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Senators Peterson, Dolan

Cosponsors: Senators Maharath, O'Brien, Schaffer, Antonio, Brenner, Burke, Coley, Craig, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Kunze, Lehner, Manning, McColley, Obhof, Roegner, Rulli, Schuring, Terhar, Thomas, Uecker, Williams, Wilson, Yuko

A BILL

To amend sections 939.02, 940.06, 6119.06, 6119.09, 1
and 6119.091 and to enact sections 940.36 and 2
940.37 of the Revised Code to create the 3
Statewide Watershed Planning and Management 4
Program under the administration of the Director 5
of Agriculture and to make changes to the law 6
governing regional water and sewer districts. 7

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

Section 1. That sections 939.02, 940.06, 6119.06, 6119.09, 8
and 6119.091 be amended and sections 940.36 and 940.37 of the 9
Revised Code be enacted to read as follows: 10

Sec. 939.02. The director of agriculture shall do all of 11
the following: 12

(A) Provide administrative leadership to soil and water 13
conservation districts in planning, budgeting, staffing, and 14
administering district programs and the training of district 15
supervisors and personnel in their duties, responsibilities, and 16

authorities as prescribed in this chapter and Chapter 940. of 17
the Revised Code; 18

(B) Administer this chapter and Chapter 940. of the 19
Revised Code pertaining to state responsibilities and provide 20
staff assistance to the Ohio soil and water conservation 21
commission in exercising its statutory responsibilities; 22

(C) Assist in expediting state responsibilities for 23
watershed development and other ~~natural resource~~ soil and water 24
conservation works of improvement, including assisting in 25
watershed planning and management under section 940.36 of the 26
Revised Code; 27

(D) Coordinate the development and implementation of 28
cooperative programs and working agreements between soil and 29
water conservation districts and the department of agriculture 30
or other agencies of local, state, and federal government; 31

(E) Subject to the approval of the Ohio soil and water 32
conservation commission, adopt rules in accordance with Chapter 33
119. of the Revised Code that do or comply with all of the 34
following: 35

(1) Establish technically feasible and economically 36
reasonable standards to achieve a level of management and 37
conservation practices in farming operations that will abate 38
wind or water erosion of the soil or abate the degradation of 39
the waters of the state by residual farm products, manure, or 40
soil sediment, including attached substances, and establish 41
criteria for determination of the acceptability of such 42
management and conservation practices; 43

(2) Establish procedures for administration of rules for 44
agricultural pollution abatement and for enforcement of those 45

rules;	46
(3) Specify the pollution abatement practices eligible for state cost sharing and determine the conditions for eligibility, the construction standards and specifications, the useful life, the maintenance requirements, and the limits of cost sharing for those practices. Eligible practices shall be limited to practices that address agricultural operations and that require expenditures that are likely to exceed the economic returns to the owner or operator and that abate soil erosion or degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached pollutants.	47 48 49 50 51 52 53 54 55 56
(4) Establish procedures for administering grants to owners or operators of agricultural land or animal feeding operations for the implementation of operation and management plans;	57 58 59 60
(5) Do both of the following with regard to composting conducted in conjunction with agricultural operations:	61 62
(a) Establish methods, techniques, or practices for composting dead animals, or particular types of dead animals, that are to be used at such operations, as the director considers to be necessary or appropriate;	63 64 65 66
(b) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division (R) of section 940.06 of the Revised Code.	67 68 69 70
(6) Establish best management practices for inclusion in operation and management plans;	71 72
(7) Establish the amount of civil penalties assessed by the director under division (A) of section 939.07 of the Revised	73 74

Code for violation of rules adopted under division (E) of this section;	75 76
(8) Not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted under this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.	77 78 79 80 81 82 83 84 85 86
(F) Cost share with landowners on practices established pursuant to division (E) (3) of this section as moneys are appropriated and available for that purpose. Any practice for which cost share is provided shall be maintained for its useful life. Failure to maintain a cost share practice for its useful life shall subject the landowner to full repayment to the department.	87 88 89 90 91 92 93
(G) Employ field assistants and other employees that are necessary for the performance of the work prescribed by Chapter 940. of the Revised Code, for performance of work of the department under this chapter, and as agreed to under working agreements or contractual arrangements with soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with schedules that are provided by law for the compensation of state employees. All such employees of the department, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment.	94 95 96 97 98 99 100 101 102 103 104

(H) In connection with new or relocated projects involving 105
highways, underground cables, pipelines, railroads, and other 106
improvements affecting soil and water resources, including 107
surface and subsurface drainage: 108

(1) Provide engineering ~~service~~ services that ~~is~~ are 109
mutually agreeable to the Ohio soil and water conservation 110
commission and the director to aid in the design and 111
installation of soil and water conservation practices as a 112
necessary component of such projects; 113

(2) Maintain close liaison between the owners of lands on 114
which the projects are executed, soil and water conservation 115
districts, and authorities responsible for such projects; 116

(3) Review plans for such projects to ensure their 117
compliance with standards developed under division (E) of this 118
section in cooperation with the department of transportation or 119
with any other interested agency that is engaged in soil or 120
water conservation projects in the state in order to minimize 121
adverse impacts on soil and water resources adjacent to or 122
otherwise affected by these projects; 123

(4) Recommend measures to retard erosion and protect soil 124
and water resources through the installation of water 125
impoundment or other soil and water conservation practices; 126

(5) Cooperate with other agencies and subdivisions of the 127
state to protect the agricultural status of rural lands adjacent 128
to such projects and control adverse impacts on soil and water 129
resources. 130

(I) Collect, analyze, inventory, and interpret all 131
available information pertaining to the origin, distribution, 132
extent, use, and conservation of the soil resources of the 133

state;	134
(J) Prepare and maintain up-to-date reports, maps, and	135
other materials pertaining to the soil resources of the state	136
and their use and make that information available to	137
governmental agencies, public officials, conservation entities,	138
and the public;	139
(K) Provide soil and water conservation districts with	140
technical assistance including on-site soil investigations and	141
soil interpretation reports on the suitability or limitations of	142
soil to support a particular use or to plan soil conservation	143
measures. The assistance shall be on terms that are mutually	144
agreeable to the districts and the department of agriculture.	145
(L) Assist local government officials in utilizing land	146
use planning and zoning, current agricultural use value	147
assessment, development reviews, and land management activities;	148
(M) When necessary for the purposes of this chapter or	149
Chapter 940. of the Revised Code, develop or approve operation	150
and management plans. The director may designate an employee of	151
the department to develop or approve operation and management	152
plans in lieu of the director.	153
This section does not restrict the manure of domestic or	154
farm animals defecated on land outside an animal feeding	155
operation or runoff from that land into the waters of the state.	156
Sec. 940.06. The supervisors of a soil and water	157
conservation district have the following powers in addition to	158
their other powers:	159
(A) To conduct surveys, investigations, and research	160
relating to the character of soil erosion, floodwater and	161
sediment damages, and the preventive and control measures and	162

works of improvement for flood prevention and the conservation, 163
development, utilization, and disposal of water needed within 164
the district, and to publish the results of those surveys, 165
investigations, or research, provided that no district shall 166
initiate any research program except in cooperation or after 167
consultation with the Ohio agricultural research and development 168
center; 169

(B) To develop plans for the conservation of soil 170
resources, for the control and prevention of soil erosion, and 171
for works of improvement for flood prevention and the 172
conservation, development, utilization, and disposal of water 173
within the district, and to publish those plans and information; 174

(C) To implement, construct, repair, maintain, and operate 175
preventive and control measures and other works of improvement 176
for natural resource conservation and development and flood 177
prevention, and the conservation, development, utilization, and 178
disposal of water within the district on lands owned or 179
controlled by this state or any of its agencies and on any other 180
lands within the district, which works may include any 181
facilities authorized under state or federal programs, and to 182
acquire, by purchase or gift, to hold, encumber, or dispose of, 183
and to lease real and personal property or interests in such 184
property for those purposes; 185

(D) To cooperate or enter into agreements with any 186
occupier of lands within the district in the carrying on of 187
natural resource conservation operations and works of 188
improvement for flood prevention and the conservation, 189
development, utilization, and management of natural resources 190
within the district, subject to such conditions as the 191
supervisors consider necessary; 192

(E) To accept donations, gifts, grants, and contributions	193
in money, service, materials, or otherwise, and to use or expend	194
them according to their terms;	195
(F) To adopt, amend, and rescind rules to carry into	196
effect the purposes and powers of the district;	197
(G) To sue and plead in the name of the district, and be	198
sued and impleaded in the name of the district, with respect to	199
its contracts and, as indicated in section 940.07 of the Revised	200
Code, certain torts of its officers, employees, or agents acting	201
within the scope of their employment or official	202
responsibilities, or with respect to the enforcement of its	203
obligations and covenants made under this chapter;	204
(H) To make and enter into all contracts, leases, and	205
agreements and execute all instruments necessary or incidental	206
to the performance of the duties and the execution of the powers	207
of the district under this chapter, provided that all of the	208
following apply:	209
(1) Except as provided in section 307.86 of the Revised	210
Code regarding expenditures by boards of county commissioners,	211
when the cost under any such contract, lease, or agreement,	212
other than compensation for personal services or rental of	213
office space, involves an expenditure of more than the amount	214
established in that section regarding expenditures by boards of	215
county commissioners, the supervisors shall make a written	216
contract with the lowest and best bidder after advertisement,	217
for not less than two nor more than four consecutive weeks	218
preceding the day of the opening of bids, in a newspaper of	219
general circulation within the district or as provided in	220
section 7.16 of the Revised Code and in such other publications	221
as the supervisors determine. The notice shall state the general	222

character of the work and materials to be furnished, the place 223
where plans and specifications may be examined, and the time and 224
place of receiving bids. 225

(2) Each bid for a contract shall contain the full name of 226
every person interested in it. 227

(3) Each bid for a contract for the construction, 228
demolition, alteration, repair, or reconstruction of an 229
improvement shall meet the requirements of section 153.54 of the 230
Revised Code. 231

(4) Each bid for a contract, other than a contract for the 232
construction, demolition, alteration, repair, or reconstruction 233
of an improvement, at the discretion of the supervisors, may be 234
accompanied by a bond or certified check on a solvent bank in an 235
amount not to exceed five per cent of the bid, conditioned that, 236
if the bid is accepted, a contract shall be entered into. 237

(5) The supervisors may reject any and all bids. 238

(I) To charge, alter, and collect rentals and other 239
charges for the use or services of any works of the district; 240

(J) To enter, either in person or by designated 241
representatives, upon lands, private or public, in the necessary 242
discharge of their duties; 243

(K) To enter into agreements or contracts with the 244
department of agriculture for the determination, implementation, 245
inspection, and funding of agricultural pollution abatement 246
measures whereby landowners, operators, managers, and developers 247
may meet adopted state standards for a quality environment, 248
except that failure of a district board of supervisors to 249
negotiate an agreement or contract with the department 250
authorizes the department to implement the required program; 251

(L) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	252 253 254
(M) To enter into contracts or agreements with the director of environmental protection in furtherance of actions to abate urban sediment pollution;	255 256 257
(N) To develop operation and management plans as necessary;	258 259
(O) To determine whether operation and management plans developed under division (A) of section 939.03 of the Revised Code comply with the standards established under division (E) (1) of section 939.02 of the Revised Code and to approve or disapprove the plans, based on such compliance. If an operation and management plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the director of agriculture or the director's designee, who shall afford the person a hearing. Following the hearing, the director or the director's designee shall uphold the plan disapproval or reverse it. If the director or the director's designee reverses the plan disapproval, the plan shall be deemed approved under this division. In the event that any person operating or owning agricultural land or an animal feeding operation in accordance with an approved operation and management plan who, in good faith, is following that plan, causes agricultural pollution, the plan shall be revised in a fashion necessary to mitigate the agricultural pollution, as determined and approved by the board of supervisors of the soil and water conservation district.	260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279
(P) To develop timber harvest plans;	280

(Q) To determine whether timber harvest plans developed 281
under division (A) of section 1503.52 of the Revised Code comply 282
with the standards established under division (A)(1) of section 283
1503.51 of the Revised Code and to approve or disapprove the 284
plans based on such compliance. If a timber harvest plan is 285
disapproved, the board shall provide a written explanation to 286
the person who submitted the plan. The person may appeal the 287
plan disapproval to the chief of the division of forestry or the 288
chief's designee, who shall afford the person a hearing. 289
Following the hearing, the chief or the chief's designee shall 290
uphold the plan disapproval or reverse it. If the chief or the 291
chief's designee reverses the plan disapproval, the plan shall 292
be deemed approved under this division. 293

(R) With regard to composting conducted in conjunction 294
with agricultural operations, to do all of the following: 295

(1) Upon request or upon their own initiative, inspect 296
composting at any such operation to determine whether the 297
composting is being conducted in accordance with section 939.04 298
of the Revised Code; 299

(2) If the board determines that composting is not being 300
so conducted, request the director to take corrective actions 301
under section 939.07 of the Revised Code that require the person 302
who is conducting the composting to prepare a composting plan in 303
accordance with rules adopted under division (E)(5)(a) of 304
section 939.02 of the Revised Code and to operate in accordance 305
with that plan or to operate in accordance with a previously 306
prepared plan, as applicable; 307

(3) In accordance with rules adopted under division (E)(5) 308
(b) of section 939.02 of the Revised Code, review and approve or 309
disapprove any such composting plan. If a plan is disapproved, 310

the board shall provide a written explanation to the person who 311
submitted the plan. 312

As used in division (R) of this section, "composting" has 313
the same meaning as in section 939.01 of the Revised Code. 314

(S) With regard to conservation activities that are 315
conducted in conjunction with agricultural operations, to assist 316
the county auditor, upon request, in determining whether a 317
conservation activity is a conservation practice for purposes of 318
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 319
Revised Code. 320

As used in this division, "conservation practice" has the 321
same meaning as in section 5713.30 of the Revised Code. 322

(T) To develop and approve or disapprove voluntary 323
nutrient management plans in accordance with section 905.323 of 324
the Revised Code; 325

(U) To consult and work with the watershed planning and 326
management coordinator assigned to the watershed region in which 327
the soil and water conservation district is located under 328
section 940.36 of the Revised Code; 329

(V) To do all acts necessary or proper to carry out the 330
powers granted in this chapter. 331

The director shall make recommendations to reduce the 332
adverse environmental effects of each project that a soil and 333
water conservation district plans to undertake under division 334
(A), (B), (C), or (D) of this section and that will be funded in 335
whole or in part by moneys authorized under section 940.17 of 336
the Revised Code and shall disapprove any such project that the 337
director finds will adversely affect the environment without 338
equal or greater benefit to the public. The director's 339

disapproval or recommendations, upon the request of the district 340
filed in accordance with rules adopted by the Ohio soil and 341
water conservation commission, shall be reviewed by the 342
commission, which may confirm the director's decision, modify 343
it, or add recommendations to or approve a project the director 344
has disapproved. 345

Any instrument by which real property is acquired pursuant 346
to this section shall identify the agency of the state that has 347
the use and benefit of the real property as specified in section 348
5301.012 of the Revised Code. 349

Sec. 940.36. (A) As used in this section: 350

(1) "Nine-element plan" means a strategic implementation 351
plan that a political subdivision, organization, or individual 352
engaged in water quality improvements may utilize to obtain 353
funding through the federal "Clean Water Act," 33 U.S.C. 1251 et 354
seq., or the great lakes restoration initiative for projects to 355
address nonpoint source pollution. 356

(2) "Organization" means a public or private entity that 357
is engaged in water quality improvement activities. 358

(3) "Political subdivision" means a county, township, 359
municipal corporation, or any other body corporate and politic 360
that is responsible for government activities in a geographic 361
area smaller than that of the state. 362

(B) (1) There is hereby created a statewide watershed 363
planning and management program for the improvement and 364
protection of the state's watersheds to be administered by the 365
director of agriculture. As part of the program, the director, 366
in conjunction with soil and water conservation districts, shall 367
collect and aggregate information on conservation practices 368

utilized in this state that are funded in whole or in part by 369
public money. Such information collected and aggregated is not a 370
public record for purposes of section 149.43 of the Revised 371
Code. However, the director may share such aggregated 372
information with state agencies and institutions of higher 373
education as defined in section 3345.12 of the Revised Code. 374

(2) Under the program, the director shall appoint at least 375
one watershed planning and management coordinator in each 376
watershed region categorized under division (D) of this section 377
to coordinate watershed planning in the watershed. A coordinator 378
shall have experience or education related to water quality 379
improvement or watershed planning and management. 380

(C) A watershed planning and management coordinator shall 381
do all of the following in the watershed region in which the 382
coordinator is appointed: 383

(1) Assist each soil and water conservation district to 384
identify sources and areas of water quality impairment, 385
including total phosphorous, dissolved reactive phosphorous, and 386
nitrogen nutrient loading. A coordinator also may assist any 387
political subdivision or organization in the watershed region to 388
address water quality impairment. 389

(2) Assist each soil and water conservation district in 390
collecting data for the purpose of quantifying water quality and 391
nutrient best management practices in a statistically valid, 392
randomized manner. The director shall use the data to establish 393
a baseline of the nutrient best management practices that are 394
being utilized in this state. The data and any associated 395
records are not a public record subject to disclosure under 396
section 149.43 of the Revised Code. 397

The director shall undertake all actions necessary to 398
ensure that assistance and available funding are provided for 399
purposes of division (C) (2) of this section. 400

(3) Engage in watershed planning, restoration, protection, 401
and management activities, including assisting a political 402
subdivision or organization in the watershed region in 403
developing and formulating a nine-element plan or its 404
equivalent; 405

(4) Collaborate with state agencies engaged in water 406
quality activities; 407

(5) Provide an annual report to the director about water 408
quality. 409

(D) The director shall categorize watersheds in the state, 410
identified by the specified United States geological survey six- 411
digit hydrologic unit codes, into the following watershed 412
regions: 413

(1) Region One: Western Lake Erie basin watershed, 414
hydrologic unit code 041000; 415

(2) Region Two: Central Lake Erie basin watershed, 416
hydrologic unit code 041100, and Conneaut creek watershed, 417
hydrologic unit code 041201; 418

(3) Region Three: Wabash river basin watershed, hydrologic 419
unit code 051200; Great Miami river watershed, hydrologic unit 420
code 050800; and Little Miami river watershed, hydrologic unit 421
code 050902; 422

(4) Region Four: Scioto river watershed, hydrologic unit 423
code 050600; 424

(5) Region Five: Muskingum river watershed, hydrologic 425

<u>unit code 050400;</u>	426
<u>(6) Region Six: Mahoning river watershed, hydrologic unit</u>	427
<u>code 050301;</u>	428
<u>(7) Region Seven: Hocking river and Ohio river tributaries</u>	429
<u>watershed, hydrologic unit code 050302, and raccoon creek</u>	430
<u>watershed, hydrologic unit code 050901.</u>	431
<u>(E) Nothing in this section shall be construed to prevent</u>	432
<u>or limit a watershed planning and management coordinator from</u>	433
<u>providing assistance for projects or activities that have been</u>	434
<u>determined to improve water quality impaired from point sources</u>	435
<u>of phosphorus, dissolved reactive phosphorus, and nitrogen</u>	436
<u>nutrients.</u>	437
<u>Sec. 940.37.</u> <u>It is the intent of the general assembly to</u>	438
<u>collaborate with organizations representing agriculture,</u>	439
<u>conservation, and the environment and institutions of higher</u>	440
<u>education engaged in water quality research to establish a</u>	441
<u>certification program for farmers that utilize practices</u>	442
<u>designed to minimize impacts to water quality. The director of</u>	443
<u>agriculture shall undertake all actions necessary to ensure that</u>	444
<u>assistance and available funding are provided for farmers who</u>	445
<u>participate in the certification program.</u>	446
<u>Sec. 6119.06.</u> <u>Upon the declaration of the court of common</u>	447
<u>pleas organizing the regional water and sewer district pursuant</u>	448
<u>to section 6119.04 of the Revised Code and upon the qualifying</u>	449
<u>of its board of trustees and the election of a president and a</u>	450
<u>secretary, said district shall exercise in its own name all the</u>	451
<u>rights, powers, and duties vested in it by Chapter 6119. of the</u>	452
<u>Revised Code, and, subject to such reservations, limitations and</u>	453
<u>qualifications as are set forth in this chapter, such district</u>	454

may: 455

(A) Adopt bylaws for the regulation of its affairs, the 456
conduct of its business, and notice of its actions; 457

(B) Adopt an official seal; 458

(C) Maintain a principal office and suboffices at such 459
places within the district as it designates; 460

(D) Sue and plead in its own name; be sued and impleaded 461
in its own name with respect to its contracts or torts of its 462
members, employees, or agents acting within the scope of their 463
employment, or to enforce its obligations and covenants made 464
under sections 6119.09, 6119.12, and 6119.14 of the Revised 465
Code. Any such actions against the district shall be brought in 466
the court of common pleas of the county in which the principal 467
office of the district is located, or in the court of common 468
pleas of the county in which the cause of action arose, and all 469
summonses, exceptions, and notices of every kind shall be served 470
on the district by leaving a copy thereof at the principal 471
office with the person in charge thereof or with the secretary 472
of the district. 473

(E) Assume any liability or obligation of any person or 474
political subdivision, including a right on the part of such 475
district to indemnify and save harmless the other contracting 476
party from any loss, cost, or liability by reason of the 477
failure, refusal, neglect, or omission of such district to 478
perform any agreement assumed by it or to act or discharge any 479
such obligation; 480

(F) Make loans and grants to any person or political 481
subdivisions for the design, acquisition, or construction of 482
water resource projects by such person or political subdivisions 483

and adopt rules, regulations, and procedures for making such	484
loans and grants;	485
(G) Acquire, construct, reconstruct, enlarge, improve,	486
furnish, equip, maintain, repair, operate, lease or rent to or	487
from, or contract for operation by or for, a political	488
subdivision or person, water resource projects within or without	489
the district;	490
(H) Make available the use or service of any water	491
resource project to one or more persons, one or more political	492
subdivisions, or any combination thereof;	493
(I) Levy and collect taxes and special assessments;	494
(J) Issue bonds and notes and refunding bonds and notes as	495
provided in Chapter 6119. of the Revised Code;	496
(K) Acquire by gift or purchase, hold, and dispose of real	497
and personal property in the exercise of its powers and the	498
performance of its duties under Chapter 6119. of the Revised	499
Code;	500
(L) Dispose of, by public or private sale, or lease any	501
real or personal property determined by the board of trustees to	502
be no longer necessary or needed for the operation or purposes	503
of the district;	504
(M) Acquire, in the name of the district, by purchase or	505
otherwise, on such terms and in such manner as it considers	506
proper, or by the exercise of the right of condemnation in the	507
manner provided by section 6119.11 of the Revised Code, such	508
public or private lands, including public parks, playgrounds, or	509
reservations, or parts thereof or rights therein, rights-of-way,	510
property, rights, easements, and interests as it considers	511
necessary for carrying out Chapter 6119. of the Revised Code,	512

but excluding the acquisition by the exercise of the right of 513
condemnation of any waste water facility or water management 514
facility owned by any person or political subdivision, and 515
compensation shall be paid for public or private lands so taken; 516

(N) Adopt rules and regulations to protect augmented flow 517
by the district in waters of the state, to the extent augmented 518
by a water resource project, from depletion so it will be 519
available for beneficial use, to provide standards for the 520
withdrawal from waters of the state of the augmented flow 521
created by a water resource project which is not returned to the 522
waters of the state so augmented, and to establish reasonable 523
charges therefor, if considered necessary by the district; 524

(O) Make and enter into all contracts and agreements and 525
execute all instruments necessary or incidental to the 526
performance of its duties and the execution of its powers under 527
Chapter 6119. of the Revised Code; 528

(P) Enter into contracts with any person or any political 529
subdivision to render services to such contracting party for any 530
service the district is authorized to provide; 531

(Q) Enter into agreements for grants or the receipt and 532
repayment of loans from a board of township trustees under 533
section 505.705 of the Revised Code; 534

(R) Make provision for, contract for, or sell any of its 535
by-products or waste; 536

(S) Exercise the power of eminent domain in the manner 537
provided in Chapter 6119. of the Revised Code; 538

(T) Remove or change the location of any fence, building, 539
railroad, canal, or other structure or improvement located in or 540
out of the district, and in case it is not feasible or 541

economical to move any such building, structure, or improvement 542
situated in or upon lands required, and if the cost is 543
determined by the board to be less than that of purchase or 544
condemnation, to acquire land and construct, acquire, or install 545
therein or thereon buildings, structures, or improvements 546
similar in purpose, to be exchanged for such buildings, 547
structures, or improvements under contracts entered into between 548
the owner thereof and the district; 549

(U) Receive and accept, from any federal or state agency, 550
grants for or in aid of the construction of any water resource 551
project, and receive and accept aid or contributions from any 552
source of money, property, labor, or other things of value, to 553
be held, used, and applied only for the purposes for which such 554
grants and contributions are made; 555

(V) Purchase fire and extended coverage and liability 556
insurance for any water resource project and for the principal 557
office and suboffices of the district, insurance protecting the 558
district and its officers and employees against liability for 559
damage to property or injury to or death of persons arising from 560
its operations, and any other insurance the district may agree 561
to provide under any resolution authorizing its water resource 562
revenue bonds or in any trust agreement securing the same; 563

(W) (1) Charge, alter, and collect rentals and other 564
charges for the use of services of any water resource project as 565
provided in section 6119.09 of the Revised Code. Such district 566
may refuse the services of any of its projects if any of such 567
rentals or other charges, including penalties for late payment, 568
are not paid by the user thereof, and, if such rentals or other 569
charges are not paid when due and upon certification of 570
nonpayment to the county auditor, such rentals or other charges 571

constitute a lien upon the property so served, shall be placed 572
by the auditor upon the real property tax list and duplicate, 573
and shall be collected in the same manner as other taxes. 574

(2) A district shall not certify to the county auditor for 575
placement upon the tax list and duplicate and the county auditor 576
shall not place upon the tax list or duplicate as a charge 577
against the property the amount of unpaid rentals or other 578
charges including any penalties for late payment as described in 579
division (W) (1) of this section if any of the following apply: 580

(a) The property served has been transferred or sold to an 581
electing subdivision as defined in section 5722.01 of the 582
Revised Code, regardless of whether the electing subdivision is 583
still the owner of the property, and the unpaid rentals or other 584
charges including penalties for late payment have arisen from a 585
period of time prior to the transfer or confirmation of sale to 586
the electing subdivision. 587

(b) The property served has been sold to a purchaser at 588
sheriff's sale or auditor's sale, the unpaid rentals or other 589
charges including penalties for late payment have arisen from a 590
period of time prior to the confirmation of sale, and the 591
purchaser is not the owner of record of the property immediately 592
prior to the judgment of foreclosure nor any of the following: 593

(i) A member of that owner's immediate family; 594

(ii) A person with a power of attorney appointed by that 595
owner who subsequently transfers the property to the owner; 596

(iii) A sole proprietorship owned by that owner or a 597
member of that owner's immediate family; 598

(iv) A partnership, trust, business trust, corporation, or 599
association of which the owner or a member of the owner's 600

immediate family owns or controls directly or indirectly more than fifty per cent. 601
602

(c) The property served has been forfeited to this state for delinquent taxes, unless the owner of record redeems the property. 603
604
605

(3) Upon valid written notice to the county auditor by any owner possessing an ownership interest of record of the property or an electing subdivision previously in the chain of title to the property that the unpaid water rents or charges together with any penalties have been certified for placement or placed upon the tax list and duplicate as a charge against the property in violation of division (W) (2) of this section, the county auditor shall promptly remove such charge from the tax duplicate. This written notice to the county auditor shall include all of the following: 606
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(a) The parcel number of the property; 616

(b) The common address of the property; 617

(c) The date of the recording of the transfer of the property to the owner or electing subdivision; 618
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(d) The charge allegedly placed in violation of division (W) (2) of this section. 620
621

(4) When title to property is transferred to a county land reutilization corporation, any lien placed on the property under this division shall be extinguished, and the corporation shall not be held liable for any rentals or charges certified under this division with respect to the property, if the rentals or charges were incurred before the date of the transfer to the corporation and if the corporation did not incur the rentals or charges, regardless of whether the rentals or charges were 622
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certified, or the lien was attached, before the date of 630
transfer. In such a case, the corporation and its successors in 631
title shall take title to the property free and clear of any 632
such lien and shall be immune from liability in any collection 633
action brought with respect to such rentals or charges. If a 634
lien placed on property is extinguished as provided in this 635
division, the district shall retain the ability to recoup the 636
rents and charges incurred with respect to the property from any 637
owner, tenant, or other person liable to pay such rents and 638
charges before the property was transferred to the corporation. 639

(X) Provide coverage for its employees under Chapters 640
145., 4123., and 4141. of the Revised Code; 641

(Y) Merge or combine with any other regional water and 642
sewer district into a single district, which shall be one of the 643
constituent districts, on terms so that the surviving district 644
shall be possessed of all rights, capacity, privileges, powers, 645
franchises, and authority of the constituent districts and shall 646
be subject to all the liabilities, obligations, and duties of 647
each of the constituent districts and all rights of creditors of 648
such constituent districts shall be preserved unimpaired, 649
limited in lien to the property affected by such liens 650
immediately prior to the time of the merger and all debts, 651
liabilities, and duties of the respective constituent districts 652
shall thereafter attach to the surviving district and may be 653
enforced against it, and such other terms as are agreed upon, 654
provided two-thirds of the members of each of the boards consent 655
to such merger or combination. Such merger or combination shall 656
become legally effective unless, prior to the ninetieth day 657
following the later of the consents, qualified electors residing 658
in either district equal in number to a majority of the 659
qualified electors voting at the last general election in such 660

district file with the secretary of the board of trustees of 661
their regional water and sewer district a petition of 662
remonstrance against such merger or combination. The secretary 663
shall cause the board of elections of the proper county or 664
counties to check the sufficiency of the signatures on such 665
petition. 666

(Z) Exercise the powers of the district without obtaining 667
the consent of any other political subdivision, provided that 668
all public or private property damaged or destroyed in carrying 669
out the powers of the district shall be restored or repaired and 670
placed in its original condition as nearly as practicable or 671
adequate compensation made therefor by the district; 672

(AA) Require the owner of any premises located within the 673
district to connect the owner's premises to a water resource 674
project determined to be accessible to such premises and found 675
to require such connection so as to prevent or abate pollution 676
or protect the health and property of persons in the district. 677
Such connection shall be made in accordance with procedures 678
established by the board of trustees of such district and 679
pursuant to such orders as the board may find necessary to 680
ensure and enforce compliance with such procedures. 681

(BB) Do all acts necessary or proper to carry out the 682
powers granted in Chapter 6119. of the Revised Code. 683

Sec. 6119.09. A regional water and sewer district may 684
charge, alter, and collect rentals or other charges, including 685
penalties for late payment, for the use or services of any water 686
resource project or any benefit conferred thereby and contract 687
in the manner provided by this section with one or more persons, 688
one or more political subdivisions, or any combination thereof, 689
desiring the use or services thereof, and fix the terms, 690

conditions, rentals, or other charges, including penalties for 691
late payment, for such use or services. Such rentals or other 692
charges shall not be subject to supervision or regulation by any 693
authority, commission, board, bureau, or agency of the state or 694
any political subdivision, and such contract may provide for 695
acquisition by such political subdivision of all or any part of 696
such water resource project for such consideration payable over 697
the period of the contract or otherwise as the district in its 698
sole discretion determines to be appropriate, but subject to the 699
provisions of any resolution authorizing the issuance of water 700
resource revenue bonds or notes or water resource revenue 701
refunding bonds of the district or any trust agreement securing 702
the same. Any political subdivision, which has power to 703
construct, operate, and maintain waste water facilities or water 704
management facilities may enter into a contract or lease with 705
the district whereby the use or services of any water resource 706
project of the district will be made available to such political 707
subdivision and pay for such use or services such rentals or 708
other charges as may be agreed to by the district and such 709
political subdivision. 710

Any political subdivision, person, or combination thereof 711
may cooperate with the district in the acquisition or 712
construction of a water resource project and shall enter into 713
such agreements with the district as are necessary, with a view 714
to effective cooperative action and safeguarding of the 715
respective interests of the parties thereto, which agreements 716
shall provide for such contributions by the parties thereto in 717
such proportion as may be agreed upon and such other terms as 718
may be mutually satisfactory to the parties, including without 719
limitation the authorization of the construction of the project 720
by one of the parties acting as agent for all of the parties and 721

the ownership and control of the project by the district or one 722
or more of the other parties or any combination thereof to the 723
extent determined necessary or appropriate. Any political 724
subdivision may provide the funds for the payment of such 725
contribution as is required under such agreements by the levy of 726
taxes, assessments, or rentals and other charges for the use of 727
the system of which the water resource project is a part or to 728
which it is connected, if otherwise authorized by the laws 729
governing such political subdivision in the construction of the 730
type of water resource project provided for in the agreements, 731
and may pay the proceeds from the collection of such taxes, 732
assessments, rentals, or other charges to the district pursuant 733
to such agreements; or the political subdivision may issue bonds 734
or notes, if authorized by such laws, in anticipation of the 735
collection of such taxes, assessments, rentals or other charges 736
and may pay the proceeds of such bonds or notes to the district 737
pursuant to such agreements. In addition, any political 738
subdivision may provide the funds for the payment of such 739
contribution by the appropriation of money or, if otherwise 740
authorized by law, by the issuance of bonds or notes and may pay 741
such appropriated money or the proceeds of such bonds or notes 742
to the district pursuant to such agreements. The agreement by 743
the political subdivision to provide such contribution, whether 744
from appropriated money or from the proceeds of such taxes, 745
assessments, rentals, or other charges, or such bonds or notes, 746
or any combination thereof, is not subject to Chapter 133. of 747
the Revised Code. The proceeds from the collection of such taxes 748
or assessments, and any interest earned thereon, shall be paid 749
into a special fund immediately upon the collection thereof by 750
the political subdivision for the purpose of providing such 751
contribution at the times required under such agreements. 752

When the contribution of any political subdivision is to 753
be made over a period of time from the proceeds of the 754
collection of special assessments, the interest accrued and to 755
accrue before the first installment of such assessments is 756
collected, which is payable by such political subdivision on 757
such contribution under the terms of such an agreement, shall be 758
treated as part of the cost of the improvement for which such 759
assessments are levied, and that portion of such assessments as 760
is collected in installments shall bear interest at the same 761
rate as such political subdivision is obligated to pay on such 762
contribution under the terms and provisions of such agreement 763
and for the same period of time as the contribution is to be 764
made under such agreement. If the assessment or any installment 765
thereof is not paid when due, it shall bear interest until the 766
payment thereof at the same rate as such contribution and the 767
county auditor shall annually place on the tax list and 768
duplicate the interest applicable to such assessment and the 769
penalty and any additional interest thereon as otherwise 770
authorized by law. 771

Any political subdivision, pursuant to a favorable vote of 772
the electors in an election held before or after November 19, 773
1971, for the purpose of issuing bonds to provide funds to 774
acquire, construct, or equip, or provide real estate and 775
interests in real estate for, a waste water facility or a water 776
management facility, whether or not the political subdivision, 777
at the time of such election, had the authority to pay the 778
proceeds from such bonds or notes issued in anticipation thereof 779
to a regional water and sewer district as provided in this 780
section, may issue such bonds or notes in anticipation of the 781
issuance thereof and pay the proceeds thereof to the district in 782
accordance with its agreement with the district; provided, that 783

the legislative authority of the political subdivision 784
determines that the water resource project to be acquired or 785
constructed by the district in cooperation with such political 786
subdivision will serve the same public purpose and meet 787
substantially the same public need as the facility otherwise 788
proposed to be acquired or constructed by the political 789
subdivision with the proceeds of such bonds or notes. 790

Sec. 6119.091. When fixing rentals or other charges under 791
section 6119.09 of the Revised Code, a board of trustees of a 792
regional water and sewer district may establish discounted 793
rentals or charges or may establish another mechanism for 794
providing a reduction in rentals or charges ~~for persons who are~~ 795
~~sixty five years of age or older. The~~ If the board does so, the 796
board shall establish eligibility requirements for such 797
discounted or reduced rentals or charges, including a 798
requirement that a person be eligible for the homestead 799
exemption or qualify as a low- and moderate-income person. 800

Section 2. That existing sections 939.02, 940.06, 6119.06, 801
6119.09, and 6119.091 of the Revised Code are hereby repealed. 802

Section 3. The Department of Agriculture, in consultation 803
with the Lake Erie Commission and the Ohio Soil and Water 804
Conservation Commission, shall establish a pilot program not 805
later than one hundred twenty days after the effective date of 806
this section that assists farmers, agricultural retailers, and 807
soil and water conservation districts in reducing phosphorus and 808
dissolved reactive phosphorous in a watershed determined by the 809
Director of Agriculture. The program shall be supported by 810
appropriations under the Department of Agriculture's budget that 811
fund water quality initiatives. 812

Funding under the program shall be used to pay for, but is 813

not limited to, the following: (1) equipment for subsurface 814
placement of nutrients into the soil; (2) equipment for nutrient 815
placement based on geographic information system data; (3) soil 816
testing; (4) implementation of variable rate technology; (5) 817
equipment involved with manure transformation and manure 818
conversion technologies; (6) tributary monitoring; (7) water 819
management and edge-of-field drainage management strategies; and 820
(8) implementation of nutrient best management practices 821
according to data collected by soil and water conservation 822
districts under division (C) (2) of section 940.36 of the Revised 823
Code. 824

Data and any associated records under this pilot program 825
are not a public record subject to disclosure under section 826
149.43 of the Revised Code. 827