

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

**133rd General Assembly**

**Regular Session  
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**Sub. S. B. No. 2**

**Senators Peterson, Dolan**

**Cosponsors: Senators Maharath, O'Brien, Schaffer**

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**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 Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities;	19 20 21 22
(C) Assist in expediting state responsibilities for watershed development and other <del>natural resource</del> <u>soil and water</u> conservation works of improvement, <u>including assisting in watershed planning and management under section 940.36 of the Revised Code;</u>	23 24 25 26 27
(D) Coordinate the development and implementation of cooperative programs and working agreements between soil and water conservation districts and the department of agriculture or other agencies of local, state, and federal government;	28 29 30 31
(E) Subject to the approval of the Ohio soil and water conservation commission, adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following:	32 33 34 35
(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached substances, and establish criteria for determination of the acceptability of such management and conservation practices;	36 37 38 39 40 41 42 43
(2) Establish procedures for administration of rules for agricultural pollution abatement and for enforcement of those rules;	44 45 46

(3) Specify the pollution abatement practices eligible for 47  
state cost sharing and determine the conditions for eligibility, 48  
the construction standards and specifications, the useful life, 49  
the maintenance requirements, and the limits of cost sharing for 50  
those practices. Eligible practices shall be limited to 51  
practices that address agricultural operations and that require 52  
expenditures that are likely to exceed the economic returns to 53  
the owner or operator and that abate soil erosion or degradation 54  
of the waters of the state by residual farm products, manure, or 55  
soil sediment, including attached pollutants. 56

(4) Establish procedures for administering grants to 57  
owners or operators of agricultural land or animal feeding 58  
operations for the implementation of operation and management 59  
plans; 60

(5) Do both of the following with regard to composting 61  
conducted in conjunction with agricultural operations: 62

(a) Establish methods, techniques, or practices for 63  
composting dead animals, or particular types of dead animals, 64  
that are to be used at such operations, as the director 65  
considers to be necessary or appropriate; 66

(b) Establish requirements and procedures governing the 67  
review and approval or disapproval of composting plans by the 68  
supervisors of soil and water conservation districts under 69  
division (R) of section 940.06 of the Revised Code. 70

(6) Establish best management practices for inclusion in 71  
operation and management plans; 72

(7) Establish the amount of civil penalties assessed by 73  
the director under division (A) of section 939.07 of the Revised 74  
Code for violation of rules adopted under division (E) of this 75

section;	76
(8) Not conflict with air or water quality standards	77
adopted pursuant to section 3704.03 or 6111.041 of the Revised	78
Code. Compliance with rules adopted under this section does not	79
affect liability for noncompliance with air or water quality	80
standards adopted pursuant to section 3704.03 or 6111.041 of the	81
Revised Code. The application of a level of management and	82
conservation practices recommended under this section to control	83
windblown soil from farming operations creates a presumption of	84
compliance with section 3704.03 of the Revised Code as that	85
section applies to windblown soil.	86
(F) Cost share with landowners on practices established	87
pursuant to division (E)(3) of this section as moneys are	88
appropriated and available for that purpose. Any practice for	89
which cost share is provided shall be maintained for its useful	90
life. Failure to maintain a cost share practice for its useful	91
life shall subject the landowner to full repayment to the	92
department.	93
(G) Employ field assistants and other employees that are	94
necessary for the performance of the work prescribed by Chapter	95
940. of the Revised Code, for performance of work of the	96
department under this chapter, and as agreed to under working	97
agreements or contractual arrangements with soil and water	98
conservation districts, prescribe their duties, and fix their	99
compensation in accordance with schedules that are provided by	100
law for the compensation of state employees. All such employees	101
of the department, unless specifically exempted by law, shall be	102
employed subject to the classified civil service laws in force	103
at the time of employment.	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 <del>service</del> <u>services</u> that <del>is</del> <u>are</u>	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
<b><u>Sec. 940.37.</u></b> <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
<b><u>Sec. 6119.06.</u></b> <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 <u>any person or political</u>	481
subdivisions for the <u>design, acquisition,</u> or construction of	482
water resource projects by such <u>person or political</u> 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.

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

(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:

(a) The parcel number of the property;

(b) The common address of the property;

(c) The date of the recording of the transfer of the property to the owner or electing subdivision;

(d) The charge allegedly placed in violation of division (W) (2) of this section.

(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

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