

As Introduced

**129th General Assembly
Regular Session
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S. B. No. 181

Senator Wagoner

Cosponsors: Senators Jones, LaRose, Patton, Sawyer, Tavares, Turner

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A B I L L

To amend sections 127.16, 149.54, 317.08, 1506.30, 1
3714.03, and 5747.113, to enact sections 149.307, 2
149.308, and 4503.95, and to repeal sections 3
149.51 and 149.55 of the Revised Code to implement 4
recommendations of the Ohio Legislative Commission 5
on the Education and Preservation of State 6
History. 7

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

Section 1. That sections 127.16, 149.54, 317.08, 1506.30, 8
3714.03, and 5747.113 be amended and that sections 149.307, 9
149.308, and 4503.95 of the Revised Code be enacted to read as 10
follows: 11

Sec. 127.16. (A) Upon the request of either a state agency or 12
the director of budget and management and after the controlling 13
board determines that an emergency or a sufficient economic reason 14
exists, the controlling board may approve the making of a purchase 15
without competitive selection as provided in division (B) of this 16
section. 17

(B) Except as otherwise provided in this section, no state 18
agency, using money that has been appropriated to it directly, 19

shall: 20

(1) Make any purchase from a particular supplier, that would 21
amount to fifty thousand dollars or more when combined with both 22
the amount of all disbursements to the supplier during the fiscal 23
year for purchases made by the agency and the amount of all 24
outstanding encumbrances for purchases made by the agency from the 25
supplier, unless the purchase is made by competitive selection or 26
with the approval of the controlling board; 27

(2) Lease real estate from a particular supplier, if the 28
lease would amount to seventy-five thousand dollars or more when 29
combined with both the amount of all disbursements to the supplier 30
during the fiscal year for real estate leases made by the agency 31
and the amount of all outstanding encumbrances for real estate 32
leases made by the agency from the supplier, unless the lease is 33
made by competitive selection or with the approval of the 34
controlling board. 35

(C) Any person who authorizes a purchase in violation of 36
division (B) of this section shall be liable to the state for any 37
state funds spent on the purchase, and the attorney general shall 38
collect the amount from the person. 39

(D) Nothing in division (B) of this section shall be 40
construed as: 41

(1) A limitation upon the authority of the director of 42
transportation as granted in sections 5501.17, 5517.02, and 43
5525.14 of the Revised Code; 44

(2) Applying to medicaid provider agreements under Chapter 45
5111. of the Revised Code; 46

(3) Applying to the purchase of examinations from a sole 47
supplier by a state licensing board under Title XLVII of the 48
Revised Code; 49

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of job and family

services under section 5111.13 of the Revised Code for group	81
health plan premiums, deductibles, coinsurance, and other	82
cost-sharing expenses;	83
(10) Applying to any agency of the legislative branch of the	84
state government;	85
(11) Applying to agreements or contracts entered into under	86
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	87
Revised Code;	88
(12) Applying to purchases of services by the adult parole	89
authority under section 2967.14 of the Revised Code or by the	90
department of youth services under section 5139.08 of the Revised	91
Code;	92
(13) Applying to dues or fees paid for membership in an	93
organization or association;	94
(14) Applying to purchases of utility services pursuant to	95
section 9.30 of the Revised Code;	96
(15) Applying to purchases made in accordance with rules	97
adopted by the department of administrative services of motor	98
vehicle, aviation, or watercraft fuel, or emergency repairs of	99
such vehicles;	100
(16) Applying to purchases of tickets for passenger air	101
transportation;	102
(17) Applying to purchases necessary to provide public	103
notifications required by law or to provide notifications of job	104
openings;	105
(18) Applying to the judicial branch of state government;	106
(19) Applying to purchases of liquor for resale by the	107
division of liquor control;	108
(20) Applying to purchases of motor courier and freight	109
services made in accordance with department of administrative	110

services rules;	111
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	112 113 114 115
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	116 117 118
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education <u>or the Ohio historical society</u> ;	119 120 121
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	122 123 124 125
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	126 127 128
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the refund offset program of the internal revenue service of the United States department of the treasury;	129 130 131 132 133
(27) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;	134 135 136
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	137 138 139
(29) Applying to contracts entered into with persons by the	140

director of commerce for unclaimed funds collection and remittance 141
efforts as provided in division (F) of section 169.03 of the 142
Revised Code. The director shall keep an itemized accounting of 143
unclaimed funds collected by those persons and amounts paid to 144
them for their services. 145

(30) Applying to purchases made by a state institution of 146
higher education in accordance with the terms of a contract 147
between the vendor and an inter-university purchasing group 148
comprised of purchasing officers of state institutions of higher 149
education; 150

(31) Applying to the department of job and family services' 151
purchases of health assistance services under the children's 152
health insurance program part I provided for under section 5101.50 153
of the Revised Code, the children's health insurance program part 154
II provided for under section 5101.51 of the Revised Code, or the 155
children's health insurance program part III provided for under 156
section 5101.52 of the Revised Code, or the children's buy-in 157
program provided for under sections 5101.5211 to 5101.5216 of the 158
Revised Code; 159

(32) Applying to payments by the attorney general from the 160
reparations fund to hospitals and other emergency medical 161
facilities for performing medical examinations to collect physical 162
evidence pursuant to section 2907.28 of the Revised Code; 163

(33) Applying to contracts with a contracting authority or 164
administrative receiver under division (B) of section 5126.056 of 165
the Revised Code; 166

(34) Applying to purchases of goods and services by the 167
department of veterans services in accordance with the terms of 168
contracts entered into by the United States department of veterans 169
affairs; 170

(35) Applying to payments by the superintendent of the bureau 171

of criminal identification and investigation to the federal bureau 172
of investigation for criminal records checks pursuant to section 173
109.572 of the Revised Code; 174

(36) Applying to payments to the Ohio historical society from 175
other state agencies. 176

(E) When determining whether a state agency has reached the 177
cumulative purchase thresholds established in divisions (B)(1) and 178
(2) of this section, all of the following purchases by such agency 179
shall not be considered: 180

(1) Purchases made through competitive selection or with 181
controlling board approval; 182

(2) Purchases listed in division (D) of this section; 183

(3) For the purposes of the threshold of division (B)(1) of 184
this section only, leases of real estate. 185

(F) As used in this section, "competitive selection," 186
"purchase," "supplies," and "services" have the same meanings as 187
in section 125.01 of the Revised Code. 188

Sec. 149.307. There is hereby created in the state treasury 189
the "Ohio history" license plate fund. The fund shall consist of 190
the contributions that are paid to the registrar of motor vehicles 191
by applicants who choose to obtain "Ohio history" license plates 192
pursuant to section 4503.95 of the Revised Code. 193

The contributions deposited in the fund shall be used by the 194
Ohio historical society to provide grants to historical 195
organizations located in this state. An organization that receives 196
a grant under this section shall use the grant only to host 197
exhibits and increase access to its collection by the public. 198

The society shall establish and administer all aspects of the 199
grant program, including eligibility requirements for receiving a 200
grant under the program. During the four years immediately 201

following the effective date of this section, the primary focus of 202
the grant program shall be the commemoration of the 203
sesquicentennial of the civil war between the United States of 204
America and the Confederate States of America. 205

Not later than the last business day of January of each year, 206
the society shall prepare and submit to the general assembly a 207
written report, detailing all aspects of the grant program during 208
the immediately preceding calendar year. 209

Sec. 149.308. There is hereby created in the state treasury 210
the Ohio historical society income tax contribution fund, which 211
shall consist of money contributed to it under section 5747.113 of 212
the Revised Code and of contributions made directly to it. Any 213
person may contribute directly to the fund in addition to or 214
independently of the income tax refund contribution system 215
established in section 5747.113 of the Revised Code. 216

The Ohio historical society shall use money credited to the 217
fund in furtherance of the public functions with which the society 218
is charged under section 149.30 of the Revised Code. 219

Sec. 149.54. In order to ensure that archaeological survey 220
and salvage work on public lands, dedicated archaeological 221
preserves, and registered state archaeological landmarks is 222
conducted in a scientific manner, the director of the Ohio 223
historical society shall, in consultation with the Ohio 224
archaeological council and the archaeological society of Ohio, 225
adopt and may amend or rescind rules, in accordance with Chapter 226
119. of the Revised Code, prescribing minimum education, training, 227
and experience requirements for personnel in charge of or 228
otherwise engaging in archaeological survey and salvage work, and 229
prescribing scientific methods for undertaking such activities. 230

No person shall engage in archaeological survey or salvage 231

work on any land that is owned, controlled, or administered by the 232
state or any political subdivision of the state, or at any 233
archaeological preserve, dedicated under section 149.52 of the 234
Revised Code, ~~or at any state archaeological landmark registered~~ 235
~~under section 149.51 of the Revised Code,~~ without first obtaining 236
the written permission of the director. To obtain permission, the 237
applicant shall submit written application to the director, which 238
application shall indicate the proposed location, the 239
qualifications of personnel who will be engaged in the 240
archaeological survey or salvage work, the proposed methods of 241
survey or salvage, and such other information as the director 242
requires by rule. 243

The director shall deny the applicant permission to engage in 244
archaeological survey or salvage work at the proposed location if 245
the applicant's proposed undertaking will not comply with the 246
rules adopted under this section. The director shall by written 247
order approve or deny permission to disturb the site. If the 248
director decides to deny permission, the order shall state the 249
reasons for denial, and the director shall afford the applicant an 250
adjudication hearing under Chapter 119. of the Revised Code. The 251
requirements of this section and of any rule adopted pursuant to 252
this section shall not apply to any department, agency, unit, 253
instrumentality, or political subdivision of the state. 254

Whoever violates this section is guilty of a misdemeanor of 255
the second degree. Whoever violates or threatens to violate this 256
section may be enjoined from violation. 257

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 258
of this section, the county recorder shall keep six separate sets 259
of records as follows: 260

(1) A record of deeds, in which shall be recorded all deeds 261
and other instruments of writing for the absolute and 262

unconditional sale or conveyance of lands, tenements, and	263
hereditaments; all notices as provided in sections 5301.47 to	264
5301.56 of the Revised Code; all judgments or decrees in actions	265
brought under section 5303.01 of the Revised Code; all	266
declarations and bylaws, and all amendments to declarations and	267
bylaws, as provided in Chapter 5311. of the Revised Code;	268
affidavits as provided in sections 5301.252 and 5301.56 of the	269
Revised Code; all certificates as provided in section 5311.17 of	270
the Revised Code; all articles dedicating archaeological preserves	271
accepted by the director of the Ohio historical society under	272
section 149.52 of the Revised Code; all articles dedicating nature	273
preserves accepted by the director of natural resources under	274
section 1517.05 of the Revised Code; all agreements for the	275
registration of lands as archaeological or historic landmarks	276
under section 149.51 or 149.55 of the Revised Code; all	277
conveyances of conservation easements and agricultural easements	278
under section 5301.68 of the Revised Code; all instruments	279
extinguishing agricultural easements under section 901.21 or	280
5301.691 of the Revised Code or pursuant to terms of such an	281
easement granted to a charitable organization under section	282
5301.68 of the Revised Code; all instruments or orders described	283
in division (B)(2)(b) of section 5301.56 of the Revised Code; all	284
no further action letters issued under section 122.654 or 3746.11	285
of the Revised Code; all covenants not to sue issued under section	286
3746.12 of the Revised Code, including all covenants not to sue	287
issued pursuant to section 122.654 of the Revised Code; any	288
restrictions on the use of property contained in a no further	289
action letter issued under section 122.654 of the Revised Code,	290
any restrictions on the use of property identified pursuant to	291
division (C)(3)(a) of section 3746.10 of the Revised Code, and any	292
restrictions on the use of property contained in a deed or other	293
instrument as provided in division (E) or (F) of section 3737.882	294
of the Revised Code; any easement executed or granted under	295

section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 296
any environmental covenant entered into in accordance with 297
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 298
trust, as described in division (A) of section 5301.255 of the 299
Revised Code, that describe specific real property; and all 300
agreements entered into under division (A) of section 1506.44 of 301
the Revised Code; 302

(2) A record of mortgages, in which shall be recorded all of 303
the following: 304

(a) All mortgages, including amendments, supplements, 305
modifications, and extensions of mortgages, or other instruments 306
of writing by which lands, tenements, or hereditaments are or may 307
be mortgaged or otherwise conditionally sold, conveyed, affected, 308
or encumbered; 309

(b) All executory installment contracts for the sale of land 310
executed after September 29, 1961, that by their terms are not 311
required to be fully performed by one or more of the parties to 312
them within one year of the date of the contracts; 313

(c) All options to purchase real estate, including 314
supplements, modifications, and amendments of the options, but no 315
option of that nature shall be recorded if it does not state a 316
specific day and year of expiration of its validity; 317

(d) Any tax certificate sold under section 5721.33 of the 318
Revised Code, or memorandum of it, that is presented for filing of 319
record. 320

(3) A record of powers of attorney, including all memoranda 321
of trust, as described in division (A) of section 5301.255 of the 322
Revised Code, that do not describe specific real property; 323

(4) A record of plats, in which shall be recorded all plats 324
and maps of town lots, of the subdivision of town lots, and of 325
other divisions or surveys of lands, any center line survey of a 326

highway located within the county, the plat of which shall be 327
furnished by the director of transportation or county engineer, 328
and all drawings and amendments to drawings, as provided in 329
Chapter 5311. of the Revised Code; 330

(5) A record of leases, in which shall be recorded all 331
leases, memoranda of leases, and supplements, modifications, and 332
amendments of leases and memoranda of leases; 333

(6) A record of declarations executed pursuant to section 334
2133.02 of the Revised Code and durable powers of attorney for 335
health care executed pursuant to section 1337.12 of the Revised 336
Code. 337

(B) All instruments or memoranda of instruments entitled to 338
record shall be recorded in the proper record in the order in 339
which they are presented for record. The recorder may index, keep, 340
and record in one volume unemployment compensation liens, internal 341
revenue tax liens and other liens in favor of the United States as 342
described in division (A) of section 317.09 of the Revised Code, 343
personal tax liens, mechanic's liens, agricultural product liens, 344
notices of liens, certificates of satisfaction or partial release 345
of estate tax liens, discharges of recognizances, excise and 346
franchise tax liens on corporations, broker's liens, and liens 347
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 348
5311.18 of the Revised Code. 349

The recording of an option to purchase real estate, including 350
any supplement, modification, and amendment of the option, under 351
this section shall serve as notice to any purchaser of an interest 352
in the real estate covered by the option only during the period of 353
the validity of the option as stated in the option. 354

(C) In lieu of keeping the six separate sets of records 355
required in divisions (A)(1) to (6) of this section and the 356
records required in division (D) of this section, a county 357

recorder may record all the instruments required to be recorded by 358
this section in two separate sets of record books. One set shall 359
be called the "official records" and shall contain the instruments 360
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 361
section. The second set of records shall contain the instruments 362
listed in division (A)(4) of this section. 363

(D) Except as provided in division (C) of this section, the 364
county recorder shall keep a separate set of records containing 365
all corrupt activity lien notices filed with the recorder pursuant 366
to section 2923.36 of the Revised Code and a separate set of 367
records containing all medicaid fraud lien notices filed with the 368
recorder pursuant to section 2933.75 of the Revised Code. 369

Sec. 1506.30. As used in sections 1506.30 to 1506.36 of the 370
Revised Code: 371

(A) "Abandoned property" means a submerged aircraft; a 372
submerged watercraft, including a ship, boat, canoe, skiff, raft, 373
or barge; the rigging, gear, fittings, trappings, and equipment of 374
a submerged aircraft or watercraft; the personal property of the 375
officers, crew, and passengers of a submerged aircraft or 376
watercraft; the cargo of a submerged aircraft or watercraft that 377
has been deserted, relinquished, cast away, or left behind and for 378
which attempts at reclamation have been abandoned by the owners 379
and insurers; and submerged materials resulting from activities of 380
prehistoric and historic native Americans. 381

(B) "Lake Erie" means that portion of the waters and lands of 382
Lake Erie belonging to the state as provided in section 1506.10 of 383
the Revised Code. 384

(C) "Historical value" means the quality of significance 385
exemplified by an object, structure, site, or district that is 386
included in or eligible for inclusion in ~~the state registry of~~ 387
~~archaeological landmarks authorized under section 149.51 of the~~ 388

~~Revised Code, the state registry of historic landmarks authorized~~ 389
~~under section 149.55 of the Revised Code, or the national register~~ 390
~~of historic places.~~ 391

(D) "Marine surveyor" means a person engaged in the business 392
of mapping or surveying submerged lands and abandoned property. 393

(E) "Mechanical or other assistance" means all artificial 394
devices used to raise or remove artifacts from abandoned property, 395
including pry bars, wrenches and other hand or power tools, 396
cutting torches, explosives, winches, flotation bags, lines to 397
surface, extra divers buoyancy devices, and other buoyancy 398
devices. 399

(F) "Recreational value" means value relating to an activity 400
in which the public engages or may engage for recreation or sport, 401
including scuba diving and fishing, as determined by the director 402
of natural resources. 403

Sec. 3714.03. (A) As used in this section: 404

(1) "Aquifer system" means one or more geologic units or 405
formations that are wholly or partially saturated with water and 406
are capable of storing, transmitting, and yielding significant 407
amounts of water to wells or springs. 408

(2) "Category 3 wetland" means a wetland that supports 409
superior habitat or hydrological or recreational functions as 410
determined by an appropriate wetland evaluation methodology 411
acceptable to the director of environmental protection. "Category 412
3 wetland" includes a wetland with high levels of diversity, a 413
high proportion of native species, and high functional values and 414
includes, but is not limited to, a wetland that contains or 415
provides habitat for threatened or endangered species. "Category 3 416
wetland" may include high quality forested wetlands, including old 417
growth forested wetlands, mature forested riparian wetlands, 418

vernal pools, bogs, fens, and wetlands that are scarce regionally. 419

(3) "Natural area" means either of the following: 420

(a) An area designated by the director of natural resources 421
as a wild, scenic, or recreational river under section 1547.81 of 422
the Revised Code; 423

(b) An area designated by the United States department of the 424
interior as a national wild, scenic, or recreational river. 425

(4) "Occupied dwelling" means a residential dwelling and also 426
includes a place of worship as defined in section 5104.01 of the 427
Revised Code, a child day-care center as defined in that section, 428
a hospital as defined in section 3727.01 of the Revised Code, a 429
nursing home as defined in that section, a school, and a 430
restaurant or other eating establishment. "Occupied dwelling" does 431
not include a dwelling owned or controlled by the owner or 432
operator of a construction and demolition debris facility to which 433
the siting criteria established under this section are being 434
applied. 435

(5) "Residential dwelling" means a building used or intended 436
to be used in whole or in part as a personal residence by the 437
owner, part-time owner, or lessee of the building or any person 438
authorized by the owner, part-time owner, or lessee to use the 439
building as a personal residence. 440

(B) Neither the director of environmental protection nor any 441
board of health shall issue a permit to install under section 442
3714.051 of the Revised Code to establish a new construction and 443
demolition debris facility when any portion of the facility is 444
proposed to be located in either of the following locations: 445

(1) Within the boundaries of a one-hundred-year flood plain, 446
as those boundaries are shown on the applicable maps prepared 447
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 448
U.S.C.A. 4001, as amended, unless the owner or operator has 449

obtained an exemption from division (B)(1) of this section in 450
accordance with section 3714.04 of the Revised Code. If no such 451
maps have been prepared, the boundaries of a one-hundred-year 452
flood plain shall be determined by the applicant for a permit 453
based upon standard methodologies set forth in "urban hydrology 454
for small watersheds" (soil conservation service technical release 455
number 55) and section 4 of the "national engineering hydrology 456
handbook" of the soil conservation service of the United States 457
department of agriculture. 458

(2) Within the boundaries of a sole source aquifer designated 459
by the administrator of the United States environmental protection 460
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 461
42 U.S.C.A. 300f, as amended. 462

(C) Neither the director nor any board shall issue a permit 463
to install under section 3714.051 of the Revised Code to establish 464
a new construction and demolition debris facility when the 465
horizontal limits of construction and demolition debris placement 466
at the new facility are proposed to be located in any of the 467
following locations: 468

(1) Within one hundred feet of a perennial stream as defined 469
by the United States geological survey seven and one-half minute 470
quadrangle map or a category 3 wetland; 471

(2) Within one hundred feet of the facility's property line; 472

(3)(a) Except as provided in division (C)(3)(b) of this 473
section, within five hundred feet of a residential or public water 474
supply well. 475

(b) Division (C)(3)(a) of this section does not apply to a 476
residential well under any of the circumstances specified in 477
divisions (C)(3)(b)(i) to (iii) of this section as follows: 478

(i) The well is controlled by the owner or operator of the 479
construction and demolition debris facility. 480

(ii) The well is hydrologically separated from the horizontal 481
limits of construction and demolition debris placement. 482

(iii) The well is at least three hundred feet upgradient from 483
the horizontal limits of construction and demolition debris 484
placement and division (D) of this section does not prohibit the 485
issuance of the permit to install. 486

(4) Within five hundred feet of a park created or operated 487
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 488
of the Revised Code, a state park established or dedicated under 489
Chapter 1541. of the Revised Code, a state park purchase area 490
established under section 1541.02 of the Revised Code, a national 491
recreation area, any unit of the national park system, or any 492
property that lies within the boundaries of a national park or 493
recreation area, but that has not been acquired or is not 494
administered by the secretary of the United States department of 495
the interior, located in this state, or any area located in this 496
state that is recommended by the secretary for study for potential 497
inclusion in the national park system in accordance with "The Act 498
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 499

(5) Within five hundred feet of a natural area, any area 500
established by the department of natural resources as a state 501
wildlife area under Chapter 1531. of the Revised Code and rules 502
adopted under it, any area that is formally dedicated as a nature 503
preserve under section 1517.05 of the Revised Code, or any area 504
designated by the United States department of the interior as a 505
national wildlife refuge; 506

(6) Within five hundred feet of a lake or reservoir of one 507
acre or more that is hydrogeologically connected to ground water. 508
For purposes of division (C)(6) of this section, a lake or 509
reservoir does not include a body of water constructed and used 510
for purposes of surface water drainage or sediment control. 511

(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code; 512
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~~(8) Within five hundred feet of land that is placed on the state registry of historic landmarks under section 149.55 of the Revised Code;~~ 514
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~~(9)~~ Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling. 517
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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec. 519
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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling. 529
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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following: 537
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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the 541
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anticipated degree of use and minimize erosion and generation of dust; 543
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(2) Surface water drainage and sediment controls that are required by the director; 545
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(3) If the facility is proposed to be located in an area in which an applicable zoning resolution allows residential construction, vegetated earthen berms or an equivalent barrier with a minimum height of six feet separating the facility from adjoining property. 547
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(G)(1) The siting criteria established in this section shall be applied to an application for a permit to install at the time that the application is submitted to the director or a board of health, as applicable. Circumstances related to the siting criteria that change after the application is submitted shall not be considered in approving or disapproving the application. 552
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(2) The siting criteria established in this section by this amendment do not apply to an expansion of a construction and demolition debris facility that was in operation prior to December 22, 2005, onto property within the property boundaries identified in the application for the initial license for that facility or any subsequent license issued for that facility up to and including the license issued for that facility for calendar year 2005. The siting criteria established in this section prior to December 22, 2005, apply to such an expansion. 558
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Sec. 4503.95. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "Ohio history" license plates. The application for "Ohio history" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of 567
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the Revised Code. Upon receipt of the completed application and 574
compliance with division (B) of this section, the registrar shall 575
issue to the applicant the appropriate vehicle registration and a 576
set of "Ohio history" license plates with a validation sticker or 577
a validation sticker alone when required by section 4503.191 of 578
the Revised Code. In addition to the letters and numbers 579
ordinarily inscribed thereon, "Ohio history" license plates shall 580
be inscribed with words and markings selected and designed by the 581
Ohio historical society and approved by the registrar. "Ohio 582
history" license plates shall bear county identification stickers 583
that identify the county of registration by name or number. 584

(B) "Ohio history" license plates and validation stickers 585
shall be issued upon payment of the regular license tax as 586
prescribed under section 4503.04 of the Revised Code, any 587
applicable motor vehicle tax levied under Chapter 4504. of the 588
Revised Code, a bureau of motor vehicles administrative fee of ten 589
dollars, the contribution specified in division (C) of this 590
section, and compliance with all other applicable laws relating to 591
the registration of motor vehicles. If the application for "Ohio 592
history" license plates is combined with a request for a special 593
reserved license plate under section 4503.40 or 4503.42 of the 594
Revised Code, the license plates and validation sticker shall be 595
issued upon payment of the contribution, fees, and taxes contained 596
in this division and the additional fee prescribed under section 597
4503.40 or 4503.42 of the Revised Code. 598

(C) For each application for registration and registration 599
renewal submitted under this section, the registrar shall collect 600
a contribution of twenty dollars. The registrar shall transmit 601
this contribution to the treasurer of state for deposit in the 602
Ohio history license plate contribution fund created in section 603
149.307 of the Revised Code. 604

The registrar shall deposit the ten-dollar bureau 605
administrative fee, the purpose of which is to compensate the 606
bureau for additional services required in issuing "Ohio history" 607
license plates, in the state bureau of motor vehicles fund created 608
in section 4501.25 of the Revised Code. 609

Sec. 5747.113. (A) Any taxpayer claiming a refund under 610
section 5747.11 of the Revised Code ~~for taxable years ending on or~~ 611
~~after October 14, 1983,~~ who wishes to contribute any part of the 612
taxpayer's refund to the natural areas and preserves fund created 613
in section 1517.11 of the Revised Code, the nongame and endangered 614
wildlife fund created in section 1531.26 of the Revised Code, the 615
military injury relief fund created in section 5101.98 of the 616
Revised Code, the Ohio historical society income tax contribution 617
fund created in section 149.308 of the Revised Code, or all of 618
those funds, may designate on the taxpayer's income tax return the 619
amount that the taxpayer wishes to contribute to the fund or 620
funds. A designated contribution is irrevocable upon the filing of 621
the return and shall be made in the full amount designated if the 622
refund found due the taxpayer upon the initial processing of the 623
taxpayer's return, after any deductions including those required 624
by section 5747.12 of the Revised Code, is greater than or equal 625
to the designated contribution. If the refund due as initially 626
determined is less than the designated contribution, the 627
contribution shall be made in the full amount of the refund. The 628
tax commissioner shall subtract the amount of the contribution 629
from the amount of the refund initially found due the taxpayer and 630
shall certify the difference to the director of budget and 631
management and treasurer of state for payment to the taxpayer in 632
accordance with section 5747.11 of the Revised Code. For the 633
purpose of any subsequent determination of the taxpayer's net tax 634
payment, the contribution shall be considered a part of the refund 635
paid to the taxpayer. 636

(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, and the Ohio historical society income tax contribution fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on the person's income tax return any part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, or all of those funds the Ohio historical society income tax contribution fund.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, and the Ohio historical society income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and

the cost to the department of taxation of administering the income 669
tax contribution system during that period. The cost of 670
administering the income tax contribution system shall be 671
certified by the tax commissioner to the director of budget and 672
management, who shall transfer an amount equal to ~~one-third~~ 673
one-fourth of such administrative costs from the natural areas and 674
preserves fund, ~~one-third~~ one-fourth of such costs from the 675
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 676
such costs from the military injury relief fund, and one-fourth of 677
such costs from the Ohio historical society income tax 678
contribution fund to the litter control and natural resource tax 679
administration fund, which is hereby created, provided that the 680
moneys that the department receives to pay the cost of 681
administering the income tax refund contribution system in any 682
year shall not exceed two and one-half per cent of the total 683
amount contributed under that system during that year. 684

(E)(1) The director of natural resources, in January of every 685
odd-numbered year, shall report to the general assembly on the 686
effectiveness of the income tax refund contribution system as it 687
pertains to the natural areas and preserves fund and the nongame 688
and endangered wildlife fund. The report shall include the amount 689
of money contributed to each fund in each of the previous five 690
years, the amount of money contributed directly to each fund in 691
addition to or independently of the income tax refund contribution 692
system in each of the previous five years, and the purposes for 693
which the money was expended. 694

(2) The director of job and family services and the director 695
of the Ohio historical society, in January of every odd-numbered 696
year, each shall report to the general assembly on the 697
effectiveness of the income tax refund contribution system as it 698
pertains to the military injury relief fund and the Ohio 699
historical society income tax contribution fund, respectively. The 700

report shall include the amount of money contributed to the fund 701
in each of the previous five years, the amount of money 702
contributed directly to the fund in addition to or independently 703
of the income tax refund contribution system in each of the 704
previous five years, and the purposes for which the money was 705
expended. 706

Section 2. That existing sections 127.16, 149.54, 317.08, 707
1506.30, 3714.03, and 5747.113 and sections 149.51 and 149.55 of 708
the Revised Code are hereby repealed. 709

Section 3. (A) The Ohio Cemetery Law Task Force shall develop 710
recommendations on modifications of the laws of this state 711
relating to cemeteries. 712

(B) The Ohio Cemetery Law Task Force is established. The Task 713
Force shall consist of the following eleven members: a 714
representative of local government, other than townships, 715
appointed by the President of the Senate; a representative of the 716
Ohio Township Association appointed by the President of the 717
Senate; a representative of Native Americans appointed by the 718
President of the Senate; a representative of private cemeteries 719
appointed by the Speaker of the House of Representatives; a 720
representative of the Ohio Historical Society appointed by the 721
Speaker of the House of Representatives; a representative of 722
archeologists appointed by the Speaker of the House of 723
Representatives; a representative of the Ohio Genealogical Society 724
appointed by the Governor; a representative of the Ohio Cemetery 725
Dispute Resolution Commission appointed by the Governor; a 726
representative of the Division of Real Estate and Professional 727
Licensing in the Department of Commerce appointed by the Governor; 728
a representative of the Department of Transportation appointed by 729
the Governor; and a representative of the Department of Natural 730
Resources appointed by the Governor. 731

The initial appointments shall be made not later than thirty 732
days after the effective date of this section. Vacancies shall be 733
filled in the manner provided for original appointments. 734

The Task Force shall elect two of its members to serve as 735
co-chairpersons of the Task Force. 736

The Task Force shall meet as often as necessary to carry out 737
its duties and responsibilities. Members of the Task Force shall 738
serve without compensation. 739

(C) The Task Force shall issue a report of its 740
recommendations to the President of the Senate, the Speaker of the 741
House of Representatives, and the Governor not later than one year 742
after the effective date of this section. The Task Force ceases to 743
exist upon submitting its report. 744

Section 4. The county recorder shall continue to keep six 745
separate sets of records of all agreements for the registration of 746
lands as archaeological or historic landmarks recorded before the 747
effective date of this section. 748

Section 5. The amendment by this act of section 5747.113 of 749
the Revised Code applies to taxable years beginning on or after 750
January 1, 2011. 751

Section 6. Section 127.16 of the Revised Code is presented in 752
this act as a composite of the section as amended by both Am. Sub. 753
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The General 754
Assembly, applying the principle stated in division (B) of section 755
1.52 of the Revised Code that amendments are to be harmonized if 756
reasonably capable of simultaneous operation, finds that the 757
composite is the resulting version of the section in effect prior 758
to the effective date of the section as presented in this act. 759

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