve officer ~~has~~, in any nature preserve, in any 5362
natural area owned or managed through easement, license, or lease 5363
by the department of natural resources and administered by the 5364
division, and on lands owned or managed through easement, license, 5365
or lease by the department and administered by the division that 5366
are within or adjacent to any wild, scenic, or recreational river 5367
area established under this chapter and along any trail 5368
established under Chapter 1519. of the Revised Code, has the 5369
authority ~~vested in police officers specified~~ under section 5370
2935.03 of the Revised Code for peace officers of the department 5371
of natural resources to keep the peace, to enforce all laws and 5372
rules governing those lands and waters, and to make arrests for 5373
violation of those laws and rules, provided that ~~such the~~ 5374
authority shall be exercised on lands or waters administered by 5375
another division of the department only pursuant to an agreement 5376

with the chief of that division or to a request for assistance by 5377
an enforcement officer of that division in an emergency. A 5378
preserve officer, in or along any watercourse within, abutting, or 5379
upstream from the boundary of any area administered by the 5380
department, has the authority to enforce section 3767.32 of the 5381
Revised Code and any other laws prohibiting the dumping of refuse 5382
into or along waters, and to make arrests for violation of those 5383
laws. The jurisdiction of a preserve officer shall be concurrent 5384
with that of the peace officers of the county, township, or 5385
municipal corporation in which the violation occurs. 5386

The governor, upon the recommendation of the chief, shall 5387
issue to each preserve officer a commission indicating authority 5388
to make arrests as provided in this section. 5389

The chief shall furnish a suitable badge to each commissioned 5390
preserve officer as evidence of the preserve officer's authority. 5391

(2) If any person employed under this section is designated 5392
by the chief to act as an agent of the state in the collection of 5393
money resulting from the sale of licenses, fees of any nature, or 5394
other money belonging to the state, the chief shall require a 5395
surety bond from the person in an amount not less than one 5396
thousand dollars. 5397

(C)(1) The chief of the division of natural areas and 5398
preserves shall not designate a person as a preserve officer 5399
pursuant to division (B)(1) of this section on a permanent basis, 5400
on a temporary basis, for a probationary term, or on other than a 5401
permanent basis if the person previously has been convicted of or 5402
has pleaded guilty to a felony. 5403

(2)(a) The chief of the division of natural areas and 5404
preserves shall terminate the employment as a preserve officer of 5405
a person designated as a preserve officer under division (B)(1) of 5406
this section if that person does either of the following: 5407

(i) Pleads guilty to a felony;	5408
(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.	5409 5410 5411 5412 5413
(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.	5414 5415 5416 5417 5418 5419 5420 5421 5422 5423 5424 5425 5426 5427 5428 5429 5430
(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.	5431 5432
(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.	5433 5434 5435 5436
Sec. 1517.14. As used in sections 1517.14 to 1517.18 of the	5437

Revised Code, "watercourse" means a substantially natural channel 5438
with recognized banks and bottom, in which a flow of water occurs, 5439
with an average of at least ten feet mean surface water width and 5440
at least five miles of length. The director of natural resources 5441
or ~~his~~ the director's representative may create, supervise, 5442
operate, protect, and maintain wild, scenic, and recreational 5443
river areas under the classifications established in section 5444
1517.15 of the Revised Code. The director or ~~his~~ the director's 5445
representative may prepare and maintain a plan for the 5446
establishment, development, use, and administration of those areas 5447
as a part of the comprehensive state plans for water management 5448
and outdoor recreation. The director or ~~his~~ the director's 5449
representative may cooperate with federal agencies administering 5450
any federal program concerning wild, scenic, or recreational river 5451
areas. 5452

The director may propose for establishment as a wild, scenic, 5453
or recreational river area a part or parts of any watercourse in 5454
this state, with adjacent lands, ~~which that~~ in ~~his~~ the director's 5455
judgment possesses water conservation, scenic, fish, wildlife, 5456
historic, or outdoor recreation values ~~which that~~ should be 5457
preserved, using the classifications established in section 5458
1517.15 of the Revised Code. The area shall include lands adjacent 5459
to the watercourse in sufficient width to preserve, protect, and 5460
develop the natural character of the watercourse, but shall not 5461
include any lands more than one thousand feet from the normal 5462
waterlines of the watercourse unless an additional width is 5463
necessary to preserve water conservation, scenic, fish, wildlife, 5464
historic, or outdoor recreation values. 5465

The director shall publish ~~his~~ the intention to declare an 5466
area a wild, scenic, or recreational river area at least once in a 5467
newspaper of general circulation in each county, any part of which 5468
is within the area, and shall send written notice of ~~his~~ the 5469

intention to the legislative authority of each county, township, 5470
and municipal corporation and to each conservancy district 5471
established under Chapter 6101. of the Revised Code, any part of 5472
which is within the area, and to the director of transportation, 5473
the director of development, the director of administrative 5474
services, and the director of environmental protection. The 5475
notices shall include a copy of a map and description of the area. 5476

After thirty days from the last date of publication or 5477
dispatch of written notice as required in this section, the 5478
director shall enter a declaration in ~~his~~ the director's journal 5479
that the area is a wild, scenic, or recreational river area. When 5480
so entered, the area is a wild, scenic, or recreational river 5481
area. The director, after thirty days' notice as prescribed in 5482
this section and upon the approval of the ~~recreational~~ recreation 5483
and resources commission created in section 1501.04 Of the Revised 5484
Code, may terminate the status of an area as a wild, scenic, or 5485
recreational river area by an entry in ~~his~~ the director's journal. 5486

Declaration by the director that an area is a wild, scenic, 5487
or recreational river area does not authorize the director or any 5488
governmental agency or political subdivision to restrict the use 5489
of land by the owner thereof or any person acting under ~~his~~ the 5490
landowner's authority or to enter upon the land and does not 5491
expand or abridge the regulatory authority of any governmental 5492
agency or political subdivision over the area. 5493

The chief of the division of natural areas and preserves or 5494
~~his~~ the chief's representative may participate in watershed-wide 5495
planning with federal, state, and local agencies in order to 5496
protect the values of wild, scenic, and recreational river areas. 5497

Sec. 1517.99. (A) ~~Whoever~~ (1) Except as provided in division 5498
(A)(2) of this section, whoever violates ~~division (A) of~~ section 5499
1517.021 ~~or section 1517.051~~ of the Revised Code ~~shall be fined~~ 5500

~~not less than twenty five nor more than five hundred dollars for a~~ 5501
~~first offense; for each subsequent offense the person shall be~~ 5502
~~fined not less than two hundred nor more than one thousand dollars~~ 5503
~~is guilty of a minor misdemeanor.~~ 5504

(2) Whoever violates section 1517.021 of the Revised Code 5505
with regard to a species of plant identified in a rule adopted 5506
under or included on a list prepared under section 1518.01 of the 5507
Revised Code or a species of wildlife identified in a rule adopted 5508
under section 1531.25 of the Revised Code is guilty of a 5509
misdemeanor of the third degree for a first offense. For each 5510
subsequent offense, the person is guilty of a misdemeanor of the 5511
second degree. 5512

(B) Whoever violates division (A) of section 1517.24 or 5513
section 1517.25 of the Revised Code is guilty of a misdemeanor of 5514
the third degree. 5515

(C) Whoever violates division (B) of section 1517.24 of the 5516
Revised Code is guilty of a misdemeanor of the second degree. 5517

(D) Whoever violates section 1517.051 of the Revised Code is 5518
guilty of a misdemeanor of the first degree. 5519

Sec. 1518.99. (A) Whoever violates section 1518.02 of the 5520
Revised Code is guilty of a minor misdemeanor. 5521

(B) Whoever violates section 1518.05 of the Revised Code 5522
shall be fined not less than one thousand dollars nor more than 5523
five thousand dollars for the first offense; for each subsequent 5524
offense the person shall be fined not less than two thousand 5525
dollars nor more than ten thousand dollars. 5526

~~(C) Whoever violates section 1518.23 or 1518.24 of the~~ 5527
~~Revised Code is guilty of a misdemeanor of the first degree.~~ 5528

Sec. 1520.01. As used in this chapter: 5529

(A) "Canal lands" includes any part of the bed, berm, bank, 5530
or slope of any canal, canal basin, or canal reservoir or of any 5531
lock, aqueduct, dam, culvert, tunnel, feeder, or side cut formerly 5532
a part of any canal system in this state, whether or not 5533
abandoned; the outer slope of any towing path embankment formerly 5534
a part of any canal system in this state; and any tract of land 5535
that was a part of or intended for the use of any canal system in 5536
this state. "Canal lands" means only those canal lands that are 5537
the property of the state. 5538

(B) "~~Reservoir~~ Canal reservoir" means any ~~man-made~~ artificial 5539
lake or impoundment, ~~including any run of the river reservoir,~~ 5540
that was constructed to provide water to any canal system in this 5541
state. 5542

(C) "Domestic use" means the withdrawal of water from a canal 5543
or canal reservoir by an individual for outdoor, nonpotable use on 5544
residential property by means of a pump or other device that 5545
generally has a discharge line with an outside diameter of not 5546
more than one and one-half inches. 5547

Sec. 1520.02. (A) The director of natural resources has 5548
exclusive authority to administer, manage, and establish policies 5549
governing canal lands. 5550

(B)(1) Except as provided in division (C) of this section, 5551
the director may sell, lease, exchange, give, or grant all or part 5552
of the state's interest in any canal lands in accordance with 5553
section 1501.01 of the Revised Code. The director may stipulate 5554
that an appraisal or survey need not be conducted for, and may 5555
establish any terms or conditions that ~~he~~ the director determines 5556
appropriate for, any such ~~conveyance~~ CONVEYANCE. 5557

(2) With regard to canal lands, the chief of the division of 5558
water, with the approval of the director, may sell, lease, or 5559

transfer minerals or mineral rights when the chief and the 5560
director determine that the sale, lease, or transfer is in the 5561
best interest of the state. Consideration for minerals and mineral 5562
rights shall be by rental or on a royalty basis as prescribed by 5563
the chief and payable as prescribed by contract. Moneys collected 5564
under division (B)(2) of this section shall be paid into the state 5565
treasury to the credit of the canal lands fund created in section 5566
1520.05 of the Revised Code. 5567

(C)(1) Not later than one year after July 1, 1989, the 5568
director of transportation and the director of the Ohio historical 5569
society shall ~~indentify~~ IDENTIFY all canal lands that are or may 5570
be of use to any program operated by the department of 5571
transportation or the Ohio historical society, respectively, and 5572
shall notify the director of natural resources of those lands. The 5573
director of natural resources may transfer any canal lands so 5574
identified to the exclusive care, custody, and control of the 5575
department of transportation or the Ohio historical society, as 5576
applicable, by means of a departmental transfer not later than six 5577
months after receiving notification under division (C)(1) of this 5578
section. 5579

(2) The director of natural resources may transfer to the 5580
Ohio historical society any equipment, maps, and records used on 5581
or related to canal lands that are of historical interest and that 5582
are not needed by the director to administer this chapter. 5583

(D) If the director of natural resources determines that any 5584
canal lands are a necessary part of a county's drainage or ditch 5585
system and are not needed for any purpose of the department of 5586
natural resources, the director may sell, grant, or otherwise 5587
convey those canal lands to that county in accordance with 5588
division (B) of this section. The board of county commissioners 5589
shall accept the transfer of canal lands. 5590

(E) Notwithstanding any other section of the Revised Code, 5591
the county auditor shall transfer any canal lands conveyed under 5592
this section, and the county recorder shall record the deed for 5593
those lands in accordance with section 317.12 of the Revised Code. 5594
This division does not apply to canal lands transferred under 5595
division (C)(1) of this section. 5596

Sec. 1520.03. (A) The director of natural resources may 5597
appropriate real property in accordance with Chapter 163. of the 5598
Revised Code for the purpose of administering this chapter. 5599

(B) The director shall operate and maintain all canals and 5600
canal reservoirs owned by the state except those canals that are 5601
operated by the Ohio historical society on July 1, 1989. 5602

(C) The director may sell or lease water from any canal or 5603
canal reservoir that ~~he~~ the director operates and maintains only 5604
to the extent that the water is in excess of the quantity that is 5605
required for navigation, recreation, and wildlife purposes. The 5606
director ~~shall~~ may adopt, ~~and may~~ amend, and rescind, rules in 5607
accordance with Chapter 119. of the Revised Code necessary to 5608
administer this division. 5609

The withdrawal of water from any canal or canal reservoir for 5610
domestic use is exempt from this division. However, the director 5611
may require water conservation measures for water that is 5612
withdrawn from any canal or canal reservoir for domestic use 5613
during drought conditions or other emergencies declared by the 5614
governor. 5615

(D) No person shall take or divert water from any canal or 5616
canal reservoir operated and maintained by the director except in 5617
accordance with ~~a sale or lease entered into under~~ division (C) of 5618
this section. 5619

(E) At the request of the director, the attorney general may 5620

commence a civil action for civil penalties and injunctions, in a
court of common pleas, against any person who has violated or is
violating division (D) of this section. The court of common pleas
in which an action for injunctive relief is filed has jurisdiction
to and shall grant preliminary and permanent injunctive relief
upon a showing that the person against whom the action is brought
has violated or is violating that division.

Upon a finding of a violation, the court shall assess a civil
penalty of not more than one thousand dollars for each day of each
violation if the violator is an individual who took or diverted
the water in question for residential or agricultural use. The
court shall assess a civil penalty of not more than five thousand
dollars for each day of each violation if the violator is any
other person who took or diverted the water in question for
industrial or commercial use excluding agricultural use. Moneys
from civil penalties assessed under this division shall be paid
into the state treasury to the credit of the canal lands fund
created in section 1520.05 of the Revised Code.

Any action under this division is a civil action, governed by
the rules of civil procedure and other rules of practice and
procedure applicable to civil actions.

(F) As used in this section, "person" means any agency of
this state, any political subdivision of this state or of the
United States, or any legal entity defined as a person under
section 1.59 of the Revised Code.

Sec. 1521.03. The chief of the division of water shall do all
of the following:

(A) Assist in an advisory capacity any properly constituted
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
between ground water users. Such meetings or hearings shall be

called upon written request from boards of health of city or 5682
general health districts created by or under the authority of 5683
Chapter 3709. of the Revised Code or authorities having the duties 5684
of a board of health as authorized by section 3709.05 of the 5685
Revised Code, boards of county commissioners, boards of township 5686
trustees, legislative authorities of municipal corporations, or 5687
boards of directors of conservancy districts organized under 5688
Chapter 6101. of the Revised Code and may be called by the chief 5689
upon the request of any other person or at ~~his~~ the chief's 5690
discretion. The chief shall collect and present at such meetings 5691
or hearings the available technical information relevant to the 5692
conflicts and to the ground water resource. The chief shall 5693
prepare a report, and may make recommendations, based upon the 5694
available technical data and the record of the meetings or 5695
hearings, about the use of the ground water resource. In making 5696
the report and any recommendations, the chief also may consider 5697
the factors listed in division (B) of section 1521.17 of the 5698
Revised Code. The technical information presented, the report 5699
prepared, and any recommendations made under this division shall 5700
be presumed to be prima-facie authentic and admissible as evidence 5701
in any court pursuant to Evidence Rule 902. 5702

(F) Perform stream or ground water gauging and may contract 5703
with the United States government or any other agency for the 5704
gauging of any streams or ground water within the state; 5705

(G) Primarily with regard to water quantity, have authority 5706
to collect, study, map, and interpret all available information, 5707
statistics, and data pertaining to the availability, supply, use, 5708
conservation, and replenishment of the ground and surface waters 5709
in the state in coordination with other agencies of this state; 5710

(H) Primarily with regard to water quantity and availability, 5711
be authorized to cooperate with and negotiate for the state with 5712
any agency of the United States government, of this state, or of 5713

any other state pertaining to the water resources of the state. 5714

5715

Sec. 1521.05. (A) As used in this section: 5716

(1) "Construct" or "construction" includes drilling, boring, 5717
digging, deepening, altering, and logging. 5718

(2) "Altering" means changing the configuration of a well, 5719
including, without limitation, deepening a well, extending or 5720
replacing any portion of the inside or outside casing or wall of a 5721
well that extends below ground level, plugging a portion of a well 5722
back to a certain depth, and reaming out a well to enlarge its 5723
original diameter. 5724

(3) "Logging" means describing the lithology, grain size, 5725
color, and texture of the formations encountered during the 5726
drilling, boring, digging, deepening, or altering of a well. 5727

(4) "Grouting" means neat ~~cement~~ cement; bentonite products in 5728
slurry, granular, or pelletized form, excluding drilling mud or 5729
fluids; or any combination of neat cement and bentonite products 5730
that is placed within a well to seal the annular space or to seal 5731
an abandoned well and that is impervious to and capable of 5732
preventing the movement of water. 5733

(5) "Abandoned well" means a well whose use has been 5734
permanently discontinued and that poses potential health and 5735
safety hazards or that has the potential to transmit surface 5736
contaminants into the aquifer in which the well has been 5737
constructed. 5738

(6) "Sealing" means the complete filling of an abandoned well 5739
with grouting or other approved materials in order to permanently 5740
prevent the vertical movement of water in the well and thus 5741
prevent the contamination of ground water or the intermixing of 5742
water between aquifers. 5743

(B) Any person that constructs a well shall keep a careful and accurate log of the construction of the well. The log shall show all of the following:

(1) The character, including, without limitation, the lithology, color, texture, and grain size, the name, if known, and the depth of all formations passed through or encountered;

(2) The depths at which water is encountered;

(3) The static water level of the completed well;

(4) A copy of the record of all pumping tests and analyses related to those tests, if any;

(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;

(6) The type of pumping equipment installed, if any;

(7) The name of the owner of the well, the address of the location where the well was constructed, and a description of the location of the property where the well was constructed;

(8) The signature of the individual who constructed the well and filed the well log;

(9) Any other information required by the chief of the division of water.

The log shall be furnished to the division within thirty days after the completion of construction of the well, ~~upon~~ on forms prescribed and prepared by the division. The log shall be kept on file by the division.

In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules requiring other persons that are involved in the construction or subsequent development of

a well to submit well logs under this division containing any or
all of the information specified in divisions (B)(1) to (9) of
this section and requiring any person that seals an abandoned well
to submit a well sealing report under this division containing any
or all of the information specified in those divisions and any
additional information specified in the rules.

(C)(1) No person shall fail to keep and submit a well log as
required by this section.

(2) No person shall make a false statement in any well log
required to be kept and submitted under this section. Violation of
division (C)(2) of this section is falsification under section
2921.13 of the Revised Code.

(D) For the purposes of prosecution of a violation of
division (C)(1) of this section, a prima-facie case is established
when the division obtains either of the following:

(1) A certified copy of a permit for a private water system
issued in accordance with rules adopted under section 3701.344 of
the Revised Code, or a certified copy of the invoice or a canceled
check from the owner of a well indicating the construction
services performed;

(2) A certified copy of any permit issued under Chapter 3734.
or 6111. of the Revised Code or plan approval granted under
Chapter 6109. Of the Revised Code for any activity that includes
the construction of a well.

Sec. 1531.01. As used in this chapter and Chapter 1533. of
the Revised Code:

(A) "Person" means individual, company, partnership,
corporation, municipal corporation, association, or any
combination of individuals, or any employee, agent, or officer
thereof.

(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.

(C) "Nonresident" means any individual who does not qualify as a resident.

(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.

(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.

(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.

(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.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving

or causing to be carried or moved.	5833
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	5834 5835
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part thereof <u>of the wild animal</u> with the same effect as it applies to the whole.	5836 5837 5838 5839
(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.	5840 5841 5842 5843 5844 5845 5846 5847
(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	5848 5849 5850
(O) "Fish" means a cold-blooded vertebrate having fins.	5851
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	5852 5853
(Q) "Wild birds" includes game birds and nongame birds.	5854
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	5855 5856
(S) "Game birds" includes mourning doves, <u>ringneck</u> pheasants, <u>bobwhite</u> quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	5857 5858 5859 5860 5861 5862

(T) "Nongame birds" includes all other wild birds not included and defined as game birds.	5863 5864
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	5865 5866
(V) "Game quadrupeds" includes hares or cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, <u>flying squirrels, chipmunks,</u> groundhogs or woodchucks, <u>white-tailed</u> deer, wild boar, and <u>black</u> bears.	5867 5868 5869 5870
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	5871 5872 5873
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, <u>but does not include domestic deer.</u>	5874 5875 5876
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.	5877 5878 5879 5880 5881 5882 5883 5884
(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.	5885 5886 5887 5888 5889 5890 5891 5892

(AA) "Muskrat spear" means any device used in spearing muskrats.	5893 5894
(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.	5895 5896 5897
(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.	5898 5899 5900
(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore thereof <u>of it</u> . "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.	5901 5902 5903 5904 5905 5906 5907 5908 5909 5910 5911
(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.	5912 5913 5914
(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.	5915 5916 5917
(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.	5918 5919
(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife	5920 5921 5922

(Alosa pseudoharengus), American eel (Anguilla rostrata), bowfin	5923
(Amia calva), burbot (Lota lota), carp (Cyprinus carpio),	5924
smallmouth buffalo (Ictiobus bubalus), bigmouth buffalo (Ictiobus	5925
cyprinellus), black bullhead (Ictalurus melas), yellow bullhead	5926
(Ictalurus natalis), brown bullheads <u>bullhead</u> (Ictalurus	5927
nebulosus), channel catfish (Ictalurus punctatus), flathead	5928
catfish (Pylodictis olivaris), whitefish (Coregonus sp.), cisco	5929
(Coregonus sp.), freshwater drum or sheepshead (Aplodinotus	5930
grunniens), gar (Lepisosteus sp.), gizzard shad (Dorosoma	5931
cepedianum), goldfish (Carassius auratus), lake trout (Salvelinus	5932
namaycush), mooneye (Hiodon tergisus), quillback (Carpiodes	5933
cyprinus), smelt (Allosmerus elongatus, Hypomesus sp., Osmerus	5934
sp., Spirinchus sp.), sturgeon (Acipenser sp., Scaphirhynchus	5935
sp.), sucker other than buffalo and quillback (Carpiodes sp.,	5936
Catostomus sp., Hypentelium sp., Minytrema sp., Moxostoma sp.),	5937
white bass (Morone chrysops), white perch (Roccus americanus), and	5938
yellow perch (Perca flavescens). When the common name of a fish is	5939
used in this chapter or Chapter 1533. of the Revised Code, it	5940
refers to the fish designated by the scientific name in this	5941
definition.	5942
(II) "Fishing" means taking or attempting to take fish by any	5943
method, and all other acts such as placing, setting, drawing, or	5944
using any device commonly used to take fish whether resulting in a	5945
taking or not.	5946
(JJ) "Fillet" means the pieces of flesh taken or cut from	5947
both sides of a fish, joined to form one piece of flesh.	5948
(KK) "Part fillet" means a piece of flesh taken or cut from	5949
one side of a fish.	5950
(LL) "Round" when used in describing fish means with head and	5951
tail intact.	5952
(MM) "Migrate" means the transit or movement of fish to or	5953

from one place to another as a result of natural forces or 5954
instinct and includes, but is not limited to, movement of fish 5955
induced or caused by changes in the water flow. 5956

(NN) "Spreader bar" means a brail or rigid bar placed across 5957
the entire width of the back, at the top and bottom of the cars in 5958
all trap, crib, and fyke nets for the purpose of keeping the 5959
meshes hanging squarely while the nets are fishing. 5960

(OO) "Fishing guide" means any person who, for consideration 5961
or hire, operates a boat, rents, leases, or otherwise furnishes 5962
angling devices, ice fishing shanties or shelters of any kind, or 5963
other fishing equipment, and accompanies, guides, directs, or 5964
assists any other person in order for the other person to engage 5965
in fishing. 5966

(PP) "Net" means fishing devices with meshes composed of 5967
twine or synthetic material and includes, but is not limited to, 5968
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 5969
seines, except minnow seines and minnow dip nets. 5970

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 5971
nets, dip nets, carp aprons, trotlines, other similar gear, and 5972
any boat used in conjunction with that gear, but does not include 5973
gill nets. 5974

(RR) "Native wildlife" means any species of the animal 5975
kingdom indigenous to this state. 5976

(SS) "Gill net" means a single section of fabric or netting 5977
seamed to a float line at the top and a lead line at the bottom, 5978
which is designed to entangle fish in the net openings as they 5979
swim into it. 5980

(TT) ~~"Small game" includes pheasants, quail, ruffed grouse,~~ 5981
~~sharp-tailed grouse, pinnated grouse, Hungarian partridge, Chukar~~ 5982
~~partridge, woodcocks, black-breasted plover, golden plover,~~ 5983

~~Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, 5984
eot, gallinules, ducks, geese, brant, crows, rabbits, gray 5985
squirrels, black squirrels, fox squirrels, red squirrels, and 5986
groundhogs or woodchucks. 5987~~

~~(UU)~~ "Tag fishing tournament" means a contest in which a 5988
participant pays a fee, or gives other valuable consideration, for 5989
a chance to win a prize by virtue of catching a tagged or 5990
otherwise specifically marked fish within a limited period of 5991
time, but does not include a scheme of chance conducted under 5992
division (D)(1) of section 2915.02 of the Revised Code. 5993

~~(VV)~~(UU) "Tenant" means an individual who resides on land for 5994
which the individual pays rent and whose annual income is 5995
primarily derived from agricultural production conducted on that 5996
land, as "agricultural production" is defined in section 929.01 of 5997
the Revised Code. 5998

~~(WW)~~(VV) "Nonnative wildlife" means any wild animal not 5999
indigenous to this state, but does not include domestic deer. 6000

(WW) "Reptiles" includes common musk turtle (sternotherus 6001
odoratus), common snapping turtle (Chelydra serpentina 6002
serpentina), spotted turtle (Clemmys guttata), eastern box turtle 6003
(Terrapene carolina carolina), Blanding's turtle (Emydoidea 6004
blandingii), common map turtle (Graptemys geographica), ouachita 6005
map turtle (Graptemys pseudogeographica ouachitensis), midland 6006
painted turtle (Chrysemys picta marginata), red-eared slider 6007
(Trachemys scripta elegans), eastern spiny softshell turtle 6008
(Apalone spinifera spinifera), midland smooth softshell turtle 6009
(Apalone mutica mutica), northern fence lizard (Sceloporus 6010
undulatus hyacinthinus), ground skink (Scincella lateralis), 6011
five-lined skink (Eumeces fasciatus), broadhead skink (Eumeces 6012
laticeps), northern coal skink (Eumeces anthracinus anthracinus), 6013
European wall lizard (Podarcis muralis), queen snake (Regina 6014
septemvittata), Kirtland's snake (Clonophis kirtlandii), northern 6015

As Reported by the House Agriculture and Natural Resources Committee

<u>water snake (Nerodia sipedon sipedon), Lake Erie watersnake</u>	6016
<u>(Nerodia sipedon insularum), copperbelly water snake (Nerodia</u>	6017
<u>erythrogaster neglecta), northern brown snake (Storeria dekayi</u>	6018
<u>dekayi), midland brown snake (Storeria dekayi wrightorum),</u>	6019
<u>northern redbelly snake (Storeria occipitomaculata</u>	6020
<u>occipitomaculata), eastern garter snake (Thamnophis sirtalis</u>	6021
<u>sirtalis), eastern plains garter snake (Thamnophis radix radix),</u>	6022
<u>Butler's garter snake (Thamnophis butleri), shorthead garter snake</u>	6023
<u>(Thamnophis brachystoma), eastern ribbon snake (Thamnophis</u>	6024
<u>sauritus sauritus), northern ribbon snake (Thamnophis sauritus</u>	6025
<u>septentrionalis), eastern hognose snake (Heterodon platirhinos),</u>	6026
<u>eastern smooth earth snake (Virginia valeriae valeriae), northern</u>	6027
<u>ringneck snake (Diadophis punctatus edwardsii), midwest worm snake</u>	6028
<u>(Carphophis amoenus helenae), eastern worm snake (Carphophis</u>	6029
<u>amoenus amoenus), black racer (Coluber constrictor constrictor),</u>	6030
<u>blue racer (Coluber constrictor foxii), rough green snake</u>	6031
<u>(opheodrys aestivus), smooth green snake (opheodrys vernalis</u>	6032
<u>vernalis), black rat snake (Elaphe obsoleta obsoleta), eastern fox</u>	6033
<u>snake (Elaphe vulpina gloydi), black kingsnake (Lampropeltis</u>	6034
<u>getula nigra), eastern milk snake (Lampropeltis triangulum</u>	6035
<u>triangulum), northern copperhead (Agkistrodon contortrix mokasen),</u>	6036
<u>eastern massasauga (Sistrurus catenatus catenatus), and timber</u>	6037
<u>rattlesnake (Crotalus horridus horridus).</u>	6038
<u>(XX) "Amphibians" includes eastern hellbender (Cryptobranchus</u>	6039
<u>alleganiensis alleganiensis), mudpuppy (Necturus maculosus</u>	6040
<u>maculosus), red-spotted newt (Notophthalmus viridescens</u>	6041
<u>viridescens), Jefferson salamander (ambystoma jeffersonianum),</u>	6042
<u>spotted salamander (Ambystoma maculatum), blue-spotted salamander</u>	6043
<u>(Ambystoma laterale), smallmouth salamander (ambystoma texanum),</u>	6044
<u>streamside salamander (Ambystoma barbouri), marbled salamander</u>	6045
<u>(Ambystoma opacum), eastern tiger salamander (Ambystoma tigrinum</u>	6046
<u>tigrinum), northern dusky salamander (Desmognathus fuscus fuscus),</u>	6047
<u>mountain dusky salamander (Desmognathus ochrophaeus), redback</u>	6048

salamander (Plethodon cinereus), ravine salamander (Plethodon richmondi), northern slimy salamander (Plethodon glutinosus), Wehrle's salamander (Plethodon wehrlei), four-toed salamander (Hemidactylium scutatum), Kentucky spring salamander (Gyrinophilus porphyriticus duryi), northern spring salamander (Gyrinophilus porphyriticus porphyriticus), mud salamander (Pseudotriton montanus), northern red salamander (Pseudotriton ruber ruber), green salamander (Aneides aeneus), northern two-lined salamander (Eurycea bislineata), longtail salamander (Eurycea longicauda longicauda), cave salamander (Eurycea lucifuga), southern two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo woodhousii fowleri), American toad (Bufo americanus), eastern spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris crepitans blanchardi), northern spring peeper (Pseudacris crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris triseriata triseriata), mountain chorus frog (Pseudacris brachyphona), bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota), northern leopard frog (Rana pipiens), pickerel frog (Rana Palustris), southern leopard frog (Rana utricularia), and wood frog (Rana sylvatica).

(YY) "Deer" means white-tailed deer (Oddocoileus virginianus).

(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.

The chief shall not establish a season for the hunting of mourning doves that opens prior to the fifteenth day of September of any year.

Sec. 1531.06. (A) The chief of the division of wildlife, with the approval of the director of natural resources, may acquire by

gift, lease, purchase, or otherwise lands or surface rights upon 6080
lands and waters or surface rights upon waters for wild animals, 6081
fish or game management, preservation, propagation, and 6082
protection, outdoor and nature activities, public fishing and 6083
hunting grounds, and flora and fauna preservation. The chief, with 6084
the approval of the director, may receive by grant, devise, 6085
bequest, donation, or assignment evidences of indebtedness, the 6086
proceeds of which are to be used for the purchase of such lands or 6087
surface rights upon lands and waters or ~~the~~ surface rights upon 6088
waters. 6089

(B)(1) The chief shall adopt rules for the protection of 6090
state-owned or leased lands and waters and property under the 6091
division's control against wrongful use or occupancy that will 6092
ensure the carrying out of the intent of this section, protect 6093
those lands, waters, and property from depredations, and preserve 6094
them from molestation, spoilation, destruction, or any improper 6095
use or occupancy thereof, including rules with respect to 6096
recreational activities and for the government and use of such 6097
lands, waters, and property. 6098

(2) The chief may adopt rules benefiting wild animals, fish 6099
or game management, preservation, propagation, and protection, 6100
outdoor and nature activities, public fishing and hunting grounds, 6101
and flora and fauna preservation, and regulating the taking and 6102
possession of wild animals on any lands or waters owned or leased 6103
or under the division's supervision and control and, for a 6104
specified period of years, may prohibit or recall the taking and 6105
possession of any wild animal on any portion of such lands or 6106
waters. The division clearly shall define and mark the boundaries 6107
of the lands and waters owned or leased or under its supervision 6108
and control upon which the taking of any wild animal is 6109
prohibited. 6110

(C) The chief, with the approval of the director, may acquire 6111
by gift, lease, or purchase land for the purpose of establishing 6112
state fish hatcheries and game farms and may erect ~~thereon~~ on it 6113
buildings or structures ~~as~~ that are necessary. 6114

The title to or lease of such lands and waters shall be taken 6115
by the chief in the name of the state. The lease or purchase price 6116
of all such lands and waters may be paid from hunting and trapping 6117
and fishing licenses and any other funds. 6118

(D) To provide more public recreation, stream and lake 6119
agreements for public fishing only may be obtained under rules 6120
adopted by the chief. 6121

(E) The chief, with the approval of the director, may 6122
establish user fees for the use of special public facilities or 6123
participation in special activities on lands and waters 6124
administered by the division. The special facilities and 6125
activities may include hunting or fishing on special designated 6126
public lands and waters intensively managed or stocked with 6127
artificially propagated game birds or fish, field trial 6128
facilities, wildlife nature centers, firearm ranges, boat mooring 6129
facilities, camping sites, and other similar special facilities 6130
and activities. The chief shall determine whether the user fees 6131
are refundable and shall ensure that that information is provided 6132
at the time the user fees are paid. 6133

(F) The chief, with the approval of the director, may enter 6134
into lease agreements for rental of concessions or other special 6135
projects situated on state-owned or leased lands or waters or 6136
other property under the division's control. The chief shall set 6137
and collect the fees for concession rentals or other special 6138
projects; regulate through contracts between the division and 6139
concessionaires the sale of tangible objects at concessions or 6140
other special projects; and keep a record of all such fee payments 6141

showing the amount received, from whom ~~recieved~~ received, and for
what purpose the fee was collected. 6142
6143

(G) The chief may sell or donate conservation-related items 6144
or items that promote wildlife conservation, including, but not 6145
limited to, stamps, pins, badges, books, bulletins, maps, 6146
publications, calendars, and any other educational article or 6147
artifact pertaining to wild animals; sell confiscated or forfeited 6148
items; and sell surplus structures and equipment, and timber or 6149
crops from lands owned, administered, leased, or controlled by the 6150
division. 6151

(H) The chief may sell, lease, or transfer minerals or 6152
mineral rights, with the approval of the director, when the chief 6153
and the director determine it to be in the best interest of the 6154
state. Upon approval of the director, the chief may make, execute, 6155
and deliver contracts, including leases, to mine, drill, or 6156
excavate iron ore, stone, coal, petroleum, gas, salt, and other 6157
minerals upon and under lands owned by the state and administered 6158
by the division to any person who complies with the terms of such 6159
a contract. No such contract shall be valid for more than fifty 6160
years from its effective date. Consideration for minerals and 6161
mineral rights shall be by rental or royalty basis as prescribed 6162
by the chief and payable as prescribed by contract. Moneys 6163
collected under this division shall be ~~deposited in accordance~~ 6164
~~with division (I) of this~~ paid into the state treasury to the 6165
credit of the wildlife habitat fund created in section 1531.33 Of 6166
the Revised Code. Contracts entered into under this division also 6167
may provide for consideration for minerals or mineral rights in 6168
the form of acquisition of lands as provided under divisions (A) 6169
and (C) of this section. 6170

(I) All moneys received under divisions (E), (F), and (G),
~~and (H)~~ of this section shall be paid into the state treasury to 6171
the credit of a fund ~~which~~ that shall be used for the purposes 6172
6173

outlined in section 1533.15 of the Revised Code and for the 6174
management of other wild animals for their ecological and 6175
nonconsumptive recreational value or benefit. 6176

(J) The chief, with the approval of the director, may barter 6177
or sell wild animals to other states, state or federal agencies, 6178
and conservation or zoological organizations. Moneys received from 6179
the sale of wild animals shall be deposited into the wild animal 6180
fund created in section 1531.34 of the Revised Code. 6181

(K) The chief shall adopt rules establishing standards and 6182
guidelines for the administration of contraceptive chemicals to 6183
noncaptive wild animals. The rules may specify chemical delivery 6184
methods and devices and monitoring requirements. 6185

The chief shall establish criteria for the issuance of and 6186
shall issue permits for the administration of contraceptive 6187
chemicals to noncaptive wild animals. no person shall administer 6188
contraceptive chemicals to noncaptive wild animals without a 6189
permit issued by the chief. 6190

(L) All fees set by the chief under this section shall be 6191
approved by the wildlife council. 6192

Sec. 1531.081. The division of wildlife does not have 6193
authority to regulate domestic deer, which shall be regulated as 6194
agricultural animals by the department of agriculture. 6195

Sec. 1531.13. The law enforcement officers of the division of 6196
wildlife shall be known as "wildlife officers." The chief of the 6197
division of wildlife, wildlife officers, and such other employees 6198
of the division as the chief of the division of wildlife 6199
designates, and other officers who are given like authority, shall 6200
enforce all laws pertaining to the taking, possession, protection, 6201
preservation, management, and propagation of wild animals and all 6202
division rules. They shall enforce all laws against hunting 6203

without permission of the owner or authorized agent of the land on 6204
which ~~such~~ the hunting is done. They may arrest on view and 6205
without issuance of a warrant. They may inspect any container or 6206
package at any time except when within a building and the owner or 6207
person in charge of the building objects. The inspection shall be 6208
only for bag limits of wild animals taken in open season or for 6209
wild animals taken during the closed season, or for any kind or 6210
species of those wild animals. 6211

The chief may visit all parts of the state and direct and 6212
assist wildlife officers and other employees in the discharge of 6213
their duties. The owners or tenants of private lands or waters are 6214
not liable to wildlife officers for injuries suffered while 6215
carrying out their duties while on the lands or waters of the 6216
owners or tenants unless the injuries are caused by the willful or 6217
wanton misconduct of the owners or tenants. Any regularly employed 6218
salaried wildlife officer may enter any private lands or waters if 6219
~~he~~ the wildlife officer has good cause to believe and does believe 6220
that a law is being violated. 6221

A wildlife officer, sheriff, deputy sheriff, constable, or 6222
officer having a similar authority may search any place which ~~he~~ 6223
the officer has good reason to believe contains a wild animal or 6224
any part of a wild animal taken or had in possession contrary to 6225
law or division rule, or a boat, gun, net, seine, trap, ferret, or 6226
device used in the violation, and seize any ~~he~~ the officer finds 6227
so taken or possessed. If the owner or person in charge of the 6228
place to be searched refuses to permit the search, upon filing an 6229
affidavit in accordance with law with a court having jurisdiction 6230
of the offense and upon receiving a search warrant issued, the 6231
officer ~~may~~ forcibly may search the place described, and if in the 6232
search ~~he~~ the officer finds any wild animal or part of a wild 6233
animal, or any boat, gun, net, seine, trap, ferret, or device in 6234
the possession of the owner or person in charge, contrary to this 6235

chapter or Chapter 1533. of the Revised Code or division rule, ~~he~~ 6236
the officer shall seize ~~them~~ it and arrest the person in whose 6237
custody or possession ~~they were~~ it was found. The wild animal or 6238
parts of a wild animal or boat, gun, net, seine, trap, ferret, or 6239
device so found shall escheat to the state. 6240

Each wildlife officer shall post a bond in a sum not less 6241
than one thousand dollars executed by a surety company authorized 6242
to transact business in this state for the faithful performance of 6243
the duties of ~~his~~ the wildlife officer's office. 6244

The chief and wildlife officers ~~are vested with~~ have the 6245
authority ~~of police officers specified~~ under section 2935.03 of 6246
the Revised Code for peace officers of the department of natural 6247
resources for the purpose of enforcing the criminal laws of the 6248
state on any property owned, controlled, maintained, or 6249
administered by the department of natural resources and may 6250
enforce sections 2923.12, 2923.15, and 2923.16 of the Revised Code 6251
throughout the state and may arrest without warrant any person 6252
who, in the presence of the chief or any wildlife officer, is 6253
engaged in the violation of any of those laws. 6254

A wildlife officer may render assistance to a state or local 6255
law enforcement officer at the request of that officer or may 6256
render assistance to a state or local law enforcement officer in 6257
the event of an emergency. Wildlife officers serving outside the 6258
division of wildlife under this section shall be considered as 6259
performing services within their regular employment for the 6260
purposes of compensation, pension or indemnity fund rights, 6261
workers' compensation, and other rights or benefits to which they 6262
may be entitled as incidents of their regular employment. 6263

Wildlife officers serving outside the division of wildlife 6264
under this section retain personal immunity from civil liability 6265
as specified in section 9.86 of the Revised Code and shall not be 6266
considered an employee of a political subdivision for purposes of 6267

Chapter 2744. of the Revised Code. A political subdivision that 6268
uses wildlife officers under this section is not subject to civil 6269
liability under Chapter 2744. of the Revised Code as the result of 6270
any action or omission of any wildlife officer acting under this 6271
section. 6272

Sec. 1531.20. Any motor vehicle, all-terrain vehicle, or 6273
boat, used in the unlawful taking or transporting of wild animals, 6274
and any net, seine, trap, ferret, gun, or other device used in the 6275
unlawful taking of wild animals, is a public nuisance. Each 6276
wildlife officer, or other officer with like authority, shall 6277
seize and safely keep such property and the illegal results of its 6278
use, and unless otherwise ordered by the chief of the division of 6279
wildlife shall institute, within five days, proceedings in a 6280
proper court of the county for its forfeiture. A writ of replevin 6281
shall not lie to take the property from the officer's custody or 6282
from the custody or jurisdiction of the court in which the 6283
proceeding is instituted, nor shall the proceeding affect a 6284
criminal prosecution for the unlawful use or possession of the 6285
property. 6286

An action for the forfeiture of any such property shall be 6287
commenced by the filing of an affidavit describing the property 6288
seized and stating the unlawful use made of it, the time and place 6289
of seizure, and the name of the person owning or using it at the 6290
time of seizure. If the name is unknown, that fact shall be 6291
stated. Upon the filing of the affidavit, the court shall issue a 6292
summons setting forth the facts stated in the affidavit and fixing 6293
a time and place for the hearing of the complaint. A copy of the 6294
summons shall be served on the owner or person using the property 6295
at the time of its seizure, if ~~he~~ the owner or user is known, or 6296
by leaving a copy thereof at ~~his~~ the owner's or user's usual 6297
residence or place of business in the county, at least three days 6298

before the time fixed for the hearing of the complaint. If the
owner or user is unknown or a nonresident of the county or cannot
be found therein, a copy of the summons shall be posted at a
suitable place nearest the place of seizure, but if ~~his~~ the
owner's or user's address is known, a copy of the summons shall be
mailed to ~~him~~ the owner or user at least three days before the
time fixed for the hearing of the complaint. On the date fixed for
the hearing, the officer making the service shall make a return of
the time and manner of making the service. Upon the proper cause
shown, the court may postpone the hearing.

If the owner or person unlawfully using the property at the
time of its seizure is arrested, pleads guilty, and confesses that
the property at the time of its seizure was being used by ~~him~~ the
owner or user in violation of law or division rule, no proceeding
of forfeiture shall be instituted, but the court in imposing
sentence shall order the property so seized forfeited to the
state, to be disposed of thereafter as the chief of the division
of wildlife directs.

Notwithstanding any other provision of this section to the
contrary, a proceeding of forfeiture shall not be instituted under
this section unless the owner of the property or the person
unlawfully using the property is convicted of a violation of law
or division rule.

Sec. 1531.202. Any person who is responsible for causing or
allowing an unauthorized spill, release, or discharge of material
into or on any land or any ground or surface water or into the air
that results in the death of a wild animal and that necessitates
an investigation by the division of wildlife, or who violates
section 1531.02 of the Revised Code in a manner that necessitates
an investigation by the division regarding the death of a wild
animal, is liable to the division for costs incurred in the
investigation if the person pleads guilty to or is convicted of

causing or allowing the unauthorized spill, release, or discharge 6331
or a violation of section 1531.02 of the Revised Code. The costs 6332
may include wages and benefits of employees of the division. The 6333
chief of the division of wildlife or the chief's authorized 6334
representative shall bring a civil action against the responsible 6335
person to recover those costs. 6336

Sec. 1531.33. The wildlife habitat fund is hereby created in 6337
the state treasury, ~~which~~. The fund shall consist of the 6338
investment earnings of the wildlife habitat trust fund, ~~and~~ 6339
created in section 1531.32 of the Revised Code; gifts, donations, 6340
bequests, and other moneys contributed to the division of wildlife 6341
for the purposes of the fund; moneys collected under division (H) 6342
of section 1531.06 of the Revised Code; and moneys received by the 6343
division pursuant to negotiated mitigation settlements from 6344
persons who have adversely affected fish and wildlife, or their 6345
habitats, over which the division has jurisdiction under this 6346
chapter or Chapter 1533. of the Revised Code other than fish and 6347
wildlife of the Ohio river or their habitats. 6348

The fund shall be used by the division ~~of wildlife~~ to acquire 6349
and develop lands for the preservation, propagation, and 6350
protection of wild animals. All expenditures from the wildlife 6351
habitat fund ~~must~~ SHALL be approved by the director of natural 6352
resources. Quarterly each fiscal year, the treasurer of state 6353
shall transfer the investment earnings of the wildlife habitat 6354
trust fund to the wildlife habitat fund. 6355

Sec. 1531.34. There is hereby created in the state treasury 6356
the wild animal fund. The fund shall consist of moneys received 6357
from the sale of wild animals under division (J) of section 6358
1531.06 of the Revised Code. Moneys in the fund shall be spent on 6359
programs administered by the division of wildlife or contributed 6360
by the division to an appropriate nonprofit organization for the 6361

acquisition, development, and management of lands and waters 6362
within the state for wildlife purposes. 6363

Sec. 1531.99. (A) Whoever violates section 1531.02 of the 6364
Revised Code, or any division rule, other than a rule adopted 6365
under section 1531.25 of the Revised Code, is guilty of a 6366
misdemeanor of the fourth degree. 6367

(B) Whoever violates section 1531.02 of the Revised Code 6368
concerning the taking or possession of deer or violates division 6369
(K) of section 1531.06 or section 1531.07 or 1531.29 of the 6370
Revised Code is guilty of a misdemeanor of the third degree on a 6371
first offense; on each subsequent offense, that person is guilty 6372
of a misdemeanor of the first degree. 6373

(C) Whoever violates section 1531.25 of the Revised Code is 6374
guilty of a misdemeanor of the first degree. 6375

(D) Whoever violates section 1531.02 of the Revised Code 6376
concerning the selling or offering for sale of any wild animals or 6377
parts of wild animals, the minimum value of which animals or 6378
parts, in the aggregate, is more than one thousand dollars as 6379
established under section 1531.201 of the Revised Code, is guilty 6380
of a felony of the fifth degree. 6381

(E) A court that imposes sentence for a violation of any 6382
section of this chapter governing the holding, taking, or 6383
possession of wild animals, including, without limitation, section 6384
1531.11 of the Revised Code, shall require the person who is 6385
convicted of or pleads guilty to the offense, in addition to any 6386
fine, term of imprisonment, seizure, and forfeiture imposed, to 6387
make restitution for the minimum value of the wild animal 6388
illegally held, taken, or possessed as established under section 6389
1531.201 of the Revised Code. An officer who collects moneys paid 6390
as restitution under this section shall pay those moneys to the 6391
treasurer of state who shall deposit them in the state treasury to 6392

the credit of the wildlife fund established under section 1531.17 6393
of the Revised Code. 6394

Sec. 1533.01. As used in this chapter, "person," "resident," 6395
"nonresident," "division rule," "rule," "closed season," "open 6396
season," "take or taking," "possession," "bag limit," "transport 6397
and transportation," "sell and sale," "whole to include part," 6398
"angling," "trotline," "fish," "measurement of fish," "wild 6399
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 6400
"game quadrupeds," "fur-bearing animals," "wild animals," 6401
"hunting," "trapping," "muskrat spear," "channels and passages," 6402
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 6403
fish," "fishing," "fillet," "part fillet," "round," "migrate," 6404
"spreader bar," "fishing guide," "net," "commercial fishing gear," 6405
"native wildlife," "gill net," ~~"small game,"~~ "tag fishing 6406
tournament," "tenant," ~~and~~ "nonnative wildlife," "reptiles," 6407
"amphibians," and "deer" have the same meanings as in section 6408
1531.01 of the Revised Code. 6409

Sec. 1533.06. It is hereby provided that a "special hunting 6410
area" is established on the department of natural resources lands 6411
and waters situated in Lucas and Ottawa counties and known as the 6412
"Magee Marsh State Public Hunting Area." 6413

On ~~such that~~ area the chief of the division of wildlife ~~is~~ 6414
~~hereby empowered to~~ may provide a special daily hunting permit for 6415
all persons permitted to hunt on ~~such the~~ area. The fee for such a 6416
permit is five dollars per day unless the chief adopts rules 6417
establishing a lower fee. 6418

The permit shall be in ~~such a~~ form ~~as~~ prescribed by the 6419
director ~~of the department~~ of natural resources. All moneys 6420
received as fees shall be paid into the state treasury to the 6421
credit of a fund ~~which that~~ is hereby appropriated exclusively for 6422

the use of the department ~~of natural resources~~ for the purposes 6423
outlined in section 1533.15 of the Revised Code. 6424

Nothing in this section shall be construed to alter or 6425
supersede the laws requiring a hunting ~~and trapping~~ license. 6426

Sec. 1533.08. Except as otherwise provided by division rule, 6427
any person desiring to collect wild animals that are protected by 6428
law or their nests or eggs for scientific study, school 6429
instruction, other educational uses, or rehabilitation shall make 6430
application to the chief of the division of wildlife for a wild 6431
animal collecting permit on a form furnished by the chief. ~~The~~ 6432
~~applicant shall submit written recommendations of two well known~~ 6433
~~scientific persons or teachers of science, certifying to the good~~ 6434
~~character and fitness of the applicant.~~ Each applicant for a wild 6435
animal collecting permit, other than an applicant desiring to 6436
rehabilitate wild animals, shall pay an annual fee of ten dollars 6437
for each permit. No fee shall be charged to an applicant desiring 6438
to rehabilitate wild animals. When it appears that the application 6439
is made in good faith, the chief shall issue to the applicant a 6440
permit to take, possess, and transport at any time and in any 6441
manner specimens of wild animals protected by law or their nests 6442
and eggs for scientific study, school instruction, other 6443
educational uses, or rehabilitation and under any additional rules 6444
recommended by the wildlife council. Upon the receipt of a permit, 6445
the holder may take, possess, and transport ~~such~~ those wild 6446
animals in accordance with the permit. 6447

Each holder of a permit engaged in collecting such wild 6448
animals shall carry ~~his~~ the permit ~~with him~~ at all times and shall 6449
exhibit it upon demand to any wildlife officer, constable, 6450
sheriff, deputy sheriff, or police officer, to the owner or person 6451
in lawful control of the land upon which ~~he~~ the permit holder is 6452
collecting, or to any other person. Failure to so carry or exhibit 6453

the permit constitutes an offense under this section. 6454

Each permit holder shall keep a daily record of all specimens 6455
collected under the permit and the disposition of the specimens 6456
and shall exhibit the daily record to any official of the division 6457
upon demand. 6458

Each permit shall remain in effect for one year from the date 6459
of issuance unless it is revoked sooner by the chief. 6460

All moneys received as fees for the issuance of a wild animal 6461
collecting permit shall be transmitted to the director of natural 6462
resources to be paid into the state treasury to the credit of the 6463
fund created by section 1533.15 of the Revised Code. 6464

Sec. 1533.10. Except as provided in this section or division 6465
(A) of section 1533.12 of the Revised Code, no person shall hunt 6466
any wild bird or wild quadruped without a hunting license. Each 6467
day that any person hunts within the state without procuring such 6468
a license constitutes a separate offense. Every applicant for a 6469
hunting license who is a resident of the state and ~~age~~ sixteen 6470
years of age or ~~over~~ more shall procure a resident hunting 6471
license, the fee for which shall be fourteen dollars, unless the 6472
rules adopted under division (B) of section 1533.12 of the Revised 6473
Code provide for issuance of a resident hunting license to the 6474
applicant free of charge. Every applicant who is a resident of the 6475
state and under the age of sixteen years shall procure a special 6476
youth hunting license, the fee for which shall be one-half of the 6477
regular hunting license fee. The owner of lands in the state and 6478
the owner's children of any age and grandchildren under eighteen 6479
years of age may hunt on the lands without a hunting license. The 6480
tenant or manager and children of the tenant or manager, residing 6481
on lands in the state, may hunt ~~thereon~~ on them without a hunting 6482
license. Every applicant for a hunting license who is a 6483
nonresident of the state shall procure a nonresident hunting 6484

license, the fee for which shall be ninety dollars, unless the 6485
applicant is a resident of a state that is a party to an agreement 6486
under section 1533.91 of the Revised Code, in which case the fee 6487
shall be fourteen dollars. 6488

The chief of the division of wildlife may issue a tourist's 6489
~~small-game~~ hunting license expiring three days from the effective 6490
date of the license to a nonresident of the state, the fee for 6491
which shall be twenty-four dollars. No person shall take or 6492
possess deer, wild turkeys, fur-bearing animals, ducks, geese, 6493
brant, or any nongame animal that is not ~~small-game~~ while 6494
possessing only a tourist's ~~small-game~~ hunting license. A 6495
tourist's ~~small-game~~ hunting license does not authorize the taking 6496
or possessing of ducks, geese, or brant without having obtained, 6497
in addition to the tourist's ~~small-game~~ hunting license, a 6498
wetlands habitat stamp as provided in section 1533.112 of the 6499
Revised Code. A tourist's hunting license does not authorize the 6500
taking or possessing of deer, wild turkeys, or fur-bearing 6501
animals. A nonresident of the state who wishes to take or possess 6502
deer, wild turkeys, or fur-bearing animals in this state shall 6503
procure, respectively, a special deer or wild turkey permit as 6504
provided in section 1533.11 of the Revised Code or a fur taker 6505
permit as provided in section 1533.111 of the Revised Code in 6506
addition to a nonresident hunting license as provided in this 6507
section. 6508

No person shall procure or attempt to procure a hunting 6509
license by fraud, deceit, misrepresentation, or any false 6510
statement. 6511

This section does not authorize the taking and possessing of 6512
deer or wild turkeys without first having obtained, in addition to 6513
the hunting license required by this section, a special deer or 6514
wild turkey permit as provided in section 1533.11 of the Revised 6515

Code or the taking and possessing of ducks, geese, or brant 6516
without first having obtained, in addition to the hunting license 6517
required by this section, a wetlands habitat stamp as provided in 6518
section 1533.112 of the Revised Code. 6519

This section does not authorize the hunting or trapping of 6520
fur-bearing animals without first having obtained, in addition to 6521
a hunting license required by this section, a fur taker permit as 6522
provided in section 1533.111 of the Revised Code. 6523

No hunting license shall be issued unless it is accompanied 6524
by a written explanation of the law in section 1533.17 of the 6525
Revised Code and the penalty for its violation, including a 6526
description of terms of imprisonment and fines that may be 6527
imposed. 6528

No hunting license shall be issued unless the applicant 6529
presents to the agent authorized to issue the license a previously 6530
held hunting license or evidence of having held such a license in 6531
content and manner approved by the chief, a certificate of 6532
completion issued upon completion of a hunter education and 6533
conservation course approved by the chief, or evidence of 6534
equivalent training in content and manner approved by the chief. 6535

No person shall issue a hunting license to any person who 6536
fails to present the evidence required by this section. No person 6537
shall purchase or obtain a hunting license without presenting to 6538
the issuing agent the evidence required by this section. Issuance 6539
of a hunting license in violation of the requirements of this 6540
section is an offense by both the purchaser of the illegally 6541
obtained hunting license and the clerk or agent who issued the 6542
hunting license. Any hunting license issued in violation of this 6543
section is void. 6544

The chief, with approval of the wildlife council, shall adopt 6545
rules prescribing a hunter education and conservation course for 6546

first-time hunting license buyers and for volunteer instructors. 6547
The course shall consist of subjects including, but not limited 6548
to, hunter safety and health, use of hunting implements, hunting 6549
tradition and ethics, the hunter and conservation, the law in 6550
section 1533.17 of the Revised Code along with the penalty for its 6551
violation, including a description of terms of imprisonment and 6552
fines that may be imposed, and other law relating to hunting. 6553
Authorized personnel of the division or volunteer instructors 6554
approved by the chief shall conduct such courses with such 6555
frequency and at such locations throughout the state as to 6556
reasonably meet the needs of license applicants. The chief shall 6557
issue a certificate of completion to each person who successfully 6558
completes the course and passes an examination prescribed by the 6559
chief. 6560

Sec. 1533.12. (A) Every person on active duty in the armed 6561
forces of the United States, while on leave or furlough, may take 6562
or catch fish of the kind lawfully permitted to be taken or caught 6563
within the state, may hunt any wild bird or wild quadruped 6564
lawfully permitted to be hunted within the state, and may trap 6565
fur-bearing animals lawfully permitted to be trapped within the 6566
state, without procuring a fishing license, a hunting license, a 6567
fur taker permit, or a wetlands habitat stamp required by this 6568
chapter, provided that the person shall carry on ~~his person~~ self 6569
when fishing, hunting, or trapping, a card or other evidence 6570
identifying ~~him~~ the person as ~~a person being~~ on active duty in the 6571
armed forces of the United States, and provided that the person is 6572
not otherwise violating any of the hunting, fishing, and trapping 6573
laws of this state. 6574

In order to hunt deer or wild turkey, any such person shall 6575
obtain a special deer or wild turkey permit, as applicable, under 6576
section 1533.11 of the Revised Code. However, the person need not 6577

obtain a hunting license in order to obtain such a permit.

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(B) The chief of the division of wildlife shall provide by rule adopted under section 1531.10 of the Revised Code ~~that~~ all of the following:

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(1) Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and who received an honorable discharge from the armed forces of the United States, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section 4503.41 of the Revised Code, shall be issued an annual fishing license, hunting license, fur taker permit, deer or wild turkey permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief+.

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(2) Every resident of the state who is sixty-six years of age or older shall be issued an annual fishing license, hunting license, fur taker permit, deer or wild turkey permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief+.

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(3) Every resident of state or county institutions, charitable institutions, and military homes in this state shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief+.

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(4) Any mobility impaired or blind person, as defined in section 955.011 Of the Revised Code, who is a resident of this state and who is unable to engage in fishing without the assistance of another person ~~because of a physical handicap~~ shall

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be issued an annual fishing license free of charge when 6609
application is made to the chief in the manner prescribed by and 6610
on forms provided by the chief. The person who is assisting the 6611
~~handicapped~~ mobility impaired or blind person may assist in taking 6612
or catching fish of the kind permitted to be taken or caught 6613
without procuring the license required under section 1533.32 of 6614
the Revised Code, provided that only one line is used by both 6615
persons. 6616

(5) As used in ~~this~~ division (B)(5) of this section, 6617
"prisoner of war" means any regularly appointed, enrolled, 6618
enlisted, or inducted member of the military forces of the United 6619
States who was captured, separated, and incarcerated by an enemy 6620
of the United States. 6621

Any person who has been a prisoner of war, was honorably 6622
discharged from the military forces, and is a resident of this 6623
state shall be issued an annual fishing license, hunting license, 6624
fur taker permit, or wetlands habitat stamp, or any combination of 6625
those licenses, permits, and stamp, free of charge when 6626
application is made to the chief in the manner prescribed by and 6627
on forms provided by the chief. 6628

(C) The chief shall adopt rules pursuant to section 1531.08 6629
of the Revised Code designating not more than two days, which need 6630
not be consecutive, in each year as "free sport fishing days" on 6631
which any resident may exercise the privileges accorded the holder 6632
of a fishing license issued under section 1533.32 of the Revised 6633
Code without procuring such a license, provided that the person is 6634
not otherwise violating any of the fishing laws of this state. 6635

Sec. 1533.171. (A) No person, in the act of hunting, 6636
pursuing, taking, or killing ~~game~~ a wild animal, shall act in a 6637
negligent, careless, or reckless manner so as to injure persons or 6638
property. 6639

(B) The court before whom any person is convicted of or
pleads guilty to a violation of division (A) of this section shall
report that fact, together with the violator's name and address,
to the chief of the division of wildlife not later than ten days
after the date of conviction or plea.

(C) Not later than seven days after receiving a notification
under division (B) of this section, the chief shall revoke, for
not less than one year nor more than five years, each hunting
license, fur taker permit, special deer permit, special wild
turkey permit, and wetlands habitat stamp issued to that person
under this chapter. No fee paid for such a license, permit, or
stamp shall be returned to the person.

Upon revoking a license, permit, or stamp, or a combination
thereof, under this division, the chief immediately shall send a
notice of ~~his~~ that action by certified mail to the last known
address of the person. The notice shall state the action taken,
order the person to surrender the revoked license, permit, or
stamp, or combination thereof, and state that the department of
natural resources will not afford a hearing as required under
section 119.06 of the Revised Code.

(D) If, after receiving a notice under division (C) of this
section, the person decides to petition for a review of the
revocation, ~~he~~ the person shall file a petition for such a review
not later than thirty days after receiving the notice in the
municipal court or the county court, or, if the person is under
eighteen years of age, the juvenile court, in whose jurisdiction
the violation occurred. The review shall be limited to the
question of the appropriateness of the period of revocation. The
court shall send a copy of the petition to the chief by certified
mail together with timely notice of the date, time, and place of a
hearing on the petition. The filing of a petition for a review
shall not stay the revocation during the pendency of the appeal.

(E) No person whose license, permit, or stamp, or a combination thereof, has been revoked under this section shall attempt to purchase, purchase, apply for, or receive any hunting license, fur taker permit, special deer permit, special wild turkey permit, or wetlands habitat stamp issued under this chapter or engage in hunting during the time any such license, permit, or stamp, or a combination thereof, is revoked.

Sec. 1533.24. Except as otherwise provided by division rule, every fur dealer shall keep a daily record on forms provided by the division of wildlife of all purchases and sales of furs, skins, or parts thereof of fur-bearing animals made during the previous year. The daily record shall include any pertinent information that the division may require. The information may include, but not be limited to, the number and kinds bought and sold, the dates of each purchase and sale, identification of all purchases from another fur dealer, and the state and counties in which the furs, skins, or parts thereof were taken, ~~and other pertinent information that the division may require~~. Every fur dealer shall submit completed forms to the division of all transactions made during the preceding season by the fifteenth day of May each year. All records required to be maintained by a fur dealer shall be open at all reasonable times to inspection by duly authorized division personnel who may inspect the furs, skins, or parts thereof on hand at any time and check and verify the records and reports required to be kept.

No common carrier shall knowingly ship or transport or receive for transportation or shipment any green or dried furs, skins, or parts thereof of fur-bearing animals unless there is plainly written thereon the name of the shipper and the number of ~~his~~ the shipper's hunting license or fur dealer's permit.

Sec. 1533.67. The chief of the division of wildlife, wildlife 6702
officers, and ~~such~~ other employees of the division ~~as~~ that the 6703
chief specifies may serve and execute warrants and other processes 6704
of law issued in the enforcement of sections 2923.12, 2923.15, and 6705
2923.16 of the Revised Code and in the enforcement of any law or 6706
division rule governing the taking, possession, protection, 6707
preservation, or propagation of wild animals, or for protection 6708
against the wrongful use or occupancy of state owned or leased 6709
lands and waters, and property under division control, or in the 6710
enforcement of section 3767.32 or any other section of the Revised 6711
Code prohibiting the dumping of refuse into or along waters, or in 6712
the enforcement of a criminal law of the state when violation 6713
~~thereof~~ of it involves equipment or property owned, leased, or 6714
controlled by the division, in the same manner as a sheriff or 6715
constable may serve or execute a process, and may arrest on sight 6716
and without a warrant a person found violating any such law or 6717
rule. The chief or any wildlife officer has the same authority as 6718
sheriffs to require aid in executing a process or making an 6719
arrest. They may seize without process each part of a wild animal 6720
in the possession of a person violating any law or division rule 6721
governing the taking, possession, protection, preservation, or 6722
propagation of wild animals, together with any boat, gun, net, 6723
seine, trap, ferret, or device with which those animals were taken 6724
or killed, or that was used in taking or killing them, and any 6725
firearm, deadly weapon, or dangerous ordnance, as defined in 6726
section 2923.11 of the Revised Code, used or possessed contrary to 6727
sections 2923.12, 2923.15, and 2923.16 of the Revised Code, and 6728
immediately convey the person so offending before any judge of a 6729
county court or judge of a municipal court having jurisdiction 6730
over the area in which the offense was committed. ~~No~~ 6731

No person shall interfere with, threaten, abuse, assault, 6733

resist, or in any manner deter or attempt to deter a wildlife 6734
officer or any other officer having like authority from carrying 6735
into effect any law or division rule governing the taking, 6736
possession, protection, preservation, or propagation of wild 6737
animals, or for protection against wrongful use or occupancy of 6738
state-owned or leased lands and waters, and property under 6739
division control, or any law pertaining to the ~~wearing or~~ 6740
exhibiting of any license or permit required by this chapter or 6741
Chapter 1531. of the Revised Code, or regulating hunting and 6742
trapping on the lands of another. No person shall interfere with, 6743
threaten, abuse, assault, resist, or in any manner deter or 6744
attempt to deter a wildlife officer or any other officer having 6745
like authority from enforcing or from serving or executing any 6746
warrant or other process issued in the enforcement of section 6747
3767.32 or any other section of the Revised Code prohibiting the 6748
dumping of refuse into or along waters, or a criminal law of the 6749
state when violation ~~thereof~~ of it involves equipment or property 6750
owned, leased, or controlled by the division, or any of the 6751
provisions set forth in section 2923.12, 2923.15, or 2923.16 of 6752
the Revised Code regulating use or possession of firearms, deadly 6753
weapons, or dangerous ordnance, as defined in section 2923.11 of 6754
the Revised Code. Arrests for such offenses may be made on Sunday, 6755
in which case the offender immediately shall be taken before any 6756
court or magistrate given jurisdiction in such cases by this 6757
section and required by that court or magistrate to give bond for 6758
~~his~~ the offender's appearance at a time fixed for hearing of the 6759
complaint on a weekday as soon after the arrest is made as is 6760
practicable. If a bond is required of an offender in such a case 6761
and ~~he~~ the offender fails to give it, the court shall order ~~him~~ 6762
the offender committed to the county jail or to some other 6763
suitable place of confinement until the time for the hearing. The 6764
court may make any other arrangements to insure the appearance of 6765
the offender at the designated time it considers advisable. The 6766

jailer or officer in charge of the place of confinement designated 6767
by the court shall receive the person so committed. 6768

Sec. 1533.68. If a person is convicted of a violation of any 6769
law relative to the taking, possession, protection, preservation, 6770
or propagation of wild animals, or a violation of division (C) of 6771
section 2909.08 of the Revised Code while hunting, or is convicted 6772
of a violation of any rule of the division of wildlife, the court 6773
or magistrate before whom the conviction is had, as an additional 6774
part of the penalty in each case, shall suspend or revoke each 6775
license or permit issued to the person in accordance with any 6776
section of the Revised Code pertaining to the hunting, fishing, 6777
trapping, breeding, and sale of wild animals or the sale of their 6778
hides, skins, or pelts. No fee paid for such a license or permit 6779
shall be returned to the person. 6780

No person having a license or permit suspended or revoked as 6781
provided in this section, in the event of a hunting or trapping 6782
violation, shall engage in hunting or trapping, in the event of a 6783
violation of division (C) of section 2909.08 of the Revised Code 6784
while hunting, shall engage in hunting, or in the event of a 6785
fishing violation, shall engage in fishing, or purchase, apply 6786
for, or receive any such license or permit for the following 6787
periods of time, as applicable: 6788

(A) Three years after the date of conviction, if the person 6789
is convicted of taking or possessing a deer in violation of 6790
section 1531.02 of the Revised Code; 6791

(B) Not more than three years after the date of conviction, 6792
if the person is convicted of taking or possessing any other wild 6793
animal in violation of section 1531.02 of the Revised Code, is 6794
convicted of a misdemeanor violation of division (C) of section 6795
2909.08 of the Revised Code while hunting, or is convicted of a 6796
second or subsequent violation of section 1533.17 of the Revised 6797

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 6828
section 1533.72 of the Revised Code. 6829

(C) "Wild animal hunting preserve" means an area of land 6830
where game and nonnative wildlife, other than game birds, are 6831
released and hunted as authorized by a wild animal hunting 6832
preserve license obtained under section 1533.721 of the Revised 6833
Code. 6834

(D) All definitions set forth in section 1531.01 of the 6835
Revised Code apply to ~~these~~ sections 1533.70 to 1533.80 Of the 6836
Revised Code. 6837

Sec. 1533.71. ~~Any~~ Unless otherwise provided by division rule, 6838
any person desiring to engage in the business of raising and 6839
selling game birds, game quadrupeds, reptiles, amphibians, or 6840
fur-bearing animals in a wholly enclosed preserve of which ~~he~~ the 6841
person is the owner or lessee, or to have game birds, game 6842
quadrupeds, reptiles, amphibians, or fur-bearing animals in 6843
captivity, ~~may~~ shall apply in writing to the division of wildlife 6844
for a license to do so. 6845

The division, when it appears that the application is made in 6846
good faith, ~~shall,~~ and upon the payment of the fee for each 6847
license, shall issue to the applicant ~~such~~ any of the following 6848
licenses ~~as~~ that may be applied for: 6849

(A) "Commercial propagating license" permitting the licensee 6850
to propagate game birds, game quadrupeds, reptiles, amphibians, or 6851
fur-bearing animals in the wholly enclosed preserve the location 6852
of which is stated in the license and the application therefor, 6853
and to sell ~~such~~ the propagated game birds, game quadrupeds, 6854
reptiles, amphibians, or fur-bearing animals and ship them from 6855
the state alive at any time, and permitting the licensee and the 6856
licensee's employees to kill ~~such~~ the propagated game birds, game 6857

quadrupeds, or fur-bearing animals and sell the carcasses for food 6858
subject to sections 1533.70 to 1533.80 of the Revised Code. The 6859
fee for such a license is twenty-five dollars per annum. 6860

(B) "Noncommercial propagating license" permitting the 6861
licensee to propagate game birds, game quadrupeds, reptiles, 6862
amphibians, or fur-bearing animals and to hold ~~such~~ the animals in 6863
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 6864
fur-bearing animals propagated or held in captivity by authority 6865
of a noncommercial propagating license are for the licensee's own 6866
use and shall not be sold. The fee for such a license is ten 6867
dollars per annum. 6868

(C) A free "raise to release license" permitting duly 6869
organized clubs, associations, or individuals approved by the 6870
division to engage in the raising of game birds, game quadrupeds, 6871
or fur-bearing animals for release only and not for sale or 6872
personal use. 6873

Except as provided by law, no person shall possess game 6874
birds, game quadrupeds, or fur-bearing animals in closed season, 6875
provided that municipal or governmental zoological parks ~~shall~~ are 6876
not ~~be~~ required to obtain the licenses provided for in this 6877
section. 6878

All licenses issued under this section shall expire on the 6879
fifteenth day of March of each year. 6880

The chief of the division of wildlife shall pay all moneys 6881
received as fees for the issuance of ~~such~~ licenses under this 6882
section into the state treasury to the credit of the fund created 6883
by section 1533.15 of the Revised Code for the use of the division 6884
in the purchase, preservation, and protection of wild animals, and 6885
for the necessary clerical help and forms required by sections 6886
1533.70 to 1533.80 of the Revised Code. 6887

This section does not authorize the taking or the release for 6888

<u>taking of the following:</u>	6889
(1) <u>Game birds, without first obtaining a commercial bird shooting preserve license issued under section 1533.72 of the Revised Code;</u>	6890 6891 6892
(2) <u>Game or nonnative wildlife, without first obtaining a wild animal hunting preserve license issued under section 1533.721 of the Revised Code.</u>	6893 6894 6895
Sec. 1533.74. No game birds, game quadrupeds, <u>or</u> fur-bearing animals, or nonnative wildlife shall be sold for food unless the carcass of each game bird, game quadruped, <u>or</u> fur-bearing animal, or nonnative wildlife is tagged with a suitable tag or seal supplied by the division of wildlife. Game birds, game quadrupeds, <u>and</u> fur-bearing animals, and nonnative wildlife so killed and tagged may be possessed, bought, or sold at any time. Common carriers shall receive and transport game birds, game quadrupeds, <u>and</u> fur-bearing animals, and nonnative wildlife so tagged, but to every package containing them shall be affixed a tag or label upon which shall be plainly printed or written the name of the person to whom the license was issued, the name of the person to whom they are to be transported, the number of game birds, game quadrupeds, <u>or</u> fur-bearing animals, or nonnative wildlife contained in the package, and a statement to the effect that they were killed and tagged in accordance with sections 1533.70 to 1533.80 of the Revised Code.	6896 6897 6898 6899 6900 6901 6902 6903 6904 6905 6906 6907 6908 6909 6910 6911 6912
The chief of the division of wildlife may adopt rules under section 1531.10 of the Revised Code necessary to administer this section.	6913 6914 6915
<u>This section and rules adopted pursuant to it do not apply to meat that has been inspected by the department of agriculture under Chapter 918. Of the Revised Code and rules adopted under it</u>	6916 6917 6918

and that has been marked with an official inspection mark, stamp, 6919
or brand pursuant to that inspection. 6920

Sec. 1533.82. (A) On receipt of a notice pursuant to section 6921
2301.373 of the Revised Code, the chief of the division of 6922
wildlife shall comply with that section with respect to a license 6923
~~or~~, permit, or certificate issued pursuant to section 1533.23, 6924
1533.34, 1533.342, 1533.39, 1533.40, 1533.51, 1533.631, 1533.71, 6925
1533.72, ~~or~~ 1533.81, 1533.88, or 1533.881 of the Revised Code. 6926

(B) On receipt of a notice pursuant to section 2301.375 of 6927
the Revised Code, the chief ~~of the division of wildlife~~ shall 6928
comply with that section with respect to a license, permit, or 6929
stamp issued pursuant to section 1533.10, 1533.11, 1533.111, 6930
1533.112, or 1533.32 of the Revised Code. 6931

Sec. ~~1518.20~~ 1533.86. As used in sections ~~1518.20~~ 1533.86 to 6932
~~1518.27~~ 1533.90 of the Revised Code: 6933

(A) "Ginseng" means the plant *Panax quinquefolius* L., also 6934
known as *Panax quinquefolium* L., commonly known as American 6935
ginseng. 6936

(B) "Wild ginseng" means ginseng that grows in an 6937
uncultivated state and in its natural habitat, whether the plant 6938
occurs naturally from that habitat or was introduced or increased 6939
in abundance by sowing ginseng seed or transplanting ginseng 6940
plants from other areas and performing no other cultivation 6941
practices. 6942

(C) "Cultivated ginseng" means ginseng that grows or has been 6943
grown in tilled beds under the shade of artificial structures or 6944
natural shade and is cultivated according to standard ginseng 6945
horticultural practices. 6946

(D) "Harvest" means to cut, pick, dig, root up, gather, or 6947

otherwise collect ginseng. 6948

(E) "Person" includes any legal entity defined as a person 6949
under section 1.59 of the Revised Code and any political 6950
subdivision, instrumentality, or agency of this state, another 6951
state, or the United States. 6952

(F) "Collector" means a person who harvests ginseng. 6953

(G) "Grower" means a person who grows cultivated ginseng. 6954

(H) "Dealer" means a person who buys or otherwise acquires or 6955
conveys ginseng for resale. 6956

(I) "Buy" includes trade or barter. 6957

(J) "Sell" includes trade or barter. 6958

Sec. ~~1518.21~~ 1533.87. There is hereby established in the 6959
department of natural resources the Ohio ginseng management 6960
program, which shall be administered by the chief of the division 6961
of ~~natural areas and preserves~~ wildlife. The program shall be 6962
administered to achieve and maintain a sustained yield of ginseng 6963
so that harvesting of the plant is not detrimental to the survival 6964
of the species. The chief shall do all things necessary to 6965
regulate the harvesting of wild ginseng and the buying, 6966
possession, transportation, sale, offering for sale, or exposure 6967
for sale of wild or cultivated ginseng. 6968

Sec. ~~1518.22~~ 1533.88. The chief of the division of ~~natural~~ 6969
~~areas and preserves~~ wildlife shall adopt ~~and may amend or rescind~~ 6970
~~rules in accordance with Chapter 119.~~ under section 1531.10 of the 6971
Revised Code as necessary to carry out the purposes of sections 6972
~~1518.20~~ 1533.86 to ~~1518.27~~ 1533.90 of the Revised Code, including, 6973
but not limited to: 6974

(A) Establishing a harvest season for wild ginseng; 6975

(B) Establishing a certification program for all 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;

(C) Establishing a buying season for ginseng that has not yet been certified in accordance with rules adopted under division (B) of this section;

(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 7006
division of ~~natural areas and preserves~~ wildlife, harvest wild 7007
ginseng except during the harvesting season as established by rule 7008
~~under adopted pursuant to~~ section ~~1518.22~~ 1533.88 of the Revised 7009
Code; 7010

(B) Without first obtaining written permission from the 7011
person entitled to the ginseng, willfully destroy, injure, or 7012
harvest ginseng that is the property of that person, ~~except that~~ 7013
~~wild ginseng may be harvested on public property when the public~~ 7014
~~entity that is responsible for the property has authorized~~ 7015
~~permission to harvest wild ginseng;~~ 7016

(C) Ship or otherwise transport out of state ginseng that has 7017
not been certified in accordance with rules adopted ~~under~~ pursuant 7018
to division (B) of section ~~1518.22~~ 1533.88 of the Revised Code; 7019
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(D) Except during the buying season as established by rule 7021
~~under adopted pursuant to~~ section ~~1518.22~~ 1533.88 of the Revised 7022
Code, buy, otherwise acquire, or sell uncertified ginseng; 7023

(E) Fail to keep records as established by rule ~~under~~ adopted 7024
pursuant to section ~~1518.22~~ 1533.88 of the Revised Code; 7025

(F) Possess ginseng from another state without a certificate 7026
of legal taking issued by that state under its ginseng management 7027
program; 7028

(G) Knowingly provide incorrect or false information on or in 7029
any permit application, report, export certificate, or other 7030
document required by rules adopted ~~under~~ pursuant to section 7031
~~1518.22~~ 1533.88 of the Revised Code; 7032

(H) Violate any provision of sections ~~1518.20~~ 1533.86 to 7033
~~1518.27~~ 1533.90 of the Revised Code or rules adopted ~~under~~ 7034
pursuant to section ~~1518.22~~ 1533.88 of the Revised Code. 7035

Sec. ~~1518.25~~ 1533.89. Any sheriff, deputy sheriff, marshal, 7036
deputy marshal, municipal police officer, township constable, 7037
park, preserve, or forest officer, conservancy district police 7038
officer, or other law enforcement officer, within the limits of 7039
~~his~~ the officer's jurisdiction, may enforce sections ~~1518.20~~ 7040
1533.86 to ~~1518.27~~ 1533.90 of the Revised Code and rules adopted 7041
under pursuant to section ~~1518.22~~ 1533.88 of the Revised Code, and 7042
any ~~preserve~~ or wildlife officer may enforce those sections and 7043
rules throughout the state. 7044

Sec. ~~1518.26~~ 1533.891. The chief of the division of ~~natural~~ 7045
~~areas and preserves~~ wildlife shall seize any ginseng harvested or 7046
acquired in violation of any provision of sections ~~1518.20~~ 1533.86 7047
to ~~1518.27~~ 1533.90 of the Revised Code or rules adopted under 7048
pursuant to section ~~1518.22~~ 1533.88 of the Revised Code. Ginseng 7049
so seized is forfeited to the state, to be disposed of as directed 7050
by the chief. 7051

Sec. ~~1518.27~~ 1533.90. Unless otherwise directed by the 7052
director of natural resources, all ~~fee~~ fees, fines, penalties, and 7053
forfeitures arising from prosecutions, convictions, confiscations, 7054
or other actions taken under sections ~~1518.20~~ 1533.86 to ~~1518.27~~ 7055
1533.90 of the Revised Code shall be paid into the state treasury 7056
to the credit of the ~~ginseng management program~~ wildlife fund, 7057
~~which is hereby~~ created under section 1531.17 Of the Revised Code, 7058
to be used for the administration of sections ~~1518.20~~ 1533.86 to 7059
~~1518.27~~ 1533.90 of the Revised Code. 7060

Sec. 1533.99. (A) Whoever violates section 1533.17 of the 7061
Revised Code is guilty of a misdemeanor of the third degree on a 7062
first offense and a misdemeanor of the second degree on each 7063
subsequent offense. In addition to any other sanction imposed 7064

under this division, on a second or subsequent offense occurring 7065
within a period of three consecutive years after the date of 7066
conviction of the immediately preceding violation of that section 7067
any firearms or other hunting implements in the possession or 7068
under the control of the offender at the time of the violation are 7069
subject to seizure in accordance with section 1531.20 of the 7070
Revised Code. If the offender persists in the offense after 7071
reasonable warning or request to desist, the offender is guilty of 7072
a misdemeanor of the second degree. 7073

(B) Whoever violates section 1533.161, 1533.23, 1533.24, 7074
1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 1533.55, 7075
1533.56, 1533.58, 1533.62, 1533.631, 1533.66, 1533.71, 1533.72, 7076
1533.73, 1533.74, 1533.75, 1533.76, 1533.77, 1533.78, 1533.79, or 7077
1533.80, division (F) of section 1533.731, or division (B) or (C) 7078
of section 1533.97 of the Revised Code is guilty of a misdemeanor 7079
of the third degree. 7080

(C) Whoever violates division (B) of section 1533.03, section 7081
1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35, 1533.42, 7082
1533.51, 1533.63, 1533.64, 1533.67, 1533.68, ~~or~~ 1533.721, 7083
1533.881, or 1533.882, division (B)(2) or (3) of section 1533.731, 7084
or division (A) of section 1533.97 of the Revised Code is guilty 7085
of a misdemeanor of the first degree. 7086

(D) Whoever violates division (D) of section 1533.97 of the 7087
Revised Code is guilty of a misdemeanor of the fourth degree. The 7088
court shall require any person who is convicted of or pleads 7089
guilty to the offense to refund to all participants in the fishing 7090
tournament operated by the person any entry fees paid by the 7091
participants. 7092

(E) Whoever violates division (C) or (D) of section 1533.632 7093
of the Revised Code is guilty of a felony of the fifth degree. 7094

(F) Whoever violates any section of this chapter for which no 7095

penalty is otherwise provided is guilty of a misdemeanor of the
fourth degree. 7096
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(G) A court that imposes sentence for a violation of any 7098
section of this chapter governing the holding, taking, or 7099
possession of wild animals shall require the person who is 7100
convicted of or pleads guilty to the offense, in addition to any 7101
fine, term of imprisonment, seizure, and forfeiture imposed, to 7102
make restitution for the minimum value of the wild animal or 7103
animals illegally held, taken, or possessed as established under 7104
section 1531.201 of the Revised Code. An officer who collects 7105
moneys paid as restitution under this section shall pay those 7106
moneys to the treasurer of state who shall deposit them in the 7107
state treasury to the credit of the wildlife fund established 7108
under section 1531.17 of the Revised Code. 7109

Sec. 1541.03. All lands and waters dedicated and set apart 7110
for state park purposes shall be under the control and management 7111
of the division of parks and recreation, which shall protect, 7112
maintain, and keep them in repair. The division shall have the 7113
following powers over all such lands and waters: 7114

(A) To make alterations and improvements; 7115

(B) To construct and maintain dikes, wharves, landings, 7116
docks, dams, and other works; 7117

(C) To construct and maintain ~~such~~ roads and drives in, 7118
around, upon, and to ~~such~~ the lands and waters ~~as shall~~ to make 7119
them conveniently accessible and useful to the public; 7120

(D) To adopt, ~~rescind~~ amend, and ~~amend~~ rescind, in accordance 7121
with ~~sections 119.01 to 119.13~~ Chapter 119. of the Revised Code, 7122
rules necessary for the proper management of state parks, bodies 7123
of water, and the lands adjacent ~~thereto~~ to them under its 7124
jurisdiction and control, including the following: 7125

(1) Governing opening and closing times and dates of such <u>the</u>	7126
parks;	7127
(2) Establishing fees and charges for admission to state	7128
parks and for use of facilities therein <u>in them</u> ;	7129
(3) Governing camps, camping, and fees therefor <u>for camps and</u>	7130
<u>camping</u> ;	7131
(4) Governing the application for and rental of cabins ,	7132
rental fees therefor <u>for</u> , and the use of cabins;	7133
(5) Relating to public use of state park lands, and governing	7134
<u>the</u> operation of motor vehicles, including speeds, and parking 7 on	7135
such <u>those</u> lands;	7136
(6) Uniform rules governing <u>Governing</u> all advertising within	7137
state parks and the requirements for the operation of places	7138
selling tangible personal property and control of food service	7139
sales on lands and waters under the control of the division, <u>which</u>	7140
<u>rules shall establish uniform requirements</u> ;	7141
(7) Providing uniform standards relating to <u>the</u> size, type,	7142
location, construction, and maintenance of structures and devices	7143
used for fishing or moorage of watercraft, rowboats, sailboats,	7144
and powercraft, as those terms are defined in section 1547.01 of	7145
the Revised Code, over waters under the control of the division	7146
and establishing reasonable fees for <u>the</u> construction of and	7147
annual use permits for those structures and devices;	7148
(8) Governing state beaches, swimming, inflatable devices,	7149
and fees therefor <u>for them</u> ;	7150
(9) Governing <u>the</u> removal and disposition of any watercraft,	7151
rowboat, sailboat, or powercraft, as those terms are defined in	7152
section 1547.01 of the Revised Code, left unattended for more than	7153
seven days on any lands or waters under the control of the	7154
division;	7155

(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason. 7156
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Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and who received an honorable discharge from the armed forces of the United States, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section ~~4503.101~~ 4503.41 of the Revised Code, shall be exempt from the fees for camping, provided that the resident or veteran carries in the state park such evidence of ~~his~~ the resident's or veteran's disability as the chief of the division of parks and recreation prescribes by rule. 7159
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Every resident of this state who is sixty-five years of age or older or who is permanently and totally disabled and who furnishes evidence of ~~such~~ that age or disability in a manner prescribed by division rule shall be charged one-half of the regular fee for camping, except on the ~~week-ends~~ weekends and holidays designated by the division. ~~No such~~ Such a person shall not be charged more than ninety per cent of the regular charges for state recreational facilities, equipment, services, and food service operations utilized by ~~him~~ the person at any time of year, whether maintained or operated by the state or leased for operation by another entity. 7170
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As used in this section, "food service operations" means restaurants ~~which~~ that are owned by the department of natural resources at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state parks, or are part of a state park lodge. ~~It~~ "Food service operations" does not include automatic vending machines, concession stands, or snack bars. 7181
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As used in this section, "prisoner of war" means any 7187
regularly appointed, enrolled, enlisted, or inducted member of the 7188
military forces of the United States who was captured, separated, 7189
and incarcerated by an enemy of the United States. Any person who 7190
has been a prisoner of war, was honorably discharged from the 7191
military forces, and is a resident of this state is exempt from 7192
the fees for camping. To claim this exemption, the person shall 7193
present written evidence in the form of a record of separation, a 7194
letter from one of the military forces of the United States, or 7195
such other evidence as the chief prescribes by rule that satisfies 7196
the eligibility criteria established by this section ~~for this~~ 7197
~~exemption.~~ 7198

Sec. 1541.10. Any person selected by the chief of the 7199
division of parks and recreation for custodial or patrol service 7200
on the lands and waters operated or administered by the division 7201
of parks and recreation shall be employed in conformity with the 7202
law applicable to the classified civil service of the state. 7203
Subject to section 1541.11 of the Revised Code, the chief may 7204
designate that person as a park officer. A park officer ~~has~~, on 7205
any lands and waters owned, controlled, maintained, or 7206
administered by the department of natural resources and on 7207
~~roadways~~ highways, as defined in section 4511.01 Of the Revised 7208
Code, adjacent to lands and waters owned, controlled, maintained, 7209
or administered by the division ~~of parks and recreation,~~ has the 7210
authority ~~vested in police officers specified~~ under section 7211
2935.03 of the Revised Code for peace officers of the department 7212
of natural resources to keep the peace, to enforce all laws and 7213
~~all~~ rules governing those lands and waters, and to make arrests 7214
for violation of those laws and rules, provided that ~~such the~~ 7215
authority shall be exercised on lands or waters administered by 7216
another division of the department only pursuant to an agreement 7217
with the chief of that division or to a request for assistance by 7218

an enforcement officer of that division in an emergency. A park 7219
officer, in or along any watercourse within, abutting, or upstream 7220
from the boundary of any area administered by the department, has 7221
the authority to enforce section 3767.32 of the Revised Code and 7222
any other laws prohibiting the dumping of refuse into or along 7223
waters and to make arrests for violation of those laws. The 7224
jurisdiction of park officers shall be concurrent with that of the 7225
peace officers of the county, township, or municipal corporation 7226
in which the violation occurs. A state park, for purposes of this 7227
section, is any area that is administered as a state park by the 7228
division of parks and recreation. 7229

The governor, upon the recommendation of the chief, shall 7230
issue to each park officer a commission indicating authority to 7231
make arrests as provided in this section. 7232

The chief shall furnish a suitable badge to each commissioned 7233
park officer as evidence of that park officer's authority. 7234

If any person employed under this section is designated by 7235
the chief to act as an agent of the state in the collection of 7236
~~money~~ moneys resulting from the sale of licenses, fees of any 7237
nature, or other moneys belonging to the state, the chief shall 7238
require a surety bond from that person in an amount not less than 7239
one thousand dollars. 7240

A park officer may render assistance to a state or local law 7241
enforcement officer at the request of that officer or may render 7242
assistance to a state or local law enforcement officer in the 7243
event of an emergency. 7244

Park officers serving outside the division of parks and 7245
recreation under this section or serving under the terms of a 7246
mutual aid compact authorized under section 1501.02 of the Revised 7247
Code shall be considered as performing services within their 7248
regular employment for the purposes of compensation, pension or 7249

indemnity fund rights, workers' compensation, and other rights or 7250
benefits to which they may be entitled as incidents of their 7251
regular employment. 7252

Park officers serving outside the division of parks and 7253
recreation under this section or under a mutual aid compact retain 7254
personal immunity from civil liability as specified in section 7255
9.86 of the Revised Code and shall not be considered an employee 7256
of a political subdivision for purposes of Chapter 2744. of the 7257
Revised Code. A political subdivision that uses park officers 7258
under this section or under the terms of a mutual aid compact 7259
authorized under section 1501.02 of the Revised Code is not 7260
subject to civil liability under Chapter 2744. of the Revised Code 7261
as the result of any action or omission of any park officer acting 7262
under this section or under a mutual aid compact. 7263

Sec. 1547.01. (A) As used in sections 1541.03, 1547.25, 7264
1547.26, 1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 7265
1547.543, 1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the 7266
Revised Code, "watercraft" means any of the following when used or 7267
capable of being used for transportation on the water: 7268

(1) A ~~boat~~ vessel operated by machinery either permanently or 7269
temporarily affixed; 7270

(2) A sailboat other than a sailboard; 7271

(3) An inflatable, manually propelled boat having a hull 7272
identification number meeting the requirements of the United 7273
States coast guard; 7274

(4) A canoe or ~~row boat~~ rowboat. 7275

"Watercraft" does not include ferries as referred to in 7276
Chapter 4583. of the Revised Code. 7277

Watercraft subject to section 1547.54 of the Revised Code 7278
shall be divided into five classes as follows: 7279

Class A: Less than sixteen feet in length;	7280
Class 1: At least sixteen feet, but less than twenty-six feet in length;	7281 7282
Class 2: At least twenty-six feet, but less than forty feet in length;	7283 7284
Class 3: At least forty feet, but less than sixty-five feet in length;	7285 7286
Class 4: At least sixty-five feet in length.	7287
(B) As used in this chapter:	7288
(1) "Vessel" includes every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water.	7289 7290 7291
(2) "Rowboat" means any vessel designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.	7292 7293 7294 7295 7296
(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.	7297 7298 7299
(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.	7300 7301
(b) Any sailboat equipped with <u>a</u> detachable motor is deemed a sailboat with auxiliary power.	7302 7303
(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.	7304 7305 7306
(4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.	7307 7308

(5) "Person" includes any legal entity defined as a person in section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.

(6) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.

(7) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters in this state.

(8) "Visible" means visible on a dark night with clear atmosphere.

(9) "Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.

(10) "Navigable waters" means waters that come under the jurisdiction of the department of the army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.

(11) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this state.

(12) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(13) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks.

(14) "Coast guard approved" means bearing an approval number 7339
assigned by the United States coast guard. 7340

(15) "Type one personal flotation device" means a device that 7341
is designed to turn an unconscious person floating in water from a 7342
face downward position to a vertical or slightly face upward 7343
position and that has at least nine kilograms, approximately 7344
twenty pounds, of buoyancy. 7345

(16) "Type two personal flotation device" means a device that 7346
is designed to turn an unconscious person in the water from a face 7347
downward position to a vertical or slightly face upward position 7348
and that has at least seven kilograms, approximately fifteen and 7349
four-tenths pounds, of buoyancy. 7350

(17) "Type three personal flotation device" means a device 7351
that is designed to keep a conscious person in a vertical or 7352
slightly face upward position and that has at least seven 7353
kilograms, approximately fifteen and four-tenths pounds, of 7354
buoyancy. 7355

(18) "Type four personal flotation device" means a device 7356
that is designed to be thrown to a person in the water and not 7357
worn and that has at least seven and five-tenths kilograms, 7358
approximately sixteen and five-tenths pounds, of buoyancy. 7359

(19) "Type five personal flotation device" means a device 7360
that, unlike other personal flotation devices, has limitations on 7361
its approval by the United States coast guard, including, without 7362
limitation, all of the following: 7363

(a) The approval label on the type five personal flotation 7364
device indicates that the device is approved for the activity in 7365
which the vessel is being used or as a substitute for a personal 7366
flotation device of the type required on the vessel in use; 7367

(b) The personal flotation device is used in accordance with 7368

any requirements on the approval label; 7369

(c) The personal flotation device is used in accordance with 7370
requirements in its owner's manual if the approval label refers to 7371
such a manual. 7372

(20) "Inflatable watercraft" means any vessel constructed of 7373
rubber, canvas, or other material that is designed to be inflated 7374
with any gaseous substance, constructed with two or more air 7375
cells, and operated as a vessel. Inflatable watercraft propelled 7376
by a motor shall be classified as powercraft and shall be 7377
registered by length. 7378

(21) "Idle speed" means the slowest possible speed needed to 7379
maintain steerage or maneuverability. 7380

(22) "Diver's flag" means a red flag not less than one foot 7381
square having a diagonal white stripe extending from the masthead 7382
to the opposite lower corner that when displayed indicates that 7383
divers are in the water. 7384

(23) "Muffler" means an acoustical suppression device or 7385
system that is designed and installed to abate the sound of 7386
exhaust gases emitted from an internal combustion engine and that 7387
prevents excessive or unusual noise. 7388

(24) "Law enforcement vessel" means any vessel used in law 7389
enforcement and under the command of a law enforcement officer. 7390

(25) "Personal watercraft" means a vessel, less than sixteen 7391
feet in length, that is propelled by machinery and designed to be 7392
operated by an individual sitting, standing, or kneeling on the 7393
vessel rather than by an individual sitting or standing inside the 7394
vessel. 7395

(26) "No wake" has the same meaning as "idle speed." 7396

(C) Unless otherwise provided, this chapter applies to all 7397
vessels operating on the waters in this state. Nothing in this 7398

chapter shall be construed in contravention of any valid federal 7399
act or ~~rule~~ regulation, but is in addition to the act or ~~rule~~ 7400
regulation where not inconsistent. 7401

The state reserves to itself the exclusive right to regulate 7402
the minimum equipment requirements of watercraft and vessels 7403
operated on the waters in this state. 7404

Sec. 1547.03. No person shall install or use any 7405
intermittently flashing light of any type or color on any vessel 7406
in use or operation on the waters in this state, except ~~that such~~ 7407
~~flashing lights may be installed and used in an emergency to~~ 7408
~~attract attention to such an emergency for aid and relief of the~~ 7409
~~distressed, and except that a blue revolving or flashing~~ 7410
~~horizontal beam located at any effective point on the vessel may~~ 7411
~~be displayed by authorized patrol boats when engaged in law~~ 7412
~~enforcement duties day or night on waters in this state in~~ 7413
accordance with federal law. 7414

No person shall operate or permit to be operated any vessel 7415
on the waters in this state in violation of this section. 7416

Sec. 1547.04. No person, except an authorized watercraft 7417
representative of the federal government, the state, or any of its 7418
political subdivisions shall use or operate a siren on the waters 7419
in this state except for emergency purposes. 7420

No person shall operate or permit to be operated any vessel 7421
on the waters in this state in violation of this section. 7422

Sec. 1547.08. (A) No person shall operate a vessel within or 7423
through a designated bathing area or within or through any area 7424
that has been buoyed off designating it as an area in which 7425
vessels are prohibited. 7426

(B)(1) No person shall operate a vessel at greater than idle 7427

speed or at a speed that creates a wake within three hundred feet 7428
of any marina, boat docking facility, boat gasoline dock, launch 7429
ramp, recreational boat harbor, or harbor entrance, or during the 7430
period from sunset to sunrise according to local time within any 7431
water between the Dan Beard bridge and the Brent Spence bridge on 7432
the Ohio river for any vessel not documented by the United States 7433
coast guard as commercial, or within any area buoyed or marked as 7434
a no wake area. 7435

(2) Division (B)(1) of this section does not apply in any of 7436
the following places: 7437

(a) The Muskingum river unless the river is marked by a buoy 7438
or sign as a no wake or idle speed area; 7439

(b) Any other area designated by the chief of the division of 7440
watercraft unless it is marked by a buoy or sign as a no wake or 7441
idle speed area; 7442

(c) Within any water between the Dan Beard bridge and the 7443
Brent Spence bridge on the Ohio river when the United States coast 7444
guard has authorized the holding of a special event of a community 7445
nature on that water. 7446

(C) No person shall operate a vessel in any area of 7447
restricted or controlled operation in violation of the designated 7448
restriction. 7449

(D) No person shall operate a vessel within three hundred 7450
feet of an official diver's flag unless ~~he~~ the person is tendering 7451
the diving operation. 7452

(E) All areas of restricted or controlled operation as 7453
described in division (A) of this section or as provided for in 7454
section 1547.14 or 1547.61 of the Revised Code shall be marked by 7455
a buoy or sign designating the restriction. All waters surrounded 7456
by or lying between such a buoy or sign and the closest shoreline 7457

are thereby designated as an area in which the designated 7458
restrictions shall apply in the operation of any vessel. 7459

Markings on buoys designating areas of restricted or 7460
controlled operation shall be so spaced as to show all around the 7461
horizon. Lineal spacing between the buoys shall be such that under 7462
normal conditions of visibility any buoy shall be readily visible 7463
from the next adjacent buoy. No colors or symbols, except as 7464
provided for in rules of the chief, shall be used on buoys or 7465
signs for marking closed or controlled areas of boating waters. 7466

Any state department, conservancy district, or political 7467
subdivision having jurisdiction and control of impounded boating 7468
waters may place such buoys or signs on its waters. Any political 7469
subdivision may apply to the chief for permission to place such 7470
buoys or signs on other waters within its territorial limits. No 7471
person shall place or cause to be placed a regulatory buoy or sign 7472
on, into, or along the waters in this state unless the person has 7473
complied with all the provisions of this chapter. 7474

(F) No person shall permit any vessel to be operated on the 7475
waters in this state in violation of this section. 7476

Sec. 1547.09. No person shall moor or anchor any vessel in a 7477
designated speed zone or water ski zone. No person, unless in 7478
distress and no other vessel is endangered thereby, shall moor to, 7479
anchor to, or tie up to any marker, aid, buoy, light, or other aid 7480
to navigation. 7481

No person shall operate or permit to be operated any vessel 7482
on the waters in this state in violation of this section. 7483

Sec. 1547.111. (A) Any person who operates a vessel or uses 7484
any water skis, aquaplane, or similar device upon any waters in 7485
this state shall be deemed to have given consent to a chemical 7486
test or tests of ~~his~~ the person's blood, breath, or urine for the 7487

purpose of determining its alcohol or drug of abuse content if 7488
arrested for the offense of operating a vessel or using any water 7489
skis, aquaplane, or similar device in violation of section 1547.11 7490
of the Revised Code. The test or tests shall be administered at 7491
the direction of a law enforcement officer having reasonable 7492
grounds to believe the person to have been operating a vessel or 7493
using any water skis, aquaplane, or similar device in violation of 7494
section 1547.11 of the Revised Code. The law enforcement agency by 7495
which the officer is employed shall designate which of the tests 7496
shall be administered. 7497

(B) Any person who is dead, unconscious, or ~~who is~~ otherwise 7498
in a condition rendering ~~him~~ the person incapable of refusal shall 7499
be deemed not to have withdrawn consent provided by division (A) 7500
of this section and the test or tests may be administered, subject 7501
to sections 313.12 to 313.16 of the Revised Code. 7502

(C) Any person under arrest for the offense of operating a 7503
vessel or using any water skis, aquaplane, or similar device in 7504
violation of section 1547.11 of the Revised Code shall be advised 7505
of the consequences of ~~his refusal~~ refusing to submit to a 7506
chemical test designated by the law enforcement agency as provided 7507
in division (A) of this section. The advice shall be in a written 7508
form prescribed by the chief of the division of watercraft and 7509
shall be read to the person. The form shall contain a statement 7510
that the form was shown to the person under arrest and read to ~~him~~ 7511
the person in the presence of the arresting officer and either 7512
another law enforcement officer, a civilian law enforcement 7513
employee, or an employee of a hospital, first-aid station, or 7514
clinic, if any, to which the person has been taken for first-aid 7515
or medical treatment. The witnesses shall certify to this fact by 7516
signing the form. 7517

(D) If a person under arrest for the offense of operating a 7518

vessel or using any water skis, aquaplane, or similar device in 7519
violation of section 1547.11 of the Revised Code refuses upon the 7520
request of a law enforcement officer to submit to a chemical test 7521
designated by the law enforcement agency as provided in division 7522
(A) of this section, after first having been advised of the 7523
consequences of ~~his~~ the refusal as provided in division (C) of 7524
this section, no chemical test shall be given, but the chief ~~of~~ 7525
~~the division of watercraft~~, upon receipt of a sworn statement of 7526
the law enforcement officer that ~~he~~ the law enforcement officer 7527
had reasonable grounds to believe the arrested person had been 7528
operating a vessel or using any water skis, aquaplane, or similar 7529
device while under the influence of alcohol or a drug of abuse, 7530
under the combined influence of alcohol and a drug of abuse, or 7531
with a prohibited concentration of alcohol in ~~his~~ the person's 7532
blood, urine, or breath, and that the person refused to submit to 7533
the chemical test upon the request of the law enforcement officer, 7534
and upon receipt of the form as provided in division (C) of this 7535
section certifying that the arrested person was advised of the 7536
consequences of ~~his~~ the refusal, shall inform the person by 7537
written notice that ~~he~~ the person is prohibited from operating a 7538
vessel or using any water skis, aquaplane, or similar device, and 7539
is prohibited from registering any watercraft in accordance with 7540
section 1547.54 of the Revised Code, for one year following the 7541
date of the alleged violation of section 1547.11 of the Revised 7542
Code. The suspension of these operation, use, and registration 7543
privileges shall continue for the entire one-year period, subject 7544
to review as provided in this section. 7545

If the person under arrest is the owner of the vessel 7546
involved in the alleged violation, the law enforcement officer who 7547
arrested the person shall seize the watercraft registration 7548
certificate and tags from the vessel involved in the violation and 7549
forward them to the chief. ~~The chief of the division of~~ 7550

watercraft, in addition to informing ~~him~~ the person by written 7551
notice that ~~he~~ the person is prohibited from operating a vessel or 7552
using any water skis, aquaplane, or similar device, and from 7553
registering any watercraft in accordance with section 1547.54 of 7554
the Revised Code, for one year following the date of the alleged 7555
violation, shall retain the impounded registration certificate and 7556
tags, and shall impound ~~the~~ all other registration ~~certificate~~ 7557
certificates and tags issued to the person in accordance with 7558
sections 1547.54 and 1547.57 of the Revised Code, for a period of 7559
one year following the date of the alleged violation. ~~The~~ 7560
~~registration certificate and tags may be impounded on the date of~~ 7561
~~the alleged violation and such impoundment shall continue for the~~ 7562
~~entire one year period,~~ subject to review as provided in this 7563
section. 7564

If the arrested person fails to surrender the registration 7565
certificate because it is not on the person of the arrested person 7566
or in the watercraft, the law enforcement officer who made the 7567
arrest shall order the person to surrender it within twenty-four 7568
hours to the law enforcement officer or the law enforcement agency 7569
that employs the law enforcement officer. If the person fails to 7570
do so, the law enforcement officer shall notify the chief of that 7571
fact in the statement the officer submits to the chief under this 7572
division. 7573

(E) Upon suspending a person's operation, use, and 7574
registration privileges in accordance with division (D) of this 7575
section, the chief ~~of the division of watercraft~~ shall notify the 7576
person in writing, at ~~his~~ the person's last known address, and 7577
inform ~~him~~ the person that ~~he~~ the person may petition for a 7578
hearing in accordance with division (F) of this section. If a 7579
person whose operation, use, and registration privileges have been 7580
suspended petitions for a hearing or appeals any decision that is 7581
adverse to ~~him~~ the person, the suspension of privileges shall 7582

begin at the termination of any hearing or appeal unless the 7583
hearing or appeal resulted in a decision favorable to the person. 7584

(F) Any person who has been notified by the chief ~~of the~~ 7585
~~division of watercraft~~ that ~~he~~ the person is prohibited from 7586
operating a vessel or using any water skis, aquaplane, or similar 7587
device, and from registering any watercraft in accordance with 7588
section 1547.54 of the Revised Code, or who has had the 7589
registration certificate and tags of ~~his~~ the person's watercraft 7590
impounded pursuant to division (D) of this section, ~~may~~, within 7591
twenty days of the notification or impoundment, may file a 7592
petition in the municipal court or the county court, or ~~in case if~~ 7593
the person is a minor in juvenile court, in whose jurisdiction the 7594
arrest occurred, agreeing to pay the cost of the proceedings and 7595
alleging error in the action taken by the chief ~~of the division of~~ 7596
~~watercraft~~ under division (D) of this section or alleging one or 7597
more of the matters within the scope of the hearing as provided in 7598
this section, or both. The petitioner shall notify the chief ~~of~~ 7599
~~the division of watercraft~~ of the filing of the petition and send 7600
~~him~~ the chief a copy of the petition. 7601

The scope of the hearing is limited to the issues of whether 7602
the law enforcement officer had reasonable grounds to believe the 7603
petitioner was operating a vessel or using any water skis, 7604
aquaplane, or similar device while under the influence of alcohol 7605
or a drug of abuse, under the combined influence of alcohol and a 7606
drug of abuse, or with a prohibited concentration of alcohol or a 7607
drug of abuse in ~~his~~ the person's blood, urine, or breath, whether 7608
the petitioner was placed under arrest, whether the petitioner 7609
refused to submit to the chemical test upon request of the 7610
officer, and whether ~~he~~ the petitioner was advised of the 7611
consequences of ~~his~~ the refusal. 7612

(G)(1) The chief ~~of the division of watercraft~~ shall furnish 7613
the court a copy of the affidavit as provided in division (C) of 7614

this section and any other relevant information requested by the court. 7615
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(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the chief ~~of the division of watercraft~~ as provided in division (D) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the chief ~~of the division of watercraft~~ or the person whose operation, use, and registration privileges have been suspended. 7617
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In the proceedings, the chief shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the chief. If the petition is filed in the municipal court, the chief shall be represented as provided in section 1901.34 of the Revised Code. 7624
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(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the chief ~~of the division of watercraft~~ under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, ~~then~~ the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, use, and registration privileges provided in division (D) of this section. If the court finds that the person has shown error in the action taken by the chief ~~of the division of watercraft~~ under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the cost of the proceedings shall be paid out of the county treasury of the county in which the proceedings were held, 7633
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the operation, use, and registration privileges of the person 7647
shall be reinstated without charge, and the registration 7648
certificate and tags, if impounded, shall be returned without 7649
charge. 7650

(4) The court shall give information in writing of any action 7651
taken under this section to the chief ~~of the division of~~ 7652
~~watercraft.~~ 7653

(H) At the end of any period of suspension or impoundment 7654
imposed under this section, and upon request of the person whose 7655
operation, use, and registration privileges were suspended or 7656
whose registration certificate and tags were impounded, the chief 7657
~~of the division of watercraft~~ shall reinstate the person's 7658
operation, use, and registration privileges by written notice and 7659
return the certificate and tags. 7660

(I) No person who has received written notice from the chief 7661
~~of the division of watercraft~~ that he the person is prohibited 7662
from operating a vessel or using any water skis, aquaplane, or 7663
similar device, and from registering a watercraft, or who has had 7664
the registration certificate and tags of ~~his~~ the person's 7665
watercraft impounded, in accordance with division (D) of this 7666
section, shall operate a vessel or use any water skis, aquaplane, 7667
or similar device for a period of one year following the date of 7668
~~his~~ the person's alleged violation of section 1547.11 of the 7669
Revised Code. 7670

Sec. 1547.12. No person shall operate any vessel if the 7671
person is so mentally or physically incapacitated as to be unable 7672
to operate the vessel in a safe and competent manner. 7673

No person shall permit any vessel to be operated on the 7674
waters in this state in violation of this section. 7675

Sec. 1547.13. (A) No person shall fail to comply with any 7676

lawful order or direction of any law enforcement officer having 7677
authority to direct, control, or regulate the operation or use of 7678
vessels. 7679

(B) No person shall operate any vessel so as to purposely 7680
elude or flee from a law enforcement officer after receiving a 7681
visible or audible signal from a law enforcement officer to bring 7682
the vessel to a stop. 7683

(C) No person shall operate or permit to be operated any 7684
vessel on the waters in this state in violation of this section. 7685

Sec. 1547.131. Upon the approach of a law enforcement vessel 7686
with at least one ~~blue~~ flashing, rotating, or oscillating light of 7687
a color conforming with the requirements of federal law, the 7688
operator of any vessel shall stop if followed or give way in any 7689
crossing, head-on, or overtaking situation, and shall remain in 7690
~~such~~ that position until the law enforcement vessel has passed, 7691
except when otherwise directed by a law enforcement officer. If 7692
traffic conditions warrant, a siren or other sound producing 7693
device also may be operated as an additional signaling device. 7694
This section does not relieve the operator of any law enforcement 7695
vessel from the duty to operate with due regard for the safety of 7696
all persons and property on the waters in this state. 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. 1547.14. (A) Except on the waters of Lake Erie, the Ohio 7700
River, and immediately connected harbors and anchorage facilities, 7701
any person who rides or attempts to ride upon one or more water 7702
skis, surfboard, or similar device, or who engages or attempts to 7703
engage in barefoot skiing, and any person who operates a vessel 7704
towing a person riding or attempting to ride on one or more water 7705
skis, surfboard, or similar device, or engaging or attempting to 7706

engage in barefoot skiing, shall confine that activity to the 7707
water area within a designated ski zone on all bodies of water 7708
~~whereon~~ on which a ski zone has been established. 7709

(B) On all bodies of water designated as "open zone," that 7710
is, having a combined speed and ski zone, the activities described 7711
in division (A) of this section shall be confined to the open 7712
zone. 7713

(C) No person shall operate or permit to be operated any 7714
vessel on the waters in this state in violation of this section. 7715

Sec. 1547.15. Any person who ~~operates~~ OPERATES a vessel towing 7716
any person riding or attempting to ride upon one or more water 7717
skis, or upon a surfboard, or similar device, or engaging or 7718
attempting to engage in barefoot skiing, on the waters in this 7719
state shall have present in the vessel a person or persons other 7720
than the operator, ten years of age or older, who shall at all 7721
times observe the progress of the person being towed. The operator 7722
of the towing vessel shall at all times observe the traffic 7723
pattern toward which the vessel is approaching. 7724

No person shall operate or permit to be operated any vessel 7725
on the waters in this state in violation of this section. 7726

Sec. 1547.22. No occupant of any vessel underway on the 7727
waters in this state shall sit, stand, or walk upon any portion of 7728
the vessel not specifically designed for that movement, except 7729
when immediately necessary for the safe and reasonable navigation 7730
or operation of the vessel. No operator of a vessel under way on 7731
the waters in this state shall allow any occupant of the vessel to 7732
sit, stand, or walk on any portion of the vessel underway not 7733
specifically designed for that use, except when immediately 7734
necessary for the safe and reasonable navigation or operation of 7735
the vessel. 7736

No person shall operate or permit to be operated any vessel 7737
on the waters in this state in violation of this section. 7738

Sec. 1547.25. (A) No person shall operate or permit to be 7739
operated any watercraft, other than a commercial vessel, on the 7740
waters in this state: 7741

(1) ~~Sixteen~~ That is sixteen feet or greater in length without 7742
carrying aboard one type one, two, or three personal flotation 7743
device for each person aboard and one type four personal flotation 7744
device; 7745

(2) ~~Less~~ That is less than sixteen feet in length, including 7746
canoes and kayaks of any length, without carrying aboard one type 7747
one, two, or three personal flotation device for each person 7748
aboard. 7749

(B) A type five personal flotation device may be carried in 7750
lieu of a type one, two, or three personal flotation device 7751
required under division (A) of this section. 7752

(C) No person shall operate or permit to be operated any 7753
commercial vessel on the waters in this state: 7754

(1) That is less than forty feet in length and is not 7755
carrying persons for hire without carrying aboard at least one 7756
type one, two, or three personal flotation device for each person 7757
aboard; 7758

(2) That is carrying persons for hire or is forty feet in 7759
length or longer and is not carrying persons for hire without 7760
carrying aboard at least one type one personal flotation device 7761
for each person aboard; 7762

(3) That is twenty-six feet in length or longer without 7763
carrying aboard at least one type four ring life buoy in addition 7764
to the applicable requirements of divisions (C)(1) and (2) of this 7765
section. 7766

(D) Each personal flotation device carried aboard a 7767
watercraft or commercial vessel pursuant to this section shall be 7768
coast guard approved and in good and serviceable condition, of 7769
appropriate size for the wearer, and readily accessible to each 7770
person aboard the watercraft at all times. 7771

(E) As used in this section, "commercial vessel" means any 7772
vessel used in the carriage of any person or property for a 7773
valuable consideration whether flowing directly or indirectly from 7774
the owner, partner, or agent or any other person interested in the 7775
vessel. "Commercial vessel" does not include any vessel that is 7776
manufactured or used primarily for noncommercial use or that is 7777
leased, rented, or chartered to another for noncommercial use. 7778

Sec. 1547.251. (A) No person shall operate on the waters of 7779
Lake Erie or the immediately connecting bays, harbors, and 7780
anchorage areas at any time a vessel+ 7781

~~(1) Sixteen~~ That is sixteen or more feet in length or any 7782
vessel carrying six or fewer passengers for hire without carrying 7783
coast guard approved visual distress signals for both day and 7784
night use+ 7785

~~(2) Less than sixteen feet in length between sunset and~~ 7786
~~sunrise without carrying coast guard approved distress signals for~~ 7787
~~night use.~~ 7788

~~The distress signals required by this division shall be in~~ 7789
~~good and serviceable condition, readily accessible, and of the~~ 7790
~~type and quantities required by the "Federal Boat Safety Act of~~ 7791
~~1971," 85 Stat. 213, 46 U.S.C.A. 1451, as amended.~~ 7792

(B) No person shall operate upon the waters of Lake Erie or 7793
the immediately connecting bays, harbors, and anchorage areas 7794
during the period from sunset to sunrise according to local time 7795
any of the following without carrying coast guard approved visual 7796

<u>distress signals for night use:</u>	7797
(1) <u>A vessel less than sixteen feet in length;</u>	7798
(2) <u>A vessel competing in an organized marine parade, race, regatta, or similar event;</u>	7799
(3) <u>A manually propelled vessel;</u>	7800
(4) <u>A sailboat less than twenty-six feet in length with completely open construction and without propulsion machinery.</u>	7801
(C) No person shall operate a vessel on the waters in this state other than Lake Erie or the immediately connecting bays, harbors, and anchorage <u>areas</u> unless the vessel carries either a distress flag at least two feet square and international orange in color or a coast guard approved daytime distress signal.	7802
(C) (D) No person shall display any distress signal unless a vessel or a person is in distress and in need of help.	7803
(D) (E) Divisions (A) and (B) (C) of this section do not apply to any of the following:	7804
(1) Vessels competing in an organized marine parade, race, regatta, or similar event;	7805
(2) Manually propelled vessels;	7806
(3) Sailboats less than twenty-six feet in length with completely open construction and without propulsion machinery.	7807
(F) <u>The distress signals required by this section shall be in good and serviceable condition, readily accessible, and of the type and quantities required by regulations adopted under 46 U.S.C. 4302, as amended.</u>	7808
(G) <u>No person shall operate or permit to be operated any vessel on the waters in this state in violation of this section.</u>	7809
 Sec. 1547.26. All watercraft, except sailboats less than	7810

sixteen feet long having a cockpit depth of less than twelve 7825
inches and except canoes, shall carry an anchor and line of 7826
sufficient weight and length to anchor the watercraft securely. 7827
The chief ~~may~~ of the division of watercraft, by rule, may exempt 7828
other types of watercraft from this section ~~if he determines~~ after 7829
determining that carrying such an anchor and line would constitute 7830
a hazard. 7831

No person shall operate or permit to be operated any 7832
watercraft on the waters in this state in violation of this 7833
section. 7834

Sec. 1547.30. (A) As used in this section and sections 7835
1547.301, 1547.302, and 1547.304 of the Revised Code: 7836

(1) "Vessel or outboard motor" excludes an abandoned junk 7837
vessel or outboard motor, as defined in section 1547.303 of the 7838
Revised Code, or any watercraft or outboard motor under section 7839
4585.31 of the Revised Code. 7840

(2) "Law enforcement agency" means any organization or unit 7841
comprised of law enforcement officers, as defined in section 7842
2901.01 of the Revised Code. 7843

(B)(1) The sheriff of a county, chief of police of a 7844
municipal corporation, township, or township police district, or 7845
other chief of a law enforcement agency, within the sheriff's or 7846
chief's respective territorial jurisdiction, upon complaint of any 7847
person adversely affected, may order into storage any vessel or 7848
outboard motor that has been left on private property, other than 7849
a private dock or mooring facility or structure, for at least 7850
seventy-two hours without the permission of the person having the 7851
right to the possession of the property. The sheriff or chief, 7852
upon complaint of the owner of a marine repair facility or place 7853
of storage, may order into storage any vessel or outboard motor 7854

that has been left at the facility or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the sheriff or chief. When ordering a vessel or motor into storage under division (B)(1) of this section, a sheriff or chief, whenever possible, shall arrange for the removal of the vessel or motor by a private tow truck operator or towing company.

(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.

(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.

(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: 7887

(i) The information specified in division (B)(2)(a) or (b) of 7888
this section, as applicable; 7889

(ii) A notice that violators will be towed and that violators 7890
are responsible for paying the cost of the towing; 7891

(iii) The telephone number of the person from whom a towed 7892
vessel or outboard motor may be recovered, and the address of the 7893
place to which the vessel or outboard motor will be taken and the 7894
place from which it may be recovered. 7895

(d) Divisions (B)(2)(a) and (b) of this section do not 7896
prohibit a person from mooring, anchoring, or tying a vessel or 7897
outboard motor at a private dock or mooring facility or structure 7898
if either of the following applies: 7899

(i) The vessel or outboard motor is disabled due to a 7900
mechanical or structural malfunction, provided that the person 7901
immediately removes the vessel or outboard motor from the dock, 7902
facility, or structure when the malfunction is corrected or when a 7903
reasonable attempt has been made to correct it; 7904

(ii) Weather conditions are creating an imminent threat to 7905
safe operation of the vessel or outboard motor, provided that the 7906
person immediately removes the vessel or outboard motor from the 7907
dock, facility, or structure when the weather conditions permit 7908
safe operation of the vessel or outboard motor. 7909

(e) A person whose vessel or outboard motor is towed into 7910
storage under division (B)(2)(c) of this section either shall pay 7911
the costs of the towing of the vessel or outboard motor or shall 7912
reimburse the owner of the dock or mooring facility or structure 7913
for the costs that the owner incurs in towing the vessel or 7914
outboard motor. 7915

(3) Subject to division (C) of this section, the owner of a 7916

vessel or motor that has been removed under division (B) of this 7917
section may recover the vessel or motor only in accordance with 7918
division (F) of this section. 7919

(C) If the owner or operator of a vessel or outboard motor 7920
that has been ordered into storage under division (B) of this 7921
section arrives after the vessel or motor has been prepared for 7922
removal, but prior to its actual removal from the property, the 7923
owner or operator shall be given the opportunity to pay a fee of 7924
not more than one-half of the charge for the removal of vessels or 7925
motors under division (B) of this section that normally is 7926
assessed by the person who has prepared the vessel or motor for 7927
removal, in order to obtain release of the vessel or motor. Upon 7928
payment of that fee, the vessel or motor shall be released to the 7929
owner or operator, and upon its release, the owner or operator 7930
immediately shall move it so that it is not on the private 7931
property without the permission of the person having the right to 7932
possession of the property, or is not at the facility or place of 7933
storage without the permission of the owner, whichever is 7934
applicable. 7935

(D) Each county sheriff, each chief of police of a municipal 7936
corporation, township, or township police district, and each other 7937
chief of a law enforcement agency shall maintain a record of 7938
vessels or outboard motors that are ordered into storage under 7939
division (B)(1) of this section. The record shall include an entry 7940
for each such vessel or motor that identifies the vessel's hull 7941
identification number or serial number, if any, the vessel's or 7942
motor's make, model, and color, the location from which it was 7943
removed, the date and time of its removal, the telephone number of 7944
the person from whom it may be recovered, and the address of the 7945
place to which it has been taken and from which it may be 7946
recovered. Any information in the record that pertains to a 7947
particular vessel or motor shall be provided to any person who, 7948

pursuant to a statement the person makes either in person or by 7949
telephone, is identified as the owner or operator of the vessel or 7950
motor and requests information pertaining to its location. 7951

(E) Any person who registers a complaint that is the basis of 7952
a sheriff's or chief's order for the removal and storage of a 7953
vessel or outboard motor under division (B)(1) of this section 7954
shall provide the identity of the law enforcement agency with 7955
which the complaint was registered to any person who, pursuant to 7956
a statement the person makes, is identified as the owner or 7957
operator of the vessel or motor and requests information 7958
pertaining to its location. 7959

(F)(1) The owner of a vessel or outboard motor that is 7960
ordered into storage under division (B) of this section may 7961
reclaim it upon payment of any expenses or charges incurred in its 7962
removal, in an amount not to exceed two hundred dollars, and 7963
storage, in an amount not to exceed five dollars per 7964
twenty-four-hour period, and upon presentation of proof of 7965
ownership, which may be evidenced by a certificate of title to the 7966
vessel or motor, certificate of United States coast guard 7967
documentation, or certificate of registration if the vessel or 7968
motor is not subject to titling under section 1548.01 of the 7969
Revised Code. 7970

(2) If a vessel or outboard motor that is ordered into 7971
storage under division (B)(1) of this section remains unclaimed by 7972
the owner for thirty days, the procedures established by sections 7973
1547.301 and 1547.302 of the Revised Code shall apply. 7974

(3) If a vessel or outboard motor ordered into storage under 7975
division (B)(2) of this section remains unclaimed for seventy-two 7976
hours after being stored, the tow truck operator or towing company 7977
that removed the vessel or outboard motor shall provide notice of 7978
the removal and storage to the sheriff of a county, chief of 7979

7980 police of a municipal corporation, township, or township police
7981 district, or other chief of a law enforcement agency within whose
7982 territorial jurisdiction the vessel or outboard motor had been
7983 moored, anchored, or tied in violation of division (B)(2) of this
7984 section. The notice shall be in writing and include the vessel's
7985 hull identification number or serial number, if any, the vessel's
7986 or outboard motor's make, model, and color, the location from
7987 which it was removed, the date and time of its removal, the
7988 telephone number of the person from whom it may be recovered, and
7989 the address of the place to which it has been taken and from which
7990 it may be recovered.

7991 Upon receipt of the notice, the sheriff or chief immediately
7992 shall cause a search to be made of the records of the division of
7993 watercraft to ascertain the owner and any lienholder of the vessel
7994 or outboard motor, and, if known, shall send notice to the owner
7995 and lienholder, if any, at the owner's and lienholder's last known
7996 address by certified mail, return receipt requested, that the
7997 vessel or outboard motor will be declared a nuisance and disposed
7998 of if not claimed not later than thirty days after the date of the
7999 mailing of the notice.

8000 If the owner or lienholder makes no claim to the vessel or
8001 outboard motor within thirty days of the date of the mailing of
8002 the notice, the sheriff or chief shall file with the clerk of
8003 courts of the county in which the place of storage is located an
8004 affidavit showing compliance with the requirements of division
8005 (F)(3) of this section, and the vessel or outboard motor shall be
8006 disposed of in accordance with section 1547.302 of the Revised
8007 Code.

8008 (G) No person shall remove, or cause the removal of, any
8009 vessel or outboard motor from private property other than in
8010 accordance with division (B) of this section or section 1547.301
8011 of the Revised Code.

Sec. 1547.302. (A) Unclaimed vessels or outboard motors 8012
ordered into storage under division (B) of section 1547.30 or 8013
section 1547.301 of the Revised Code shall be disposed of at the 8014
order of the sheriff of the county, the chief of police of the 8015
municipal corporation, township, or township police district, or 8016
~~either another~~ chief of a law enforcement agency ~~to~~ in any of the 8017
following ways: 8018

(1) To a marine salvage dealer ~~or to~~; 8019

(2) To any other facility owned, operated, or under contract 8020
with the state, or the county, municipal corporation, township, or 8021
other political subdivision, ~~or shall be sold;~~ 8022

(3) To a charitable organization, religious organization, or 8023
similar organization not used and operated for profit; 8024

(4) By sale at public auction by the sheriff, the chief, or 8025
an auctioneer licensed under Chapter 4707. of the Revised Code, 8026
after giving notice ~~thereof~~ of the auction by advertisement, 8027
published once a week for two consecutive weeks in a newspaper of 8028
general circulation in the county. ~~Any~~ 8029

(B) Any moneys accruing from the disposition of an unclaimed 8030
vessel or motor that are in excess of the expenses resulting from 8031
the removal and storage of the vessel or motor shall be credited 8032
to the general revenue fund, or to the general fund of the county, 8033
municipal corporation, township, or other political subdivision, 8034
as appropriate. 8035

(C) As used in this section, "charitable organization" has 8036
the same meaning as in section 1716.01 Of the Revised Code. 8037

Sec. 1547.31. No person shall operate or permit to be 8038
operated on the waters in this state any powercraft without a 8039
muffler, underwater exhaust, or other device that muffles or 8040

suppresses the sound of the exhaust at all speeds. 8041

This version of section 1547.31 Of the Revised Code is 8042
effective until repealed by Am. S. B. 295 of the 121st general 8043
assembly on December 31, 1999. 8044

Sec. 1547.33. Except on the waters of Lake Erie, the 8045
Muskingum River, or the Ohio River, no person shall launch, moor, 8046
dock, use, ~~or operate,~~ or permit to be operated on any of the 8047
waters in this state any vessel that contains a sink, toilet, or 8048
sanitary system that is capable of discharging urine, fecal 8049
matter, contents of a chemical commode, kitchen wastes, laundry 8050
wastes, slop sink drainage, or other household wastes into the 8051
waters in this state. Such a sink, toilet, or sanitary system 8052
shall be removed ~~or,~~ sealed, or made to drain into a tank or 8053
reservoir that can be carried or pumped ashore for disposal in a 8054
sewage treatment works approved by the director of environmental 8055
protection. 8056

Sec. 1547.39. (A) No person ~~shall,~~ after January 1, 1977, 8057
shall manufacture, sell, or offer for sale any watercraft 8058
propelled by machinery as its principal source of power, or 8059
watercraft designed to be manually propelled, less than twenty 8060
feet in length, and designed to carry two or more persons, 8061
manufactured after that date, unless a capacity plate containing 8062
the correct information, as prescribed by regulations adopted by 8063
the United States coast guard, is firmly attached to the 8064
watercraft~~7.~~ The capacity plate shall be attached in such a 8065
location that ~~the capacity plate~~ it is clearly legible from the 8066
position designed or intended to be occupied by the operator when 8067
the watercraft is underway. 8068

(B) No person shall operate or permit to be operated on the 8069
waters in this state watercraft for which a capacity plate is 8070

required under this section unless the capacity plate is attached. 8071

(C) No person shall alter, remove, or deface any information 8072
contained on the capacity plate unless the manufacturer has 8073
altered the watercraft in such a way that would require a change 8074
in the information contained on the capacity plate. 8075

(D) As used in this section, "manufacture" means to construct 8076
or assemble a watercraft, or to alter a watercraft in such a 8077
manner as to affect or change its weight capacity or occupant 8078
capacity. 8079

Sec. 1547.40. (A) No person shall operate or permit to be 8080
operated on the waters in this state a watercraft to which a 8081
capacity plate is attached, if the total load exceeds the weight 8082
capacity indicated on the capacity plate, if the number of persons 8083
aboard exceeds the occupant capacity indicated on the capacity 8084
plate, or if the horsepower of any attached outboard motor exceeds 8085
the maximum horsepower indicated on the capacity plate. 8086

(B) When no capacity plate exists, no person shall operate or 8087
permit to be operated on the waters in this state a watercraft if 8088
a reasonably prudent person would believe that either of the 8089
following circumstances applies: 8090

(1) The total load aboard the watercraft has associated with 8091
it a risk of physical harm to persons or property; 8092

(2) The total horsepower of any inboard engine or attached 8093
outboard motor has associated with it a risk of physical harm to 8094
persons or property. 8095

Sec. 1547.52. (A) The division of watercraft shall be 8096
administered by the chief of the division of watercraft. The chief 8097
may adopt, amend, and rescind: 8098

(1) Rules considered necessary by the chief to supplement the 8099

identification, operation, titling, use, registration, and 8100
numbering of watercraft or vessels as provided in this chapter and 8101
Chapter 1548. of the Revised Code; 8102

(2) Rules governing the navigation of vessels on waters in 8103
this state, including, but not limited to, rules regarding 8104
steering and sailing, the conduct of vessels in sight of one 8105
another or in restricted visibility, lights and shapes of lights 8106
used on vessels, and sound and light signals. As the chief 8107
considers necessary, these navigational rules shall be consistent 8108
with and equivalent to the ~~rules~~ regulations and interpretive 8109
rulings governing inland waters adopted or issued under the 8110
"Inland Navigational Rules Act of 1980," 94 Stat. 3415, 33 8111
U.S.C.A. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 2073. 8112

(3) Rules establishing fees and charges for all of the 8113
following: 8114

(a) Boating skill development classes and other educational 8115
classes; 8116

(b) Law enforcement services provided at special events when 8117
the services are in addition to normal enforcement duties; 8118

(c) Inspections of vessels or motors conducted under this 8119
chapter or Chapter 1548. of the Revised Code. 8120

All rules adopted by the chief under ~~this~~ division (A) of 8121
this section shall be adopted in accordance with Chapter 119. of 8122
the Revised Code, and ~~shall be~~ are subject to the prior approval 8123
of the director of natural resources. 8124

(B) The chief, with the approval of the director ~~of natural~~ 8125
~~resources~~, may employ such clerical and technical help as ~~he~~ the 8126
chief considers necessary. 8127

(C) The chief may designate license agents with the approval 8128
of the director ~~of natural resources~~. 8129

(D) The division is hereby designated as the agency to 8130
administer the Ohio boating safety program and allocated federal 8131
funds under, and the chief shall prepare and submit reports in 8132
such form as may be required by, the "Federal Boat Safety Act of 8133
1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended. 8134

(E) The chief may sell any of the following: 8135

(1) Items related to or that promote boating safety, 8136
including, but not limited to, pins, badges, books, bulletins, 8137
maps, publications, calendars, and other educational articles; 8138

(2) Artifacts pertaining to boating; 8139

(3) Confiscated or forfeited items; 8140

(4) Surplus equipment. 8141

Sec. 1547.521. (A) The law enforcement officers of the 8142
division of watercraft shall be known as "state watercraft 8143
officers." The chief of the division of watercraft and state 8144
watercraft officers: 8145

(1) Shall develop and conduct educational programs in vessel 8146
safety, sanitation, and operation, and in other related subjects 8147
~~which~~ that the chief considers appropriate or necessary; 8148

(2) Shall enforce this chapter and Chapter 1548. of the 8149
Revised Code and rules adopted under them, and may enforce laws 8150
prohibiting the dumping of refuse, trash, or litter into the 8151
waters in this state and Chapters 2925. and 3719. of the Revised 8152
Code on all waters in the state; 8153

(3) ~~Shall have, on~~ On any lands owned, controlled, 8154
maintained, or administered by the department of natural resources 8155
and on any waters in this state, shall have the authority ~~vested~~ 8156
~~in police officers specified~~ under section 2935.03 of the Revised 8157
Code for peace officers of the department of natural resources to 8158

keep the peace, to enforce all laws and rules governing those 8159
lands and waters, and to make arrests for violation of those laws 8160
and rules, provided that ~~such~~ the authority shall be exercised on 8161
lands or waters administered by another division of the department 8162
only pursuant to an agreement with the chief of that division or 8163
to a request for assistance by an enforcement officer of that 8164
division in an emergency. The jurisdiction of state watercraft 8165
officers shall be concurrent with that of the peace officers of 8166
the county, township, or municipal corporation in which the 8167
violation occurs. 8168

(4) ~~May, for~~ For the purpose of enforcing the laws and rules 8169
~~which that~~ they have the authority to enforce, may stop, board, 8170
and conduct a safety inspection of any vessel; 8171

(5) May serve and execute any citation, summons, warrant, or 8172
other process issued with respect to any law that they have the 8173
authority to enforce. 8174

(B) A state watercraft officer may render assistance to a 8175
state or local law enforcement officer at the request of that 8176
officer or may render assistance to a state or local law 8177
enforcement officer in the event of an emergency. 8178

~~Watercraft~~ State watercraft officers serving outside the 8179
division of watercraft under this section or serving under the 8180
terms of a mutual aid compact authorized under section 1501.02 of 8181
the Revised Code shall be considered as performing services within 8182
their regular employment for the purposes of compensation, pension 8183
or indemnity fund rights, workers' compensation, and other rights 8184
or benefits to which they may be entitled as incidents of their 8185
regular employment. 8186

~~Watercraft~~ State watercraft officers serving outside the 8187
division of watercraft under this section or under a mutual aid 8188
compact retain personal immunity from civil liability as specified 8189

in section 9.86 of the Revised Code and shall not be considered an 8190
employee of a political subdivision for purposes of Chapter 2744. 8191
of the Revised Code. A political subdivision that uses state 8192
watercraft officers under this section or under the terms of a 8193
mutual aid compact authorized under section 1501.02 of the Revised 8194
Code is not subject to civil liability under Chapter 2744. of the 8195
Revised Code as the result of any action or omission of any state 8196
watercraft officer acting under this section or under a mutual aid 8197
compact. 8198

Sec. 1547.531. (A) ~~No~~ (1) Except as provided in division 8199
(A)(2) or (B) of this section, no person shall operate or give 8200
permission for the operation of any watercraft on the waters in 8201
this state unless the watercraft is registered in the name of the 8202
current owner in accordance with section 1547.54 of the Revised 8203
Code, and the registration is valid and in effect. ~~¶~~ 8204

(2) On and after January 1, 1999, if a titled watercraft or 8205
vessel documented by the United States coast guard that is 8206
required to be issued a certificate of title under Chapter 1548. 8207
Of the Revised Code is transferred to a new owner, it need not be 8208
registered under section 1547.54 Of the Revised Code for 8209
forty-five days following the date of the transfer, provided that 8210
the new owner purchases a temporary watercraft registration under 8211
division (A) of this section or holds a bill of sale from a 8212
watercraft dealer ~~dated at the time of the transfer, a notarized~~ 8213
~~paper evidencing the transfer and dated at the time of the~~ 8214
~~transfer, or proof of application for transfer of documentation.~~ 8215

~~Watercraft~~ For the purposes of division (A)(2) of this 8216
section, a temporary watercraft registration or a bill of sale 8217
from a watercraft dealer shall contain at least all of the 8218
following information: 8219

(a) The hull identification number or serial number of the 8220

<u>watercraft;</u>	8221
(b) <u>The make of the watercraft;</u>	8222
(c) <u>The length of the watercraft;</u>	8223
(d) <u>The type of propulsion, if any;</u>	8224
(e) <u>The state in which the watercraft principally is operated;</u>	8225 8226
(f) <u>The name of the owner;</u>	8227
(g) <u>The address of the owner, including the zip code;</u>	8228
(h) <u>The signature of the owner;</u>	8229
(i) <u>The date of purchase;</u>	8230
(j) <u>A notice to the owner that the temporary watercraft registration expires forty-five days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this state solely under the bill of sale beginning forty-five days after the date of purchase of the watercraft, as applicable.</u>	8231 8232 8233 8234 8235 8236
(3) <u>A person may purchase a temporary watercraft registration from the chief of the division of watercraft or from an authorized agent designated under section 1547.54 of the Revised Code. The chief shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (A)(2)(a) to (i) of this section, the person shall pay one of the applicable fees required under divisions (A)(2)(a) to (f) of section 1547.54 Of the Revised Code as provided in that section.</u>	8237 8238 8239 8240 8241 8242 8243 8244 8245 8246
<u>Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the waterways safety fund created in section 1547.75 of the Revised Code.</u>	8247 8248 8249

(4) In addition to the applicable fee required under division (A)(3) of this section, the chief or an authorized agent shall charge an additional fee of three dollars for a temporary watercraft registration that the chief or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional fee. When the temporary watercraft registration is issued by the chief, the additional fee shall be deposited to the credit of the waterways safety fund. 8250
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(5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under section 1547.54 of the Revised Code need not pay the fee required under division (A)(2) of that section for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration. 8259
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(6) A person who purchases a temporary watercraft registration, who subsequently applies for a registration certificate under section 1547.54 of the Revised Code, and who is exempt from payment for the registration certificate under division (O) of that section may apply to the chief for a refund of the amount paid for the temporary watercraft registration at the time that the person applies for a registration certificate. The chief shall refund that amount upon issuance to the person of a registration certificate. 8267
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(7) All records of the division of watercraft made or maintained for the purposes of divisions (A)(2) to (8) of this section are public records. The records shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division. 8276
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(8) Pursuant to division (A)(1) of section 1547.52 of the Revised Code, the chief may adopt rules establishing all of the following: 8281
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(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; 8284
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(b) Procedures and requirements for the refund of fees under division (A)(6) of this section; 8288
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(c) Any other procedures and requirements necessary for the administration and enforcement of divisions (A)(2) to (8) of this section. 8290
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(B) All of the following watercraft are exempt from registration are: 8293
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(1) Those that are exempt from numbering by the state under divisions (B) to (G) of section 1547.53 of the Revised Code; 8295
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(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; 8297
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(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. 8300
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~~(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 8304
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documentation. 8311

~~(C)~~(D)(1) For the purposes of this section and section 8312
1547.53 of the Revised Code, a watercraft is principally using the 8313
waters in this state if any of the following applies: 8314

(a) The owner resides in this state and declares that the 8315
watercraft principally is using the waters in this state; 8316

(b) The owner resides in another state, but declares that the 8317
watercraft principally is using the waters in this state; 8318

(c) The watercraft is registered in another state or 8319
documented by the United States coast guard and is used within 8320
this state for more than sixty days regardless of whether it has 8321
been assigned a seasonal or permanent mooring at any public or 8322
private docking facility in this state. 8323

(2) Notwithstanding division ~~(C)~~(D)(1)(c) of this section, a 8324
person on active duty in the armed forces of the United States may 8325
register a watercraft in his the person's state of permanent 8326
residence in lieu of registering it in this state regardless of 8327
the number of days that the watercraft is used in this state. 8328

Sec. 1547.54. (A)(1) The owner of every watercraft requiring 8329
registration under this chapter shall file an application for a 8330
triennial registration certificate with the chief of the division 8331
of watercraft on forms that shall be provided by the chief. The 8332
application shall be signed by the following: 8333
8334

(a) If the watercraft is owned by two persons under joint 8335
ownership with right of survivorship established under section 8336
2106.17 of the Revised Code, by both of those persons as owners of 8337
the watercraft; 8338

(b) If the watercraft is owned by a minor, by the minor and a 8339
parent or legal guardian; 8340

(c) In all other cases, by the owner of the watercraft. 8341

(2) An application for a triennial registration of a 8342
watercraft filed under division (A)(1) of this section shall be 8343
accompanied by the following ~~annual~~ fee: 8344

(a) For canoes, kayaks, rowboats, and inflatable watercraft, 8345
~~four~~ twelve dollars; 8346

(b) For class A watercraft, including motorized canoes, ~~ten~~ 8347
thirty dollars; 8348

(c) For class 1 watercraft, ~~fifteen~~ forty-five dollars; 8349

(d) For class 2 watercraft, ~~twenty~~ sixty dollars; 8350

(e) For class 3 watercraft, ~~twenty-five~~ seventy-five dollars; 8351
8352

(f) For class 4 watercraft, ~~thirty~~ ninety dollars. 8353

(3) For the purpose of registration, any watercraft operated 8354
by means of power, sail, or any other mechanical or electrical 8355
means of propulsion, except motorized canoes, shall be registered 8356
by length as prescribed in this section. 8357

(4) If an application for registration is filed by two 8358
persons as owners under division (A)(1)(a) of this section, the 8359
person who is listed first on the title shall serve as and perform 8360
the duties of the "owner" and shall be considered the person "in 8361
whose name the watercraft is registered" for purposes of divisions 8362
(B) to (P) of this section and for purposes of all other sections 8363
in this chapter. 8364

(B) All registration certificates are valid for three years 8365
and are renewable on a triennial basis unless sooner terminated or 8366
discontinued in accordance with this chapter. The renewal date 8367
shall be printed on the registration certificate. A registration 8368
certificate may be renewed by the owner in the manner prescribed 8369
by the chief. All fees shall be charged according to a proration 8370

of the time remaining in the registration cycle to the nearest 8371
year. 8372

(C) In addition to the fees set forth in this section, the 8373
chief, or any authorized agent, shall charge an additional fee of 8374
three dollars for any registration certificate the chief or 8375
authorized agent issues. When the registration certificate is 8376
issued by an authorized agent, the additional fee of three dollars 8377
shall be retained by the issuing agent. When the registration 8378
certificate is issued by the chief, the additional fee of three 8379
dollars shall be deposited to the credit of the waterways safety 8380
fund established in section 1547.75 of the Revised Code. 8381

(D) Upon receipt of the application in approved form, the 8382
chief shall enter the same upon the records of the office of the 8383
division, assign a number to the watercraft if a number is 8384
required under section 1547.53 of the Revised Code, and issue to 8385
the applicant a registration certificate. If a number is assigned 8386
by the chief, it shall be set forth on the certificate. The 8387
registration certificate shall be on the watercraft for which it 8388
is issued and available at all times for inspection whenever the 8389
watercraft is in operation, except that livery operators may 8390
retain the registration certificate at the livery where it shall 8391
remain available for inspection at all times. 8392

(E) No person shall issue or be issued a registration 8393
certificate for a watercraft that is required to be issued a 8394
certificate of title under Chapter 1548. of the Revised Code 8395
except upon presentation of a certificate of title for the 8396
watercraft as provided in that chapter, proof of current 8397
documentation by the United States coast guard, a renewal 8398
registration form provided by the division of watercraft, or a 8399
certificate of registration issued under this section that has 8400
expired if there is no change in the ownership or description of 8401
the watercraft. 8402

(F) Whenever the ownership of a watercraft changes, a new application form together with the prescribed fee shall be filed with the chief or the chief's agent and a new registration certificate shall be issued. The application shall be signed by the person or persons specified in division (A)(1)(a) to (c) of this section and shall be accompanied by a two-dollar transfer fee. Any remaining time on the registration shall be transferred. An authorized agent of the chief shall charge an additional fee of three dollars, which shall be retained by the issuing agent. If the certificate is issued by the chief, an additional fee of three dollars for each certificate issued shall be collected.

(G) If an agency of the United States has in force an overall system of identification numbering for watercraft or certain types of watercraft within the United States, the numbering system employed by the division shall be in conformity with that system.

(H) The chief may assign any registration certificates to any authorized agent for the assignment thereof. If a person accepts that authorization, the person may be assigned a block of numbers and certificates therefor that upon assignment, in conformity with this chapter and Chapter 1548. of the Revised Code and with rules of the division, shall be valid as if assigned directly by the division. Any person so designated as an agent by the chief shall post with the division security as may be required by the director of natural resources. The chief may issue an order temporarily or permanently restricting or suspending an agent's authorization without a hearing if the chief finds that the agent has violated this chapter or Chapter 1548. of the Revised Code, rules adopted under them, or any agreements prescribed by the chief.

(I) All records of the division made or kept pursuant to this section shall be public records. Those records shall be available

for inspection at reasonable hours and in a manner compatible with 8435
normal operations of the division. 8436

(J) The owner shall furnish the division notice within 8437
fifteen days of the following: 8438

(1) The transfer, other than through the creation of a 8439
security interest in any watercraft, of all or any part of the 8440
owner's interest or, if the watercraft is owned by two persons 8441
under joint ownership with right of survivorship established under 8442
section 2106.17 of the Revised Code, of all or any part of the 8443
joint interest of either of the two persons. The transfer shall 8444
not terminate the registration certificate. 8445

(2) Any change in the address appearing on the certificate 8446
and, as a part of the notification, shall furnish the chief with 8447
the owner's new address; 8448

(3) The destruction or abandonment of the watercraft. 8449

(K) The chief may issue duplicate registration certificates 8450
or duplicate tags to owners of currently registered watercraft, 8451
the fee for which shall be four dollars. 8452

(L) If the chief finds that a registration certificate 8453
previously issued to an owner is in error to a degree that would 8454
impair its basic purpose and use, the chief may issue a corrected 8455
certificate to the owner without charge. 8456

(M) No authorized agent shall issue and no person shall 8457
receive or accept from an authorized agent a registration 8458
certificate assigned to the authorized agent under division (H) of 8459
this section unless the exact month, day, and year of issue are 8460
plainly written thereon by the agent. Certificates issued with 8461
incorrect dates of issue are void from the time they are issued. 8462

(N) As used in this section: 8463

(1) "Disabled veteran" means a person who is included in 8464

either of the following categories: 8465

(a) Because of a service-connected disability, has been or is 8466
awarded funds for the purchase of a motor vehicle under the 8467
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 8468
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 8469

(b) Has a service-connected disability rated at one hundred 8470
per cent by the veterans administration. 8471

(2) "Prisoner of war" means any regularly appointed, 8472
enrolled, enlisted, or inducted member of the military forces of 8473
the United States who was captured, separated, and incarcerated by 8474
an enemy of the United States at any time, and any regularly 8475
appointed, enrolled, or enlisted member of the military forces of 8476
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 8477
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 8478
South Africa, or the republics formerly associated with the Union 8479
of Soviet Socialist Republics or Yugoslavia who was a citizen of 8480
the United States at the time of the appointment, enrollment, or 8481
enlistment, and was captured, separated, and incarcerated by an 8482
enemy of this country during World War II. 8483

(O) Any disabled veteran, congressional medal of honor 8484
awardee, or prisoner of war may apply to the chief for a 8485
certificate of registration, or for a renewal of the certificate 8486
of registration, without the payment of any fee required by this 8487
section. The application for a certificate of registration shall 8488
be accompanied by evidence of disability or by documentary 8489
evidence in support of a congressional medal of honor that the 8490
chief requires by rule. The application for a certificate of 8491
registration by any person who has been a prisoner of war shall be 8492
accompanied by written evidence in the form of a record of 8493
separation, a letter from one of the armed forces of a country 8494
listed in division (N)(2) of this section, or other evidence that 8495

the chief may require by rule, that the person was honorably
discharged or is currently residing in this state on active duty
with one of the branches of the armed forces of the United States,
or was a prisoner of war and was honorably discharged or received
an equivalent discharge or release from one of the armed forces of
a country listed in division (N)(2) of this section.

(P) Annually by the fifteenth day of January, the director of
natural resources shall determine the amount of fees that would
have been collected in the prior calendar year for each
certificate of registration issued or renewed pursuant to division
(O) of this section and shall certify the total amount of foregone
revenue to the director of budget and management for
reimbursement. The director of budget and management shall
transfer the amount certified from the general revenue fund to the
waterways safety fund created pursuant to section 1547.75 of the
Revised Code.

Sec. 1547.542. Any person or organization owning any number
of canoes, kayaks, rowboats, inflatable watercraft, or sailboats
for the purpose of rental to the public may apply with the chief
of the division of watercraft for and receive an annual
certificate of livery registration. No watercraft shall be rented
to the public from a livery or other place of business in this
state unless it ~~has~~ first has been numbered and registered in
accordance with this section or section 1547.54 of the Revised
Code. Certificates of livery registration shall be issued ~~only by~~
an authorized agent who is selected by the chief from among those
designated under section 1547.54 of the Revised Code. The
certificate shall ~~indicate~~ display the name of the owner of the
livery, the date of issuance, the date of expiration, the number
of watercraft registered, the fee paid, an authorized facsimile of
the signature of the chief provided by the authorized agent who is

selected to issue the certificate, and the signature of the livery 8527
owner. The certificate shall bear the livery watercraft 8528
registration number assigned to the livery owner, which shall be 8529
displayed in accordance with section 1547.57 of the Revised Code 8530
on each watercraft in the fleet for which the certificate was 8531
issued. The owner of a livery shall obtain an amended certificate 8532
of livery registration from the chief whenever the composition of 8533
the fleet changes. 8534

The fee for each watercraft registered under this section 8535
shall be in accordance with the registration fees prescribed in 8536
section 1547.54 of the Revised Code. However, if the size of the 8537
fleet does not increase, the fee for an amended certificate of 8538
livery registration shall be the fee prescribed for issuing a 8539
duplicate registration certificate under section 1547.54 of the 8540
Revised Code, and the chief shall not refund to the livery owner 8541
all or any portion of an annual registration fee applicable to a 8542
watercraft transferred or abandoned by the livery owner. If the 8543
size of the fleet increases, the livery owner shall be required to 8544
pay the applicable annual registration fee for each watercraft 8545
registered under an amended certificate of livery registration 8546
that is in excess of the number of watercraft contained in the 8547
annual certificate of livery registration. 8548

The certificate of livery registration, rental receipts, and 8549
required safety equipment are subject to inspection at any time at 8550
the livery's place of business by any authorized representative of 8551
the division of watercraft or any law enforcement officer in 8552
accordance with section 1547.63 of the Revised Code. 8553

Except as provided in this section, all watercraft registered 8554
under this section are subject to this chapter and Chapter 1548. 8555
of the Revised Code. 8556

The chief may issue an order temporarily or permanently 8557

restricting or suspending a livery certificate of registration and 8558
the privileges associated ~~therewith~~ with it without a hearing if 8559
~~he~~ the chief finds that the holder of the certificate has violated 8560
this chapter. 8561

Sec. 1547.543. (A) Any bona fide dealer in watercraft, or any 8562
manufacturer ~~thereof~~ of watercraft, upon annual application to the 8563
division of watercraft, may receive for each separate place of 8564
business a dealer or manufacturer registration certificate 8565
assigning a dealer number for use while operating watercraft on 8566
the waters in this state. A dealer or manufacturer registration 8567
certificate shall not be used for any commercial purpose such as 8568
the rental or chartering of watercraft, nor shall the certificate 8569
be loaned to any person for the purpose of circumventing any law 8570
of this state. 8571

The fee for such ~~license~~ a certificate shall be fifty dollars 8572
annually. 8573

The chief of the division of watercraft shall select an 8574
authorized agent from among those designated under section 1547.54 8575
of the Revised Code to issue dealer and manufacturer registration 8576
certificates. The agent shall provide an authorized facsimile of 8577
the signature of the chief on each registration certificate and on 8578
each pocket-sized certificate issued under this section. 8579

(B) Registration certificates issued to marine dealers or 8580
manufacturers shall be available for inspection at all times at 8581
the dealers' or manufacturers' place of business for which the 8582
certificates were issued. 8583

(C) The division ~~of watercraft~~ shall issue to each registered 8584
dealer or manufacturer one or more pocket-sized certificates 8585
bearing the dealer or manufacturer registration number, which 8586
shall be carried by the dealer, the manufacturer, or an employee 8587

aboard any watercraft being operated on the waters in this state. 8588

8589

(D) Each dealer in or manufacturer of watercraft shall 8590
display on both sides of any watercraft being operated on the 8591
waters in this state the dealer or manufacturer registration 8592
number and the validation decals assigned by the authorized agent 8593
selected by the chief under this section so that the decals and 8594
number are clearly visible under normal operating conditions. The 8595
~~division~~ authorized agent selected by the chief shall furnish with 8596
each dealer or manufacturer registration certificate one or more 8597
sets of registration validation decals of a size and shape 8598
prescribed by the chief. Additional sets of decals may be 8599
purchased for a two-dollar fee. 8600

(E) The chief may issue an order temporarily or permanently 8601
restricting or suspending a dealer or manufacturer registration 8602
certificate without a hearing if the chief finds that the holder 8603
of the certificate has violated this section. 8604

Sec. 1547.57. When the chief of the division of watercraft 8605
issues a registration certificate under section 1547.54 of the 8606
Revised Code, ~~he~~ the chief also shall issue to the applicant two 8607
tags not larger than three inches square, color coded, indicating 8608
the expiration date of the certificate. The owner of watercraft 8609
currently documented by the United States coast guard and for 8610
which a registration certificate is issued shall securely affix 8611
one tag to the watercraft's port side and the other tag to the 8612
starboard side, so that the tags are clearly visible under normal 8613
operating conditions. The tags shall be removed from the 8614
watercraft when they become invalid. The owner of any other 8615
watercraft for which a registration certificate is issued shall 8616
securely affix one tag to the watercraft's port side, six inches 8617
toward the stern from the identification number, and the other tag 8618

to the starboard side, six inches toward the stern from the 8619
identification number. The tags shall be securely affixed to the 8620
watercraft prior to its operation, but shall be removed from the 8621
watercraft when they become invalid. A person may operate without 8622
a registration certificate issued under section 1547.54 Of the 8623
Revised Code, for a period not to exceed ~~thirty~~ forty-five days, 8624
any watercraft required to be titled on the waters in this state, 8625
if ~~he has in his possession on the watercraft a dealer's dated~~ 8626
~~bill of sale or, in the case of a casual sale, a notarized bill of~~ 8627
~~sale~~ the person is in compliance with section 1547.531 Of the 8628
Revised Code. 8629

The owner of every watercraft requiring numbering by this 8630
state shall attach to each side of the bow of the watercraft the 8631
permanent identification number in such manner as may be 8632
prescribed by applicable federal standards in order that it shall 8633
be clearly visible. The number shall be maintained in a legible 8634
condition at all times. No number other than the number assigned 8635
to a watercraft or granted by reciprocity pursuant to this chapter 8636
shall be painted, attached, or otherwise displayed on either side 8637
of the bow of the watercraft. 8638

No person shall operate or permit to be operated any 8639
watercraft on the waters in this state in violation of this 8640
section. 8641

Sec. 1547.69. (A) As used in this section: 8642

(1) "Firearm" has the same meaning as in section 2923.11 of 8643
the Revised Code. 8644

(2) "Unloaded" has the same meaning as in section 2923.16 of 8645
the Revised Code. 8646

(B) No person shall knowingly discharge a firearm while in or 8647
on a vessel. 8648

(C) No person shall knowingly transport or have a loaded
firearm in a vessel, in such a manner that the firearm is
accessible to the operator or any passenger.

(D) No person shall knowingly transport or have a firearm in
a vessel, unless it is unloaded and is carried in one of the
following ways:

(1) In a closed package, box, or case;

(2) In plain sight with the action opened or the weapon
stripped, or, if the firearm is of a type on which the action
will not stay open or ~~which~~ that cannot easily be stripped, in
plain sight.

(E) The affirmative ~~defense~~ defenses contained in divisions
(C)(1) and (2) of section 2923.12 of the Revised Code are
affirmative defenses to a charge under division (C) or (D) of this
section.

(F) Divisions (B), (C), and (D) of this section do not apply
to the possession or discharge of a United States coast guard
approved signaling device required to be carried aboard a vessel
under section 1547.251 of the Revised Code when the signaling
device is possessed or used for the purpose of giving a visual
distress signal. No person shall knowingly transport or possess
any such signaling device in or on a vessel in a loaded condition
at any time other than immediately prior to the discharge of the
signaling device for the purpose of giving a visual distress
signal.

(G) No person shall operate or permit to be operated any
vessel on the waters in this state in violation of this section.

(H) This section does not apply to officers, agents, or
employees of this or any other state or of the United States or to
law enforcement officers when authorized to carry or have loaded

or accessible firearms in a vessel and acting within the scope of 8679
their duties, nor to persons legally engaged in hunting. 8680

Sec. 1548.01. (A) As used in this chapter, "watercraft" ~~means~~ 8681
~~any of the following when used or capable of being used as a means~~ 8682
~~of transportation on the water:~~ 8683

~~(1) A boat operated by machinery either permanently or~~ 8684
~~temporarily affixed;~~ 8685

~~(2) A sailboat other than a sailboard;~~ 8686

~~(3) An inflatable, manually propelled boat having a hull~~ 8687
~~identification number meeting the requirements of the United~~ 8688
~~States coast guard.~~ 8689

~~"Watercraft" does not include ferries as referred to in Chapter~~ 8690
~~4583. of the Revised Code has the same meaning as in section~~ 8691
~~1547.01 Of the Revised Code.~~ 8692

(B) This chapter does not apply to any of the following: 8693

(1) A watercraft covered by a marine document in effect that 8694
has been assigned to it by the United States government pursuant 8695
to federal law; 8696

(2) A watercraft from a country other than the United States 8697
temporarily using the waters in this state; 8698

(3) A watercraft whose owner is the United States, a state, 8699
or a political subdivision thereof; 8700

(4) A ship's lifeboat. As used in division (B)(4) of this 8701
section, "lifeboat" means a watercraft that is held aboard another 8702
vessel and used exclusively for emergency purposes. 8703

(5) A canoe, ~~kayak, or rowboat;~~ 8704

(6) ~~Watercraft~~ A watercraft less than fourteen feet in length 8705
without a permanently affixed mechanical means of propulsion; 8706

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(7) A watercraft less than fourteen feet in length with a permanently fixed mechanical means of propulsion of less than ten horsepower as determined by the manufacturer's rating; 8708
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(8) Outboard motors of less than ten horsepower as determined by the manufacturer's rating. 8711
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(C) The various certificates, applications, and assignments necessary to provide certificates of title for watercraft and outboard motors shall be made on appropriate forms approved by the chief of the division of watercraft. 8713
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Sec. 1548.05. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new watercraft or outboard motor to a dealer to be used by the dealer for purposes of display and resale without delivering to the dealer a manufacturer's or importer's certificate executed in accordance with this section, and with such assignments ~~thereon~~ on it as are necessary to show title in the name of the purchaser. No dealer shall purchase or acquire a new watercraft or outboard motor without obtaining from the seller the manufacturer's or importer's certificate. 8717
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A manufacturer's or importer's certificate of the origin of a watercraft or outboard motor shall contain the following information, in such form and together with such further information as the chief of the division of watercraft may require: 8727
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(A) Description of the watercraft, including the make, year, length, series or model, if any, body type, hull identification number or serial number, and make, manufacturer's serial number, and horsepower of any inboard motor or motors; or description of the outboard motor, including the make, year, series or model, if any, manufacturer's serial number, and horsepower; 8732
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(B) Certification of the date of transfer of the watercraft 8738
or outboard motor to a distributor or dealer or other transferee, 8739
and the name and address of the transferee; 8740

(C) Certification that this was the first transfer of the new 8741
watercraft or outboard motor in ordinary trade and commerce; 8742

(D) Signature and address of a representative of the 8743
transferor. 8744

An assignment of a manufacturer's or importer's certificate 8745
before a notary public or other officer empowered to administer 8746
oaths shall be printed on the reverse side of the manufacturer's 8747
or importer's certificate in the form to be prescribed by the 8748
chief. The assignment form shall include the name and address of 8749
the transferee, a certification that the watercraft or outboard 8750
motor is new, and a warranty that the title at the time of 8751
delivery is subject only to such liens and encumbrances as are set 8752
forth and described in full in the assignment. 8753

Sec. 1548.06. Application for a certificate of title for a 8754
watercraft or outboard motor shall be made upon a form prescribed 8755
by the chief of the division of watercraft and shall be sworn to 8756
before a notary public or other officer empowered to administer 8757
oaths. The application shall be filed with the clerk of the court 8758
of common pleas of the county in which the applicant resides if 8759
the applicant is a resident of this state or, if not a resident, 8760
in the county in which the transaction is consummated. The 8761
application shall be accompanied by the fee prescribed in section 8762
1548.10 of the Revised Code, and if a certificate of title 8763
previously has been issued for the watercraft or outboard motor, 8764
it shall be accompanied by the certificate of title duly assigned 8765
unless otherwise provided in this chapter. If a certificate of 8766
title previously has not been issued for the watercraft or 8767
outboard motor in this state, the application, unless otherwise 8768

provided in this chapter, shall be accompanied by a manufacturer's 8769
or importer's certificate; ~~;~~ by a sworn statement of ownership if 8770
the watercraft or outboard motor was purchased by the applicant on 8771
or before October 9, 1963, or if the watercraft is less than 8772
fourteen feet long with a permanently affixed mechanical means of 8773
propulsion and was purchased by the applicant on or before January 8774
1, 2000; or by a certificate of title, bill of sale, or other 8775
evidence of ownership required by the law of another state from 8776
which the watercraft or outboard motor was brought into this 8777
state. Evidence of ownership of a watercraft or outboard motor for 8778
which an Ohio certificate of title previously has not been issued 8779
and which watercraft or outboard motor does not have permanently 8780
affixed thereto a manufacturer's serial number shall be 8781
accompanied by the certificate of assignment of a hull 8782
identification number assigned by the chief as provided in section 8783
1548.07 of the Revised Code. ~~The~~ 8784

The clerk shall retain the evidence of title presented by the 8785
applicant and on which the certificate of title is issued. The 8786
clerk shall use reasonable diligence in ascertaining whether the 8787
facts in the application are true by checking the application and 8788
documents accompanying it with the records of watercraft and 8789
outboard motors in ~~his~~ the clerk's office. If satisfied that the 8790
applicant is the owner of the watercraft or outboard motor and 8791
that the application is in the proper form, the clerk shall issue 8792
a certificate of title over ~~his~~ the clerk's signature and sealed 8793
with ~~his~~ the clerk's seal. However, if the evidence indicates and 8794
an investigation shows that one or more Ohio titles already exist 8795
for the watercraft or outboard motor, the chief may cause the 8796
redundant title or titles to be canceled. 8797

In the case of the sale of a watercraft or outboard motor by 8798
a vendor to a general purchaser or user, the certificate of title 8799
shall be obtained in the name of the purchaser by the vendor upon 8800

application signed by the purchaser. In all other cases the
certificate shall be obtained by the purchaser. In all cases of
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. 8832

For receiving and disbursing the taxes paid to the clerk, the 8833
clerk may retain a poundage fee of one per cent of the taxes 8834
collected, which shall be paid into the general fund of the 8835
county. In the case of casual sales of watercraft or outboard 8836
motors that are subject to the tax imposed by Chapter 5739. or 8837
5741. of the Revised Code, the purchase price for the purpose of 8838
determining the tax shall be the purchase price on an affidavit 8839
executed and filed with the clerk by the vendor on a form to be 8840
prescribed by the chief ~~of the division of watercraft~~, which shall 8841
be prima-facie evidence of the price for the determination of the 8842
tax. In addition to the information required by section 1548.08 of 8843
the Revised Code, each certificate of title shall contain in bold 8844
lettering the following notification and statements: "WARNING TO 8845
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER). You are required by 8846
law to state the true selling price. A false statement is a 8847
violation of section 2921.13 of the Revised Code and is punishable 8848
by six months imprisonment or a fine of up to one thousand 8849
dollars, or both. All transfers are audited by the department of 8850
taxation. The seller and buyer must provide any information 8851
requested by the department of taxation. The buyer may be assessed 8852
any additional tax found to be due." 8853

The clerk shall forward all payments of taxes, less poundage 8854
fees, to the treasurer of state in a manner to be prescribed by 8855
the tax commissioner and shall furnish such information to the 8856
commissioner as the commissioner may require. For purposes of a 8857
transfer of a certificate of title, if the clerk is satisfied that 8858
a secured party has discharged a lien, but has not canceled the 8859
lien notation with the clerk of the county of origin, ~~he~~ the clerk 8860
may cancel the lien notation on the automated title processing 8861
system and notify the clerk of the county of origin. 8862

Sec. 1553.01. (A) There is hereby created in the department 8863
of natural resources the division of civilian conservation. The 8864
chief of the division shall be appointed by the director of 8865
natural resources. 8866

(B) ~~The chief of the division of civilian conservation,~~ with 8867
the approval of the director and the advice of the civilian 8868
conservation advisory committee created in section 1553.10 of the 8869
Revised Code, shall do all of the following: 8870

(1) ~~Divide the state into conservation areas;~~ 8871

~~(2)~~ Establish, ~~within conservation areas,~~ residential and 8872
nonresidential civilian conservation programs ~~as~~ that the chief 8873
considers appropriate; 8874

~~(3)~~(2) Establish eligibility standards in accordance with 8875
section 1553.04 of the Revised Code for selecting applicants for 8876
participation in conservation programs established under this 8877
chapter; 8878

~~(4)~~(3) Adopt rules in accordance with Chapter 119. of the 8879
Revised Code to carry out the purposes of this chapter. 8880

Sec. 1553.02. (A) The chief of the division of civilian 8881
conservation shall ensure that each program established under this 8882
chapter provides participants with educational advancement 8883
opportunities, life skill development opportunities, and work 8884
experience related to the conservation, development, and 8885
management of natural resources and recreational areas, 8886
restoration of historic structures, and assistance in the 8887
development of related community programs. ~~Such~~ The work 8888
experience may include planting, pruning, and cutting of trees, 8889
forest management including fire protection, reclaiming 8890
strip-mined land, wildlife habitat development, drainage control, 8891
prevention of shore and soil erosion, litter removal, trail 8892

development, cleaning or repair of drainage ditches or streams, 8893
highway and community beautification, construction of lakes, 8894
ponds, and waterways to be used as fishing and hunting sites and 8895
for other recreational purposes, flood control projects, urban 8896
parks and recreational site development, assistance in times and 8897
places of natural disasters, insect and pest control, construction 8898
and renovation of facilities, restoration of historic structures, 8899
and any other similar work experience considered appropriate by 8900
the chief. ~~Such~~ The programs may be carried out on any publicly 8901
owned land or, with the prior written approval of the person 8902
owning, administering, or controlling the land, on privately owned 8903
land. 8904

(B) The chief ~~may~~, with the approval of the director, of 8905
natural resources, may contract with any agency or political 8906
subdivision of this state, other states, or the federal government 8907
to enable the division to participate in any state, federal, or 8908
community programs that ~~he~~ the chief considers to be in the public 8909
interest. 8910

(C) The chief ~~may~~, with the approval of the director, may 8911
contract with any person, ~~company, corporation, or association~~ in 8912
order to carry out the purposes of ~~Chapter 1553. of the Revised~~ 8913
~~Code~~ this chapter. 8914

(D) The chief may do all things necessary to obtain any 8915
federal assistance available for carrying out the purposes of this 8916
chapter. 8917

Sec. 1553.05. (A) Each participant in a conservation program 8918
established under this chapter shall agree to participate in the 8919
program for a period of not less than six months unless 8920
participation for a period of less than six months is mandated by 8921
another funding agency's statutory authority or rules or 8922

regulations. 8923

~~A At the discretion of the chief of the division of civilian
conservation, a participant may participate in a program for a
period of more than six months, but no participant's total period
of participation in the civilian conservation program shall exceed
eighteen twenty-four months ~~except as otherwise provided in this
division. Subject to the approval of the director of natural
resources and the chief of the division of civilian conservation,
a participant who has attained corps leader status may participate
in the civilian conservation program for up to twenty four months.~~~~ 8924
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(B) The division of civilian conservation shall compensate 8933
each participant in an amount not less than the wage required by 8934
Chapter 4111. of the Revised Code and the "Fair Labor Standards 8935
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. The 8936
division shall provide each participant in residential camps with 8937
lodging, food, and necessary work clothing and ~~such~~ other services 8938
~~as~~ that the chief considers appropriate, all of which shall be 8939
considered, in accordance with Chapter 4111. of the Revised Code 8940
and the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 8941
U.S.C. 201, as amended, a part of the participant's wage. 8942

(C) The division shall provide participants in each 8943
nonresidential conservation program with ~~such~~ compensation, in 8944
money, goods, services, or any combination ~~thereof~~ of them, ~~as~~ 8945
that it considers appropriate in light of the nature of the 8946
program and in accordance with Chapter 4111. of the Revised Code 8947
and the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 8948
U.S.C. 201, as amended. 8949

(D) Participants shall not be considered as state employees 8950
under Chapter 124. of the Revised Code and shall not be permitted 8951
to participate in any public employee retirement program while 8952
they are participants in the civilian conservation program. They 8953

shall be considered employees of the state for the purposes of 8954
section 9.83 and Chapters 4112. and 4123. of the Revised Code. 8955

Sec. 1553.07. The chief of the division of civilian 8956
conservation shall appoint appropriate personnel and ensure that 8957
appropriate facilities are available for the operation of the 8958
programs established under this chapter. 8959

Sec. 1553.08. (A) The chief of the division of civilian 8960
conservation shall not make any payment to a person as 8961
compensation for service in referring an individual as a potential 8962
participant in a program established under ~~Chapter 1553. of the~~ 8963
~~Revised Code~~ this chapter. 8964

(B) The chief shall ensure that conservation programs 8965
established under ~~Chapter 1553. of the Revised Code~~ this chapter 8966
do not displace currently employed workers or impair existing 8967
contracts for service provided by other workers, and that no 8968
participant in such a program is used in any manner in connection 8969
with a work or labor dispute. 8970

(C) The chief may design the conservation programs 8971
established under ~~Chapter 1553. of the Revised Code~~ this chapter 8972
so as to make use of any existing state, federal, or local funds 8973
~~which that~~ may be available for such types of programs. 8974

(D) If the operation of a program established under this 8975
chapter is terminated on or after July 1, 1998, because of a 8976
reduction in the amount of moneys appropriated to the division of 8977
civilian conservation, and if such funding for the division 8978
subsequently is restored, the chief shall consider reopening the 8979
program whose operation was so terminated prior to establishing a 8980
new program in an area of the state in which a program never has 8981
been established. 8982

Sec. 2935.01. As used in this chapter: 8983

(A) "Magistrate" has the same meaning as in section 2931.01 8984
of the Revised Code. 8985

(B) "Peace officer" includes, except as provided in section 8986
2935.081 of the Revised Code, a sheriff~~;~~_i deputy sheriff~~;~~_i 8987
marshal~~;~~_i deputy marshal~~;~~_i member of the organized police 8988
department of any municipal corporation, including a member of the 8989
organized police department of a municipal corporation in an 8990
adjoining state serving in Ohio under a contract pursuant to 8991
section 737.04 of the Revised Code~~;~~_i member of a police force 8992
employed by a metropolitan housing authority under division (D) of 8993
section 3735.31 of the Revised Code~~;~~_i member of a police force 8994
employed by a regional transit authority under division (Y) of 8995
section 306.05 of the Revised Code~~;~~_i state university law 8996
enforcement officer appointed under section 3345.04 of the Revised 8997
Code~~;~~_i liquor control investigator or food stamp trafficking agent 8998
of the department of public safety~~;~~_i employee of the department of 8999
natural resources who is a natural resources law enforcement staff 9000
officer designated pursuant to section 1501.013 Of the Revised 9001
Code, a forest officer designated pursuant to section 1503.29 Of 9002
the Revised Code, a preserve officer designated pursuant to 9003
section 1517.10 Of the Revised Code, a wildlife officer designated 9004
pursuant to section 1531.13 Of the Revised Code, a park officer 9005
designated pursuant to section 1541.10 Of the Revised Code, or a 9006
state watercraft officer designated pursuant to section 1547.521 9007
of the Revised Code; individual designated to perform law 9008
enforcement duties under section 511.232, 1545.13, or 6101.75 Of 9009
the Revised Code; Ohio veterans' home policeman police officer 9010
appointed under section 5907.02 of the Revised Code~~;~~_i police 9011
constable of any township~~;~~_i and police officer of a township or 9012
joint township police district~~;~~_i and, for the purpose of arrests 9013
within those areas, and for the purposes of Chapter 5503. of the 9014
Revised Code, and the filing of and service of process relating to 9015

those offenses witnessed or investigated by them, includes the 9016
superintendent and troopers of the state highway patrol. 9017

(C) "Prosecutor" includes the county prosecuting attorney, 9018
and any assistant prosecutor designated to assist the county 9019
prosecuting attorney, and, in the case of courts inferior to 9020
courts of common pleas, includes the village solicitor, city 9021
director of law, or similar chief legal officer of a municipal 9022
corporation, any such officer's assistants, or any attorney 9023
designated by the prosecuting attorney of the county to appear for 9024
the prosecution of a given case. 9025

(D) "Offense," except where the context specifically 9026
indicates otherwise, includes felonies, misdemeanors, and 9027
violations of ordinances of municipal corporations and other 9028
public bodies authorized by law to adopt penal regulations. 9029

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 9030
deputy marshal, municipal police officer, township constable, 9031
police officer of a township or joint township police district, 9032
member of a police force employed by a metropolitan housing 9033
authority under division (D) of section 3735.31 of the Revised 9034
Code, member of a police force employed by a regional transit 9035
authority under division (Y) of section 306.35 of the Revised 9036
Code, state university law enforcement officer appointed under 9037
section 3345.04 of the Revised Code, or Ohio veterans' home police 9038
officer appointed under section 5907.02 of the Revised Code shall 9039
arrest and detain, until a warrant can be obtained, a person found 9040
violating, within the limits of the political subdivision, 9041
metropolitan housing authority housing project, regional transit 9042
authority facilities or areas of a municipal corporation that have 9043
been agreed to by a regional transit authority and a municipal 9044
corporation located within its territorial jurisdiction, college, 9045
university, or Ohio veterans' home in which the peace officer is 9046

appointed, employed, or elected, a law of this state, an ordinance 9047
of a municipal corporation, or a resolution of a township. 9048

(2) A peace officer of the department of natural resources or 9049
an individual designated to perform law enforcement duties under 9050
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 9051
arrest and detain, until a warrant can be obtained, a person found 9052
violating, within the limits of the peace officer's or 9053
individual's territorial jurisdiction, a law of this state. 9054

(B)(1) When there is reasonable ground to believe that an 9055
offense of violence, the offense of criminal child enticement as 9056
defined in section 2905.05 of the Revised Code, the offense of 9057
public indecency as defined in section 2907.09 of the Revised 9058
Code, the offense of domestic violence as defined in section 9059
2919.25 of the Revised Code, the offense of violating a protection 9060
order as defined in section 2919.27 of the Revised Code, the 9061
offense of menacing by stalking as defined in section 2903.211 of 9062
the Revised Code, the offense of aggravated trespass as defined in 9063
section 2911.211 of the Revised Code, a theft offense as defined 9064
in section 2913.01 of the Revised Code, or a felony drug abuse 9065
offense as defined in section 2925.01 of the Revised Code, has 9066
been committed within the limits of the political subdivision, 9067
metropolitan housing authority housing project, regional transit 9068
authority facilities or those areas of a municipal corporation 9069
that have been agreed to by a regional transit authority and a 9070
municipal corporation located within its territorial jurisdiction, 9071
college, university, or Ohio veterans' home in which the peace 9072
officer is appointed, employed, or elected or within the limits of 9073
the territorial jurisdiction of the peace officer, a peace officer 9074
described in division (A)~~(1)~~ of this section may arrest and detain 9075
until a warrant can be obtained any person ~~whom~~ who the peace 9076
officer has reasonable cause to believe is guilty of the 9077
violation. 9078

(2) For purposes of division (B)(1) of this section, the execution of any of the following constitutes reasonable ground to believe that the offense alleged in the statement was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation:

(a) A written statement by a person alleging that an alleged offender has committed the offense of menacing by stalking or aggravated trespass;

(b) A written statement by the administrator of the interstate compact on mental health appointed under section 5119.51 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made 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 has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility in which a person has been hospitalized, institutionalized, or confined under an order made 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 facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in ~~that~~ division (A) of this section 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 if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes that there are 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 the person in question is guilty of committing the offense.

(iii) No written statement of the type described in division (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 9142
domestic violence or the offense of violating a protection order 9143
has been committed and reasonable cause to believe that a 9144
particular person is guilty of committing the offense, it is the 9145
preferred course of action in this state that the officer arrest 9146
and detain that person pursuant to division (B)(1) of this section 9147
until a warrant can be obtained. 9148

If pursuant to division (B)(3)(a) of this section a peace 9149
officer has reasonable grounds to believe that the offense of 9150
domestic violence or the offense of violating a protection order 9151
has been committed and reasonable cause to believe that family or 9152
household members have committed the offense against each other, 9153
it is the preferred course of action in this state that the 9154
officer, pursuant to division (B)(1) of this section, arrest and 9155
detain until a warrant can be obtained the family or household 9156
member who committed the offense and whom the officer has 9157
reasonable cause to believe is the primary physical aggressor. 9158
There is no preferred course of action in this state regarding any 9159
other family or household member who committed the offense and 9160
whom the officer does not have reasonable cause to believe is the 9161
primary physical aggressor, but, pursuant to division (B)(1) of 9162
this section, the peace officer may arrest and detain until a 9163
warrant can be obtained any other family or household member who 9164
committed the offense and whom the officer does not have 9165
reasonable cause to believe is the primary physical aggressor. 9166

(c) If a peace officer described in division ~~(B)(1)~~(A) of 9167
this section does not arrest and detain a person whom the officer 9168
has reasonable cause to believe committed the offense of domestic 9169
violence or the offense of violating a protection order when it is 9170
the preferred course of action in this state pursuant to division 9171
(B)(3)(b) of this section that the officer arrest that person, the 9172
officer shall articulate in the written report of the incident 9173

required by section 2935.032 of the Revised Code a clear statement 9174
of the officer's reasons for not arresting and detaining that 9175
person until a warrant can be obtained. 9176

(d) In determining for purposes of division (B)(3)(b) of this 9177
section which family or household member is the primary physical 9178
aggressor in a situation in which family or household members have 9179
committed the offense of domestic violence or the offense of 9180
violating a protection order against each other, a peace officer 9181
described in division ~~(B)(1)(A)~~ of this section, in addition to 9182
any other relevant circumstances, should consider all of the 9183
following: 9184

(i) Any history of domestic violence or of any other violent 9185
acts by either person involved in the alleged offense that the 9186
officer reasonably can ascertain; 9187

(ii) If violence is alleged, whether the alleged violence was 9188
caused by a person acting in self-defense; 9189

(iii) Each person's fear of physical harm, if any, resulting 9190
from the other person's threatened use of force against any person 9191
or resulting from the other person's use or history of the use of 9192
force against any person, and the reasonableness of that fear; 9193

(iv) The comparative severity of any injuries suffered by the 9194
persons involved in the alleged offense. 9195

(e)(i) A peace officer described in division ~~(B)(1)(A)~~ of 9196
this section shall not require, as a prerequisite to arresting or 9197
charging a person who has committed the offense of domestic 9198
violence or the offense of violating a protection order, that the 9199
victim of the offense specifically consent to the filing of 9200
charges against the person who has committed the offense or sign a 9201
complaint against the person who has committed the offense. 9202

(ii) If a person is arrested for or charged with committing 9203
the offense of domestic violence or the offense of violating a 9204

protection order and if the victim of the offense does not
cooperate with the involved law enforcement or prosecuting
authorities in the prosecution of the offense or, subsequent to
the arrest or the filing of the charges, informs the involved law
enforcement or prosecuting authorities that the victim does not
wish the prosecution of the offense to continue or wishes to drop
charges against the alleged offender relative to the offense, the
involved prosecuting authorities, in determining whether to
continue with the prosecution of the offense or whether to dismiss
charges against the alleged offender relative to the offense and
notwithstanding the victim's failure to cooperate or the victim's
wishes, shall consider all facts and circumstances that are
relevant to the offense, including, but not limited to, the
statements and observations of the peace officers who responded to
the incident that resulted in the arrest or filing of the charges
and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of
this section whether to arrest a person pursuant to division
(B)(1) of this section, a peace officer described in division
~~(B)(1)(A)~~ of this section shall not consider as a factor any
possible shortage of cell space at the detention facility to which
the person will be taken subsequent to the person's arrest or any
possibility that the person's arrest might cause, contribute to,
or exacerbate overcrowding at that detention facility or at any
other detention facility.

(g) If a peace officer described in division ~~(B)(1)(A)~~ of
this section intends pursuant to divisions (B)(3)(a) to (g) of
this section to arrest a person pursuant to division (B)(1) of
this section and if the officer is unable to do so because the
person is not present, the officer promptly shall seek a warrant
for the arrest of the person.

(h) If a peace officer described in division ~~(B)(1)(A)~~ of

this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to section 2933.43 of the Revised Code. Upon the seizure of a deadly weapon pursuant to ~~this~~ division (B)(3)(h) of this section, section 2933.43 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under ~~this~~ division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a) to (g) of this section, a peace officer described in division ~~(B)(1)(A)~~ of this section arrests and detains a person pursuant to division (B)(1) of this section, or if, pursuant to division (B)(3)(h) of this section, a peace officer described in division ~~(B)(1)(A)~~ of this section seizes a deadly weapon, the officer, to the extent described in and in accordance with section 9.86 or

2744.03 of the Revised Code, is immune in any civil action for 9269
damages for injury, death, or loss to person or property that 9270
arises from or is related to the arrest and detention or the 9271
seizure. 9272

(C) When there is reasonable ground to believe that a 9273
violation of division (A), (B), or (C) of section 4506.15 or a 9274
violation of section 4511.19 of the Revised Code has been 9275
committed by a person operating a motor vehicle subject to 9276
regulation by the public utilities commission of Ohio under Title 9277
XLIX of the Revised Code, a peace officer with authority to 9278
enforce that provision of law may stop or detain the person whom 9279
the officer has reasonable cause to believe was operating the 9280
motor vehicle in violation of the division or section and, after 9281
investigating the circumstances surrounding the operation of the 9282
vehicle, may arrest and detain the person. 9283

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 9284
municipal police officer, member of a police force employed by a 9285
metropolitan housing authority under division (D) of section 9286
3735.31 of the Revised Code, member of a police force employed by 9287
a regional transit authority under division (Y) of section 306.35 9288
of the Revised Code, township constable, police officer of a 9289
township or joint township police district, ~~ex~~ state university 9290
law enforcement officer appointed under section 3345.04 of the 9291
Revised Code, peace officer of the department of natural 9292
resources, or individual designated to perform law enforcement 9293
duties under section 511.232, 1545.13, or 6101.75 Of the Revised 9294
Code is authorized by division (A) or (B) of this section to 9295
arrest and detain, within the limits of the political subdivision, 9296
metropolitan housing authority housing project, regional transit 9297
authority facilities or those areas of a municipal corporation 9298
that have been agreed to by a regional transit authority and a 9299
municipal corporation located within its territorial jurisdiction, 9300

college, or university in which the officer is appointed, 9301
employed, or elected or within the limits of the territorial 9302
jurisdiction of the peace officer, a person until a warrant can be 9303
obtained, the peace officer ~~may~~, outside the limits of that 9304
territory, may pursue, arrest, and detain that person until a 9305
warrant can be obtained if all of the following apply: 9306

(1) The pursuit takes place without unreasonable delay after 9307
the offense is committed-; 9308

(2) The pursuit is initiated within the limits of the 9309
political subdivision, metropolitan housing authority housing 9310
project, regional transit authority facilities or those areas of a 9311
municipal corporation that have been agreed to by a regional 9312
transit authority and a municipal corporation located within its 9313
territorial jurisdiction, college, or university in which the 9314
peace officer is appointed, employed, or elected- or within the 9315
limits of the territorial jurisdiction of the peace officer; 9316

(3) The offense involved is a felony, a misdemeanor of the 9317
first degree or a substantially equivalent municipal ordinance, a 9318
misdemeanor of the second degree or a substantially equivalent 9319
municipal ordinance, or any offense for which points are 9320
chargeable pursuant to division (G) of section 4507.021 of the 9321
Revised Code. 9322

(E) In addition to the authority granted under division (A) 9323
or (B) of this section: 9324

(1) A sheriff or deputy sheriff may arrest and detain, until 9325
a warrant can be obtained, any person found violating section 9326
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 9327
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 9328
portion of any street or highway that is located immediately 9329
adjacent to the boundaries of the county in which the sheriff or 9330
deputy sheriff is elected or appointed. 9331

(2) A member of the police force of a township police district created under section 505.48 of the Revised Code, a member of the police force of a joint township police district created under section 505.481 of the Revised Code, ~~and~~ or a township constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under ~~this~~ division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is

appointed, elected, or employed.

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(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the lands and waters that constitute the territorial jurisdiction of the peace officer.

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(F)(1) A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person found committing on the premises of any institution under the jurisdiction of the particular department a misdemeanor under a law of the state.

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A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person who has been hospitalized, institutionalized, or confined in an institution under the jurisdiction of the particular department 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 and who is found committing on the premises of any institution under the jurisdiction of the particular department a violation of section 2921.34 of the Revised Code that involves an escape from the premises of the institution.

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(2)(a) If a department of mental health special police

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officer or a department of mental retardation and developmental 9395
disabilities special police officer finds any person who has been 9396
hospitalized, institutionalized, or confined in an institution 9397
under the jurisdiction of the particular department pursuant to or 9398
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 9399
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 9400
violation of section 2921.34 of the Revised Code that involves an 9401
escape from the premises of the institution, or if there is 9402
reasonable ground to believe that a violation of section 2921.34 9403
of the Revised Code has been committed that involves an escape 9404
from the premises of an institution under the jurisdiction of the 9405
department of mental health or the department of mental 9406
retardation and developmental disabilities and if a department of 9407
mental health special police officer or a department of mental 9408
retardation and developmental disabilities special police officer 9409
has reasonable cause to believe that a particular person who has 9410
been hospitalized, institutionalized, or confined in the 9411
institution pursuant to or under authority of section 2945.37, 9412
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 9413
Revised Code is guilty of the violation, the special police 9414
officer, outside of the premises of the institution, may pursue, 9415
arrest, and detain that person for that violation of section 9416
2921.34 of the Revised Code, until a warrant can be obtained, if 9417
both of the following apply: 9418

(i) The pursuit takes place without unreasonable delay after 9419
the offense is committed-;i 9420

(ii) The pursuit is initiated within the premises of the 9421
institution from which the violation of section 2921.34 of the 9422
Revised Code occurred. 9423

(b) For purposes of division (F)(2)(a) of this section, the 9424
execution of a written statement by the administrator of the 9425
institution in which a person had been hospitalized, 9426

institutionalized, or confined pursuant to or under authority of 9427
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 9428
2945.402 of the Revised Code alleging that the person has escaped 9429
from the premises of the institution in violation of section 9430
2921.34 of the Revised Code constitutes reasonable ground to 9431
believe that the violation was committed and reasonable cause to 9432
believe that the person alleged in the statement to have committed 9433
the offense is guilty of the violation. 9434

(G) As used in this section: 9435

(1) A "department of mental health special police officer" 9436
means a special police officer of the department of mental health 9437
designated under section 5119.14 of the Revised Code who is 9438
certified by the Ohio peace officer training commission under 9439
section 109.77 of the Revised Code as having successfully 9440
completed an approved peace officer basic training program. 9441

(2) A "department of mental retardation and developmental 9442
disabilities special police officer" means a special police 9443
officer of the department of mental retardation and developmental 9444
disabilities designated under section 5123.13 of the Revised Code 9445
who is certified by the Ohio peace officer training council under 9446
section 109.77 of the Revised Code as having successfully 9447
completed an approved peace officer basic training program. 9448

(3) "Deadly weapon" has the same meaning as in section 9449
2923.11 of the Revised Code. 9450

(4) "Family or household member" has the same meaning as in 9451
section 2919.25 of the Revised Code. 9452

(5) "Street" or "highway" has the same meaning as in section 9453
4511.01 of the Revised Code. 9454

(6) "Interstate system" has the same meaning as in section 9455
5516.01 of the Revised Code. 9456

(7) "Peace officer of the department of natural resources" 9457
means an employee of the department of natural resources who is a 9458
natural resources law enforcement staff officer designated 9459
pursuant to section 1501.013, a forest officer designated pursuant 9460
to section 1503.29, a preserve officer designated pursuant to 9461
section 1517.10, a wildlife officer designated pursuant to section 9462
1531.13, a park officer designated pursuant to section 1541.10, or 9463
a state watercraft officer designated pursuant to section 1547.521 9464
of the Revised Code. 9465

Sec. 3937.42. (A) The chief or head law enforcement officer 9466
of any federal, state, or local law enforcement agency or a 9467
prosecuting attorney of any county may request any insurance 9468
company, or agent authorized by the company to act on its behalf, 9469
that has investigated or is investigating a claim involving motor 9470
vehicle insurance or vessel insurance to release any information 9471
in its possession relevant to the claim. The company or agent 9472
shall release the information that is requested in writing by the 9473
law enforcement officer. 9474

(B) If an insurance company, or agent authorized by the 9475
company to act on its behalf, has reason to suspect that a loss 9476
involving a motor vehicle or vessel that is insured by the company 9477
is part of a fraudulent scheme to obtain control of ~~motor vehicle~~ 9478
insurance proceeds, the company or agent shall notify a law 9479
enforcement officer or a prosecuting attorney of any county having 9480
jurisdiction over the alleged fraud. 9481

(C) An insurance company, or agent authorized by the company 9482
to act on its behalf, shall release any information requested in 9483
writing pursuant to division (A) of this section and cooperate 9484
with the officer or a prosecuting attorney of any county 9485
authorized to request the information. The company or agent shall 9486
take such action as may be reasonably requested of it by the 9487

officer or a prosecuting attorney of any county and shall permit 9488
any other person ordered by a court to inspect any information 9489
that is specifically requested by the court. 9490

The information that may be requested pursuant to this 9491
section may include, but is not limited to, the following: 9492

(1) Any insurance policy relevant to the claim under 9493
investigation and any application for such a policy; 9494

(2) Policy premium payment records; 9495

(3) History of previous ~~motor vehicle~~ claims involving a 9496
motor vehicle or vessel made by the insured; 9497

(4) Material relating to the investigation of the claim, 9498
including statements of any person, proof of loss, and any other 9499
relevant evidence. 9500

(D) If the law enforcement officer or a prosecuting attorney 9501
of any county mentioned in division (A) of this section has 9502
received information pursuant to this section from an insurance 9503
company, or agent authorized by the company to act on its behalf, 9504
the officer or a prosecuting attorney of any county may release 9505
to, and share with, the insurance company or agent any information 9506
in ~~his~~ the officer's or prosecuting attorney's possession relative 9507
to the claim, upon the written request of the insurance company or 9508
agent. 9509

(E) In the absence of fraud, recklessness, or malice, no 9510
insurance company, or agent authorized by the company to act on 9511
its behalf, is liable for damages in any civil action, including 9512
any action brought pursuant to section 1347.10 of the Revised Code 9513
for any oral or written statement made or any other action taken 9514
that is necessary to supply information required pursuant to this 9515
section. 9516

(F) Except as otherwise provided in division (D) of this 9517

section, any officer or a prosecuting attorney of any county 9518
receiving any information furnished pursuant to this section shall 9519
hold the information in confidence and shall not disclose it to 9520
anyone except other law enforcement officers or agencies until its 9521
release is required pursuant to a criminal or civil proceeding. 9522

(G) Any officer or a prosecuting attorney of any county 9523
referred to in division (A) of this section may testify as to any 9524
information in ~~his~~ the officer's or prosecuting attorney's 9525
possession regarding the claim referred to in that division in any 9526
civil action in which any person seeks recovery under a policy 9527
against an insurance company. 9528

(H) As used in this section, ~~"motor vehicle"~~: 9529

(1) "Motor vehicle" has the same meaning as in section 9530
4501.01 of the Revised Code. 9531

(2) "Vessel" has the same meaning as in section 1547.01 Of 9532
the Revised Code. 9533

(I)(1) No person shall purposely refuse to release any 9534
information requested pursuant to this section by an officer or a 9535
prosecuting attorney of any county authorized by division (A) of 9536
this section to request the information. 9537

(2) No person shall purposely refuse to notify an appropriate 9538
law enforcement officer or a prosecuting attorney of any county of 9539
a loss required to be reported pursuant to division (B) of this 9540
section. 9541

(3) No person shall purposely fail to hold in confidence 9542
information required to be held in confidence by division (F) of 9543
this section. 9544

Sec. 4905.03. As used in this chapter: 9545

(A) Any person, firm, copartnership, voluntary association, 9546

joint-stock association, company, or corporation, wherever
organized or incorporated, is: 9547
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(1) A telegraph company, when engaged in the business of
transmitting telegraphic messages to, from, through, or in this
state; 9549
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(2) A telephone company, when engaged in the business of
transmitting telephonic messages to, from, through, or in this
state and as such is a common carrier; 9552
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(3) A motor transportation company, when engaged in the
business of carrying and transporting persons or property or the
business of providing or furnishing such transportation service,
for hire, in or by motor-propelled vehicles of any kind, including
trailers, for the public in general, over any public street, road,
or highway in this state, except as provided in section 4921.02 of
the Revised Code; 9555
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(4) An electric light company, when engaged in the business
of supplying electricity for light, heat, or power purposes to
consumers within this state; 9562
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(5) A gas company, when engaged in the business of supplying
artificial gas for lighting, power, or heating purposes to
consumers within this state or when engaged in the business of
supplying artificial gas to gas companies or to natural gas
companies within this state, but a producer engaged in supplying
to one or more gas or natural gas companies, only such ~~artificial~~
ARTIFICIAL gas as is manufactured by ~~such that~~ producer as a
by-product of some other process in which ~~such the~~ producer is
primarily engaged within this state is not thereby a gas company.
All rates, rentals, tolls, schedules, charges of any kind, or
agreements between any gas company and any other gas company or
any natural gas company providing for the supplying of artificial
gas and for compensation for the same, are subject to the 9565
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jurisdiction of the public utilities commission. 9578

(6) A natural gas company, when engaged in the business of 9579
supplying natural gas for lighting, power, or heating purposes to 9580
consumers within this state, ~~or when engaged in the business of~~ 9581
~~supplying natural gas to gas companies or to natural gas companies~~ 9582
~~within this state, but where a producer supplies to one or more~~ 9583
~~gas or natural gas companies only such gas as is produced by such~~ 9584
~~producer from wells drilled on land owned in fee by such producer~~ 9585
~~or where the principal use of such land by said producer is other~~ 9586
~~than the production of gas, within this state, such producer is~~ 9587
~~not thereby a natural gas company. All. Notwithstanding the above,~~ 9588
neither the delivery nor sale of Ohio-produced natural gas by a 9589
producer or gatherer under a public utilities commission-ordered 9590
exemption, adopted before, as to producers, or after, as to 9591
producers or gatherers, January 1, 1996, or the delivery or sale 9592
of Ohio-produced natural gas by a producer or gatherer of 9593
Ohio-produced natural gas, either to a lessor under an oil and gas 9594
lease of the land on which the producer's drilling unit is 9595
located, or the grantor incident to a right-of-way or easement to 9596
the producer or gatherer, shall cause the producer or gatherer to 9597
be a natural gas company for the purposes of this section. 9598

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All rates, rentals, tolls, schedules, charges of any kind, or 9600
agreements between a natural gas company and other natural gas 9601
companies or gas companies providing for the supply of natural gas 9602
and for compensation for the same, are subject to the jurisdiction 9603
of the public utilities commission. The commission ~~may~~, upon 9604
application made to it, may relieve any producer or gatherer of 9605
natural gas, defined in this section as a gas company or a natural 9606
gas company, of compliance with the obligations imposed by this 9607
chapter and Chapters 4901., 4903., ~~4905.,~~ 4907., 4909., 4921., and 9608
4923. of the Revised Code, so long as ~~such~~ the producer or 9609

gatherer is not affiliated with or under the control of a gas 9610
company or a natural gas company engaged in the transportation or 9611
distribution of natural gas, or so long as ~~such~~ the producer or 9612
gatherer does not engage in the distribution of natural gas to 9613
consumers. 9614

Nothing in division (A)(6) of this section limits the 9615
authority of the commission to enforce sections 4905.90 to 4905.96 9616
Of the Revised Code. 9617

(7) A pipe-line company, when engaged in the business of 9618
transporting natural gas, oil, or coal or its derivatives through 9619
pipes or tubing, either wholly or partly within this state; 9620

(8) A water-works company, when engaged in the business of 9621
supplying water through pipes or tubing, or in a similar manner, 9622
to consumers within this state; 9623

(9) A heating or cooling company, when engaged in the 9624
business of supplying water, steam, or air through pipes or tubing 9625
to consumers within this state for heating or cooling purposes; 9626

(10) A messenger company, when engaged in the business of 9627
supplying messengers for any purpose; 9628

(11) A street railway company, when engaged in the business 9629
of operating as a common carrier, a railway, wholly or partly 9630
within this state, with one or more tracks upon, along, above, or 9631
below any public road, street, alleyway, or ground, within any 9632
municipal corporation, operated by any motive power other than 9633
steam and not a part of an interurban railroad, whether ~~such~~ the 9634
railway is termed street, inclined-plane, elevated, or underground 9635
railway; 9636

(12) A suburban railroad company, when engaged in the 9637
business of operating as a common carrier, whether wholly or 9638
partially within this state, a part of a street railway 9639
constructed or extended beyond the limits of a municipal 9640

corporation, and not a part of an interurban railroad;

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(13) An interurban railroad company, when engaged in the business of operating a railroad, wholly or partially within this state, with one or more tracks from one municipal corporation or point in this state to another municipal corporation or point in this state, whether constructed upon the public highways or upon private rights_of_way, outside of municipal corporations, using electricity or other motive power than steam power for the transportation of passengers, packages, express matter, United States mail, baggage, and freight. Such an interurban railroad company is included in the term "railroad" as used in section 4907.02 of the Revised Code.

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(14) A sewage disposal system company, when engaged in the business of sewage disposal services through pipes or tubing, and treatment works, or in a similar manner, within this state.

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(B) "Motor-propelled vehicle" means any automobile, automobile truck, motor bus, or any other self-propelled vehicle not operated or driven upon fixed rails or tracks.

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Nothing in this section shall be construed to mean that an electric light company operated not for profit, owned and operated exclusively by and solely for its customers, or owned or operated by a municipal corporation, is subject to sections 4905.66, 4905.67, 4905.68, and 4905.69 of the Revised Code.

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Sec. 5749.02. (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer and shall be:

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(1) Seven cents per ton of coal;	9671
(2) Four cents per ton of salt;	9672
(3) Two cents per ton of limestone or dolomite;	9673
(4) Two cents per ton of sand and gravel;	9674
(5) Ten cents per barrel of oil;	9675
(6) Two and one-half cents per thousand cubic feet of natural gas;	9676 9677
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite.	9678 9679
(B) Of the moneys received by the treasurer of state from the tax levied in division (A)(1) of this section, six and three-tenths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, fourteen and two-tenths per cent shall be credited to the defaulted areas <u>reclamation supplemental forfeiture</u> fund created in division (B) of section 1513.18 of the Revised Code, fifty-seven and nine-tenths per cent shall be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code, and the remainder shall be credited to the unreclaimed lands fund created in section 1513.30 of the Revised Code. When, within ten days before or after the beginning of a fiscal year, the chief of the division of mines and reclamation finds that the balance of the coal mining administration and reclamation reserve fund is below two million dollars, the chief shall certify that fact to the director of budget and management. Upon receipt of the chief's certification, the director shall direct the treasurer of state to instead credit to the coal mining administration and reclamation reserve fund during the fiscal year for which the certification is made the fourteen and two-tenths per cent of the moneys collected from the	9680 9681 9682 9683 9684 9685 9686 9687 9688 9689 9690 9691 9692 9693 9694 9695 9696 9697 9698 9699 9700

tax levied in division (A)(1) of this section and otherwise 9701
required by this division to be credited to the ~~defaulted areas~~ 9702
reclamation supplemental forfeiture fund. 9703

Fifteen per cent of the moneys received by the treasurer of 9704
state from the tax levied in division (A)(2) of this section shall 9705
be credited to the geological mapping fund and the remainder shall 9706
be credited to the unreclaimed lands fund. 9707

Of the moneys received by the treasurer of state from the tax 9708
levied in divisions (A)(3) and (4) of this section, seven and 9709
five-tenths per cent shall be credited to the geological mapping 9710
fund, forty-two and five-tenths per cent shall be credited to the 9711
unreclaimed lands fund, and the remainder shall be credited to the 9712
surface mining administration fund created in section 1514.11 of 9713
the Revised Code. 9714

Of the moneys received by the treasurer of state from the tax 9715
levied in divisions (A)(5) and (6) of this section, twenty per 9716
cent shall be credited to the oil and gas well plugging fund 9717
created in section 1509.071 of the Revised Code, ten per cent 9718
shall be credited to the geological mapping fund, and seventy per 9719
cent shall be credited to the oil and gas permit fund created in 9720
section 1509.02 of the Revised Code. All of the moneys received by 9721
the treasurer of state from the tax levied in division (A)(7) of 9722
this section shall be credited to the surface mining 9723
administration fund. 9724

(C) For the purpose of paying the state's expenses for 9725
reclaiming ~~coal~~ mined lands that the operator failed to reclaim ~~in~~ 9726
~~accordance with Chapter 1513. of the Revised Code~~ under a coal 9727
mining and reclamation permit issued under ~~that chapter on or~~ 9728
~~after September 1, 1981, and Chapter 1513. Of the Revised Code, or~~ 9729
under a surface mining permit issued under Chapter 1514. Of the 9730
Revised Code, for which the operator's bond is not sufficient to 9731
pay the state's expense for reclamation, there is hereby levied an 9732

excise tax on the privilege of engaging in the severance of coal 9733
from the soil or water of this state in addition to the taxes 9734
levied by divisions (A)(1) and (D) of this section. The tax shall 9735
be imposed at the rate of one cent per ton of coal ~~as prescribed~~ 9736
~~in this division.~~ Moneys received by the treasurer of state from 9737
the tax levied under this division shall be credited to the 9738
reclamation supplemental forfeiture fund created in division 9739
~~(D)~~(B) of section 1513.18 of the Revised Code. 9740

~~The tax levied by this division shall be imposed when, during 9741
any fiscal year, the balance of the reclamation supplemental 9742
forfeiture fund is reduced below two million dollars and five 9743
hundred thousand dollars has been transferred to the reclamation 9744
supplemental forfeiture fund from the unreclaimed lands fund 9745
during the fiscal year. The tax shall be imposed in the calendar 9746
year following the close of the fiscal year during which the 9747
balance is so reduced and shall continue to be imposed until the 9748
end of the calendar year in which the balance of the reclamation 9749
supplemental forfeiture fund is restored to two million dollars, 9750
at which time the imposition of the tax shall be suspended until 9751
the time that the circumstances requiring the tax to be imposed 9752
recur.~~ 9753

~~When, at the close of the fiscal year, the chief of the 9754
division of mines and reclamation finds that the balance of the 9755
reclamation supplemental forfeiture fund is below two million 9756
dollars and that five hundred thousand dollars has been 9757
transferred to the fund previously in the fiscal year, the chief, 9758
within thirty days after the close of the fiscal year, shall 9759
certify that fact to the tax commissioner, at which time the 9760
circumstances requiring the imposition of the tax shall be deemed 9761
to have occurred.~~ 9762

(D) For the purpose of paying the state's expenses for 9763
reclaiming coal mined lands that the operator failed to reclaim in 9764

accordance with Chapter 1513. of the Revised Code under a coal 9765
mining and reclamation permit issued after April 10, 1972, but 9766
before September 1, 1981, for which the operator's bond is not 9767
sufficient to pay the state's expense for reclamation and paying 9768
the expenses for administering the state's coal mining and 9769
reclamation regulatory program, there is hereby levied an excise 9770
tax on the privilege of engaging in the severance of coal from the 9771
soil or water of this state in addition to the taxes levied by 9772
divisions (A)(1) and (C) of this section. The tax shall be imposed 9773
at the rate of one cent per ton of coal as prescribed in this 9774
division. Moneys received by the treasurer of state from the tax 9775
levied by this division shall be credited to the ~~defaulted areas~~ 9776
reclamation supplemental forfeiture fund created in division (B) 9777
of section 1513.18 of the Revised Code. 9778

When, at the close of any fiscal year, the chief finds that 9779
the balance of the ~~defaulted areas~~ reclamation supplemental 9780
forfeiture fund, plus estimated transfers to it from the coal 9781
mining and reclamation reserve fund under section 1513.181 of the 9782
Revised Code, plus the estimated revenues from the tax levied by 9783
this division for the remainder of the calendar year that includes 9784
the close of the fiscal year, are sufficient to complete the 9785
reclamation of such lands, the purposes for which the tax under 9786
this division is levied shall be deemed accomplished at the end of 9787
that calendar year. The chief, within thirty days after the close 9788
of the fiscal year, shall certify ~~his~~ those findings to the tax 9789
commissioner, and the tax shall cease to be imposed after the last 9790
day of that calendar year. 9791

(E) On the day fixed for the payment of the severance taxes 9792
required to be paid by this section, the taxes with any penalties 9793
or interest ~~thereon~~ on them shall become a lien on all property of 9794
the taxpayer in this state, whether the property is employed by 9795
the taxpayer in the prosecution of its business or is in the hands 9796

of an assignee, trustee, or receiver for the benefit of creditors 9797
or stockholders. The lien shall continue until the taxes and any 9798
penalties or interest thereon are paid. 9799

Upon failure of the taxpayer to pay a tax on the day fixed 9800
for payment, the tax commissioner may file, for which no filing 9801
fee shall be charged, in the office of the county recorder in each 9802
county in this state in which the taxpayer owns or has a 9803
beneficial interest in real estate, notice of the lien containing 9804
a brief description of the real estate. The lien shall not be 9805
valid as against any mortgagee, purchaser, or judgment creditor 9806
whose rights have attached prior to the time the notice is filed 9807
in the county in which the real estate that is the subject of the 9808
mortgage, purchase, or judgment lien is located. The notice shall 9809
be recorded in a book kept by the recorder called the "severance 9810
tax lien record" and indexed under the name of the taxpayer 9811
charged with the tax. When the tax has been paid, the tax 9812
commissioner shall furnish to the taxpayer an acknowledgement of 9813
payment, which the taxpayer may record with the recorder of each 9814
county in which notice of the lien has been filed. 9815

Sec. 6111.42. The environmental protection agency shall do 9816
all of the following: 9817

(A) ~~Collect~~ Primarily with regard to water quality, collect, 9818
study, and interpret all available information, statistics, and 9819
data pertaining to the supply, use, conservation, and 9820
replenishment of the ~~underground~~ ground and surface waters in the 9821
state in coordination with other agencies of this state; 9822

(B) ~~Be~~ Primarily with regard to water quality, be authorized 9823
to cooperate with and negotiate for the state with any agency of 9824
the United States government, of this state, or ~~agency~~ of any 9825
other state pertaining to the water resources of the state; 9826

(C) Be authorized to perform stream gauging and contract with 9827

the United States government or any other agency for the gauging 9828
of any streams within the state; 9829

(D) Have authority to furnish information to all public 9830
officials, offices, and agencies of and in the state, and to 9831
farmers, well drillers, water consumers, industries, and any other 9832
persons seeking information regarding water resources; 9833

(E) ~~Prescribe such regulations subject to and~~ adopt rules in 9834
accordance with ~~sections 119.01 to 119.13~~ Chapter 119. of the 9835
Revised Code, for the drilling, operation, maintenance, and 9836
abandonment of wells ~~as that~~ are deemed determined to be necessary 9837
by the director of environmental protection to prevent the 9838
contamination of the ~~underground~~ ground waters in the state, 9839
except that ~~such regulations~~ the rules shall not apply to wells 9840
for the provision of water for human consumption unless they are 9841
used, or are for use, by a public water system as defined in 9842
section 6109.01 of the Revised Code. No person shall violate ~~any~~ 9843
~~such regulation~~ a rule adopted under this division. 9844

(F) Have access to all information and statistics ~~which that~~ 9845
any public authority within the state has available ~~which and that~~ 9846
the director ~~deems~~ determines are pertinent to its duties; 9847

(G) Have authority to prepare an accurate map and description 9848
of the territorial boundaries of proposed watershed districts 9849
within the state. ~~Such~~ The map and description shall follow the 9850
property line, section line, half section line, or patent line 9851
~~which that~~ is nearest to the hydrologic boundary of the proposed 9852
watershed district. There shall be not less than fifteen nor more 9853
than eighteen proposed watershed districts in the state, and each 9854
shall be composed of one or more major river watersheds. When a 9855
map and a description of a proposed watershed district has been 9856
completed, the director shall cause a copy ~~thereof~~ of them to be 9857
filed with the secretary of state and the board of county 9858

commissioners of each county contained in whole or in part within 9859
the territorial boundaries of ~~such~~ the proposed watershed 9860
district. 9861

Section 2. That existing sections 109.71, 109.751, 109.77, 9862
109.801, 109.802, 145.01, 145.33, 149.01, 505.82, 918.12, 971.01, 9863
1501.02, 1501.10, 1502.01, 1502.03, 1502.04, 1502.05, 1502.99, 9864
1503.05, 1503.29, 1503.43, 1504.02, 1505.10, 1505.99, 1506.02, 9865
1506.11, 1507.05, 1509.01, 1509.06, 1509.07, 1509.071, 1509.072, 9866
1509.13, 1509.14, 1509.22, 1509.222, 1509.31, 1511.02, 1511.022, 9867
1513.02, 1513.18, 1513.181, 1513.20, 1513.30, 1513.37, 1515.03, 9868
1515.08, 1515.24, 1517.10, 1517.14, 1517.99, 1518.20, 1518.21, 9869
1518.22, 1518.23, 1518.24, 1518.25, 1518.26, 1518.27, 1518.99, 9870
1520.01, 1520.02, 1520.03, 1521.03, 1521.05, 1531.01, 1531.06, 9871
1531.13, 1531.20, 1531.33, 1531.99, 1533.01, 1533.06, 1533.08, 9872
1533.10, 1533.12, 1533.171, 1533.24, 1533.67, 1533.68, 1533.70, 9873
1533.71, 1533.74, 1533.82, 1533.99, 1541.03, 1541.10, 1547.01, 9874
1547.03, 1547.04, 1547.08, 1547.09, 1547.111, 1547.12, 1547.13, 9875
1547.131, 1547.14, 1547.15, 1547.22, 1547.25, 1547.251, 1547.26, 9876
1547.30, 1547.302, 1547.31, 1547.33, 1547.39, 1547.40, 1547.52, 9877
1547.521, 1547.531, 1547.54, 1547.542, 1547.543, 1547.57, 1547.69, 9878
1548.01, 1548.05, 1548.06, 1553.01, 1553.02, 1553.05, 1553.08, 9879
2935.01, 2935.03, 3937.42, 4905.03, 5749.02, and 6111.42 and 9880
sections 1515.06, 1515.071, and 1553.07 of the Revised Code are 9881
hereby repealed. 9882

Section 3. That the version of section 1547.31 of the Revised 9883
Code, as enacted by Am. S.B. 295 of the 121st General Assembly, 9884
that takes effect on January 1, 2000, be amended to read as 9885
follows: 9886

Sec. 1547.31. (A) Every powercraft operated on the waters in 9887
this state shall be equipped at all times with a muffler or a 9888

muffler system that is in good working order, in constant 9889
operation, and effectively installed to prevent excessive or 9890
unusual noise. 9891

(B)(1) No person shall operate or give permission for the 9892
operation of a powercraft on the waters in this state in such a 9893
manner as to exceed a noise level of ninety decibels on the "A" 9894
scale when subjected to a stationary sound level test as 9895
prescribed by SAE J2005. 9896

(2) 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 seventy-five decibels on the 9899
"A" scale measured as specified by SAE J1970. Measurement of a 9900
noise level of not more than seventy-five decibels on the "A" 9901
scale of a powercraft in operation does not preclude the 9902
conducting of a stationary sound level test as prescribed by SAE 9903
J2005. 9904

(C) No person shall operate or give permission for the 9905
operation of a powercraft on the waters in this state that is 9906
equipped with an altered muffler or muffler cutout, or operate or 9907
give permission for the operation of a powercraft on the waters in 9908
this state in any manner that bypasses or otherwise reduces or 9909
eliminates the effectiveness of any muffler or muffler system 9910
installed in accordance with this section, unless the applicable 9911
mechanism has been permanently disconnected or made inoperable. 9912

(D) No person shall remove, alter, or otherwise modify in any 9913
way a muffler or muffler system in a manner that will prevent it 9914
from being operated in accordance with this section. 9915

(E) No person shall manufacture, sell, or offer for sale a 9916
powercraft that is not equipped with a muffler or muffler system 9917
that prevents noise levels in excess of those established in 9918
division (B)(1) of this section. 9919

(F) This section does not apply to any of the following: 9920

(1) A powercraft that is designed, manufactured, and sold for 9921
the sole purpose of competing in racing events. The exception 9922
established under division (F)(1) of this section shall be 9923
documented in each sale agreement and shall be acknowledged 9924
formally by the signatures of the buyer and the seller. The buyer 9925
and the seller shall maintain copies of the sale agreement. A copy 9926
of the sale agreement shall be kept aboard the powercraft when it 9927
is operated. A powercraft to which the exception established under 9928
division (F)(1) of this section applies shall be operated on the 9929
waters in this state only in accordance with division (F)(2) of 9930
this section. 9931

(2) A powercraft that is actually participating in a 9932
sanctioned racing event or in tune-up periods for a sanctioned 9933
racing event on the waters in this state and that is being 9934
operated in accordance with division (F)(2) of this section. For 9935
the purposes of division (F)(2) of this section, a sanctioned 9936
racing event is a racing event that is conducted in accordance 9937
with section 1547.20 of the Revised Code or that is approved by 9938
the United States coast guard. The operator of a powercraft that 9939
is operated on the waters in this state for the purpose of a 9940
sanctioned racing event shall comply with that section and 9941
requirements established under it or with requirements established 9942
by the coast guard, as appropriate. Failure to comply subjects the 9943
operator to this section. 9944

(3) A powercraft that is being operated on the waters in this 9945
state by or for a boat or engine manufacturer for the purpose of 9946
testing, development, or both and that complies with division 9947
(F)(3) of this section. The operator of such a powercraft shall 9948
have aboard at all times and shall produce on demand of a law 9949
enforcement officer a current, valid letter issued by the chief of 9950
the division of watercraft in accordance with rules adopted under 9951

division (I)(1) of this section. Failure to produce the letter 9952
subjects the operator to this section. 9953

(G) A law enforcement officer who is trained in accordance 9954
with rules adopted under division (I)(2) of this section and who 9955
has reason to believe that a powercraft is not in compliance with 9956
the noise levels established in this section may direct the 9957
operator of the powercraft to submit it to an on-site test to 9958
measure the level of the noise emitted by the powercraft. The 9959
operator shall comply with that direction. The officer may remain 9960
aboard the powercraft during the test at the officer's discretion. 9961

If the level of the noise emitted by the powercraft exceeds 9962
the noise levels established in this section, the officer may 9963
direct the operator to take immediate and reasonable measures to 9964
correct the violation, including returning the powercraft to a 9965
mooring and keeping it at the mooring until the violation is 9966
corrected or ceases. 9967

(H) A law enforcement officer who conducts powercraft noise 9968
level tests pursuant to this section shall be trained to do so in 9969
accordance with rules adopted under division (I)(2) of this 9970
section. 9971

(I) In accordance with Chapter 119. of the Revised Code, the 9972
chief shall adopt rules establishing both of the following: 9973

(1) Requirements and procedures for the issuance of letters 9974
under division (F)(3) of this section. The rules shall require, 9975
without limitation, that each such letter adequately identify the 9976
powercraft concerning which the letter is issued and specify the 9977
purposes for which the powercraft is being operated. 9978

(2) Requirements and procedures for the training of law 9979
enforcement officers who conduct powercraft noise level tests 9980
pursuant to this section. The rules shall require the training to 9981
include, without limitation, the selection of a site where noise 9982

level is measured and the calibration and use of noise measurement equipment.	9983 9984
Section 4. That all existing versions of section 1547.31 of the Revised Code are hereby repealed.	9985 9986
Section 5. Sections 3 and 4 of this act shall take effect January 1, 2000.	9987 9988
Section 6. Not later than ninety days after the effective date of this act, each preserve officer, as defined in section 145.01 of the Revised Code as amended by this act, who is a member of the Public Employees Retirement System shall indicate to the system, on a form supplied by the retirement system, a choice of whether to receive benefits under division (A) of section 145.33 of the Revised Code or division (B) of that section.	9989 9990 9991 9992 9993 9994 9995
Section 7. All rules adopted by the Chief of the Division of Natural Areas and Preserves in the Department of Natural Resources pursuant to section 1518.22 of the Revised Code, as it existed prior to the effective date of this act, continue in effect as rules until amended or rescinded by the Chief of the Division of Wildlife in that Department pursuant to section 1533.88 of the Revised Code, as amended by this act. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules of the Division of Natural Areas and Preserves to reflect their transfer to the Division of Wildlife.	9996 9997 9998 9999 10000 10001 10002 10003 10004 10005 10006
Section 8. The amendments to section 4905.03 of the Revised Code by this act shall not be construed to modify rules and orders of the Public Utilities Commission in existence on the effective date of this act.	10007 10008 10009 10010

Section 9. Section 109.77 of the Revised Code is presented in 10011
this act as a composite of the section as amended by both Sub. 10012
H.B. 670 and Am. Sub. S.B. 285 of the 121st General Assembly, with 10013
the new language of neither of the acts shown in capital letters. 10014
Section 109.802 of the Revised Code is presented in this act as a 10015
composite of the section as amended by both Am. Sub. H.B. 566 and 10016
Sub. H.B. 670 of the 121st General Assembly, with the new language 10017
of neither of the acts shown in capital letters. Section 145.33 of 10018
the Revised Code is presented in this act as a composite of the 10019
section as amended by both Am. Sub. H.B. 379 and Am. Sub. H.B. 450 10020
of the 121st General Assembly, with the new language of neither of 10021
the acts shown in capital letters. Section 1511.02 of the Revised 10022
Code is presented in this act as a composite of the section as 10023
amended by Am. Sub. S.B. 73, Am. Sub. S.B. 182, and Am. Sub. S.B. 10024
226 of the 120th General Assembly, with the new language of none 10025
of the acts shown in capital letters. Section 1513.181 of the 10026
Revised Code is presented in this act as a composite of the 10027
section as amended by both Am. Sub. S.B. 2 and Am. Sub. S.B. 162 10028
of the 121st General Assembly, with the new language of neither of 10029
the acts shown in capital letters. Section 1515.08 of the Revised 10030
Code is presented in this act as a composite of the section as 10031
amended by both Am. Sub. S.B. 73 and Am. Sub. S.B. 182 of the 10032
120th General Assembly, with the new language of neither of the 10033
acts shown in capital letters. Section 5749.02 of the Revised Code 10034
is presented in this act as a composite of the section as amended 10035
by both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st 10036
General Assembly, with the new language of neither of the acts 10037
shown in capital letters. This is in recognition of the principle 10038
stated in division (B) of section 1.52 of the Revised Code that 10039
such amendments are to be harmonized where not substantively 10040
irreconcilable and constitutes a legislative finding that such is 10041
the resulting version in effect prior to the effective date of 10042
this act. 10043