
DEPARTMENT OF NATURAL RESOURCES

Oil and Gas Law

- Revises the restrictions in current law regarding the disposal of brine, crude oil, natural gas, or other fluids associated with the exploration or development of oil and gas resources, and applies the restrictions to such fluids associated with well stimulation, production operations, and plugging.
- Prohibits a person, beginning January 1, 2014, from storing, recycling, treating, processing, or disposing of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources unless the person has been issued a specified order or permit under the bill or current law, but excludes from the prohibition a person who disposes of such waste substances other than brine in accordance with the Solid, Hazardous, and Infectious Wastes Law.
- Requires the Chief of the Division of Oil and Gas Resources Management to adopt rules regarding recycling, treatment, and processing of brine and other waste substances in addition to storage and disposal as in current law.
- Requires the rules to establish procedures and requirements in accordance with which a person must apply for a permit or order to store, recycle, treat, process, or dispose of brine and other waste substances that are not subject to a permit for drilling or plugging or a permit for secondary or additional recovery operations, and establishes a nonrefundable \$2,500 application fee for such a permit.
- States that the recycling, treatment, and processing of brine and other waste substances and the Chief's rules regarding those activities, in addition to storage and disposal as in current law, are subject to statutory standards.
- Allows disposal of brine by any method not specified in the statutory standards governing disposal of brine that is approved by a permit or order of the Chief rather than by methods approved by the Chief for testing or implementing a new technology or method of disposal as in current law.
- With regard to impoundments used for temporary storage:
 - Refers to impoundments rather than earthen impoundments;
 - Specifies that impoundments must be constructed utilizing a synthetic liner;
and



--Adds that impoundments may be used for the temporary storage of waste substances, rather than fluids as in current law, used in the construction or plugging of a well in addition to the stimulation of a well as in current law.

- Requires the Chief, when determining the contamination of a water supply resulting from an oil or gas operation, to review any baseline water supply test data that are available, and authorizes the Chief to apply the primary drinking water standards established under the Safe Drinking Water Act when making that determination.
- Precludes brine that is produced from a horizontal well from being allowed to be spread on a road.
- Changes the definition of "production operation" in the Oil and Gas Law by including equipment and facilities at a wellpad or other location that are used for specified purposes and that may be used or reused at the same or another operation or will be disposed of in accordance with applicable laws and rules.
- Requires the owner of a horizontal well to file production statements quarterly rather than annually.
- Requires an owner of a well to file with the Division of Oil and Gas Resources Management a disclosure form that specifies the country in which each oil country tubular good initially used in a production operation on or after the provision's effective date was manufactured unless that country cannot be determined by the owner, and defines "oil country tubular goods."
- Requires the Division to perform specified duties, including prescribing the disclosure form in consultation with certain industry representatives and using the information specified on the form to establish a quality well infrastructure catalog.
- Requires the term "material safety data sheet," as used in the statute governing well completion records in the Oil and Gas Law, to conform to any changes in the term by the Occupational Safety and Health Administration.

Technologically enhanced naturally occurring radioactive material and other material from horizontal wells

- Does all of the following with regard to material that results from the construction, operation, or plugging of a horizontal well:

--Generally requires the owner of a well or a person that is an authorized agent of the owner (hereafter owner) to determine the concentration level of radium in representative samples of the material if it is technologically enhanced naturally

occurring radioactive material (TENORM), and generally prohibits the material from being removed from the location associated with the production operation of the well until an analysis of the material is complete and the results are available;

--Specifies that the owner is not required to determine the concentration level of radium in TENORM if specified circumstances apply, including that the material is reused in the horizontal well from where it originated or is transferred to another site for reuse in a horizontal well;

-- Requires the owner to transport and dispose of TENORM in accordance with all applicable laws;

--If the material is not TENORM and the material has come in contact with a refined oil-based substance, requires the owner to dispose of it at a solid waste facility, beneficially use it, or recycle it; and

--If the material is not TENORM and has not come in contact with a refined oil-based substance, allows the material to be used at the location associated with the production operation of the horizontal well or at another location associated with a production operation.

- Prohibits the owner or operator of a solid waste facility from accepting for transfer or disposal TENORM if that material contains or is contaminated with a specified concentration level of radium (hereafter contaminated TENORM).
- Generally authorizes the owner or operator of a solid waste facility to receive and process contaminated TENORM for purposes other than transfer or disposal.
- Authorizes the Director of Environmental Protection to adopt rules regarding the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material, including contaminated TENORM.
- Authorizes the rules to include, at a minimum, requirements in accordance with which the owner or operator of a solid waste facility must perform specified activities, including monitoring leachate and ground water for radionuclides.
- Prohibits the owner or operator of a solid waste facility from receiving, accepting, processing, handling, managing, or disposing of TENORM associated with drilling operations without first obtaining representative analytical results to determine compliance with the bill and applicable rules adopted under it.

- Authorizes the Director of Environmental Protection to adopt rules establishing requirements governing the beneficial use of material from a horizontal well that has come in contact with a refined oil-based substance and that is not TENORM.
- Requires the Director of Health to adopt rules establishing requirements governing TENORM and requiring the maintenance of certain records regarding TENORM, and states that the rules must not apply to naturally occurring radioactive material.
- Defines "technologically enhanced naturally occurring radioactive material" as naturally occurring radioactive material with radionuclide concentrations that are increased by or as a result of past or present human activities, excluding drill cuttings, natural background radiation, byproduct material, or source material.
- Defines "naturally occurring radioactive material" as material that contains any nuclide that is radioactive in its natural physical state, excluding source material, byproduct material, or special nuclear material.

Clean Ohio Trail Fund

- Requires the Director of Natural Resources to establish a policy that requires an applicant for a matching grant for a recreational trail project from the existing Clean Ohio Trail Fund to submit a study that includes specified information, including information on the use of any existing trails in the applicable county.
- Allows the Director to use up to 25% of money in the Fund to provide grants to nonprofit organizations and local political subdivisions for the purpose of maintaining recreational trails, and requires the Director to establish procedures and eligibility criteria governing the awarding of such grants.

State Recreational Vehicle Fund and Advisory Board

- Requires Controlling Board approval for the Department of Natural Resources to use money in the State Recreational Vehicle Fund for trail development purposes.
- Creates the State Recreational Vehicle Fund Advisory Board consisting of nine members appointed by the Director of Natural Resources, each of whom must represent specified organizations related to recreational vehicles, and requires the Board to advise and make recommendations to the Department of Natural Resources on the use of State Recreational Vehicle Fund money.

Watercraft and waterways

- Exempts sailboards, kiteboards, paddleboards, and belly boats or float tubes from the requirement to be registered under the Watercraft and Waterways Law, and defines those terms.
- Requires a livery owner to be issued a tag for each watercraft that has been registered in accordance with current law governing liveries, and requires the tag to be affixed to each such watercraft in accordance with the bill prior to the watercraft's being rented to the public.
- Revises the current requirement that a livery watercraft registration number be displayed on each watercraft in the fleet for which an annual certificate of livery registration has been issued by requiring a livery owner, not later than March 15, 2015, to identify each watercraft in the owner's fleet in one of two specified ways.
- Requires each watercraft in a livery fleet to be identified in a uniform and consistent manner.
- Specifies that rental agreements, rather than rental receipts as in current law, are subject to inspection by Division of Watercraft personnel.
- Eliminates the authority of the Chief of the Division of Watercraft to permanently restrict or suspend a certificate of livery registration and the privileges associated with it without a hearing if the Chief finds that the certificate holder has violated the Watercraft and Waterways Law, but retains the Chief's authority to temporarily do so.
- Revises the requirements regarding completion of a safe boater course or proficiency examination for persons operating a powercraft powered by more than ten horsepower on Ohio waters by requiring only the following to complete such a course or examination:
 - A person less than 18 years old; and
 - A person 18 years of age or older who was born on or after January 1, 1982, and who is supervising another person operating a personal watercraft who is between 12 and 15 years old.
- Revises the requirements regarding age and supervision restrictions applicable to youth operating powercraft, including personal watercraft, on Ohio waters.
- Revises certain requirements regarding the rental of powercraft to individuals who are less than 18 years old or supervising the operation of personal watercraft.



Watercraft Revolving Loan Program

- Eliminates the Watercraft Revolving Loan Program and the Watercraft Revolving Loan Fund.

Funds

- Eliminates the Division of Forestry Law Enforcement Fund and the Division of Natural Areas and Preserves Law Enforcement Fund.
- Requires proceeds from forfeited property resulting from investigations conducted by the Division of Forestry and the Division of Natural Areas and Preserves to be deposited in the Division of Parks and Recreation Law Enforcement Fund, and requires that Fund to be used by the Division of Parks and Recreation for law enforcement purposes.
- Eliminates the Wild Animal Fund, which consists of moneys received from the sale of wild animals to other states, state or federal agencies, and conservation or zoological organizations, and requires the moneys instead to be credited to the existing Wildlife Fund.
- Eliminates the Mined Land Set Aside Fund, which consists of federal grants and is used for specified reclamation and restoration activities.
- Eliminates annual transfers of investment earnings from the Coal-Workers Pneumoconiosis Fund to the Mine Safety Fund and the Coal Mining Administration and Reclamation Reserve Fund, the authority for which is scheduled to expire June 30, 2013.
- Eliminates the Conservancy District Organization Fund, which is used to provide an advance of money to a conservancy district for specified purposes.

Ohio Lake Erie Commission

- Adds the Director of Development Services as a member of the Ohio Lake Erie Commission.



Brine and other waste substances

(R.C. 1509.22 and 1509.226)

The bill revises the restrictions in the Oil and Gas Law regarding the disposal of brine, crude oil, natural gas, or other fluids by prohibiting a person from doing any of the following with brine, crude oil, natural gas, or other waste fluids associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources except when acting in accordance with the statute governing the surface application of brine to roads, if any of the following acts causes or could reasonably be anticipated to cause damage or injury to public health or safety or the environment:

- (1) Placing or causing them to be placed in ground water;
- (2) Placing or causing them to be placed in or on the land; or
- (3) Discharging or causing them to be discharged in surface water.

Current law instead prohibits anyone, except when acting in accordance with the statute governing the surface application of brine to roads, from placing or causing to be placed brine, crude oil, natural gas, or other fluids associated with the exploration or development of oil and gas resources in surface or ground water or in or on the land in such quantities or in such manner as actually causes or could reasonably be anticipated to cause either water used for consumption by humans or domestic animals to exceed the standards of the Safe Drinking Water Act or damage or injury to public health or safety or the environment.

The bill also prohibits a person, beginning January 1, 2014, from storing, recycling, treating, processing, or disposing of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources unless the person has been issued a permit or order authorizing those activities under the bill or current law, a permit for drilling or plugging, or a permit for secondary or additional recovery operations. It states that for purposes of that prohibition, a permit or other form of authorization issued by another state agency or a political subdivision cannot be considered a permit or order issued by the Chief of the Division of Oil and Gas Resources Management under the Oil and Gas Law. The bill then excludes from the prohibition a person who disposes of such waste substances other than brine in accordance with the Solid, Hazardous, and Infectious Wastes Law and rules adopted under it.



The bill requires the Chief of the Division to adopt rules regarding storage, recycling, treatment, processing, and disposal of brine and other waste substances. The rules must establish procedures and requirements in accordance with which a person must apply for a permit or order to store, recycle, treat, process, or dispose of brine and other waste substances that are not subject to a permit for drilling or plugging or a permit for secondary or additional recovery operations and in accordance with which the Chief may issue such a permit or order. The bill establishes a nonrefundable \$2,500 application fee for such a permit. Current law instead requires the Chief to adopt rules and issue orders regarding storage and disposal of brine and other waste substances.

The bill states that the storage, recycling, treatment, processing, and disposal of brine and other waste substances and the Chief's rules regarding those activities, rather than only storage and disposal as in current law, are subject to statutory standards that currently are applicable only to the disposal and storage of brine. The bill revises one of those standards by allowing the disposal of brine by any method not specified in the statutory standards governing disposal of brine that is approved by a permit or order of the Chief rather than by other methods approved by the Chief for testing or implementing a new technology or method of disposal as in current law.

With regard to impoundments used for temporary storage, the bill does all of the following:

(1) Refers to impoundments rather than earthen impoundments as in current law;

(2) Specifies that impoundments must be constructed utilizing a synthetic liner; and

(3) Adds that impoundments may be used for the temporary storage of waste substances, rather than fluids as in current law, used in the construction or plugging of a well in addition to the stimulation of a well as in current law.

Additionally, the bill requires the Chief, when determining the contamination of a water supply resulting from an oil or gas operation, to review any baseline water supply test data that are available. It authorizes the Chief to apply the primary drinking water standards established under the Safe Drinking Water Act when making that determination.

Finally, the bill precludes brine that is produced from a horizontal well from being allowed to be spread on a road.

Definition of "production operation" in Oil and Gas Law

(R.C. 1509.01)

The bill changes the definition of "production operation" in the Oil and Gas Law to include equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation or that will be disposed of in accordance with applicable laws and rules adopted under them.

Production reports

(R.C. 1509.062 and 1509.11)

The bill requires the owner of a horizontal well that is producing or capable of producing oil or gas to file a production statement with the Chief of the Division of Oil and Gas Resources Management on a quarterly basis rather than annually as in current law. It then makes a conforming change by requiring the owner of a horizontal well that has no reported production for eight consecutive reporting periods rather than two consecutive reporting periods as in current law – both of which equal two years – to plug the well, obtain temporary inactive well status for the well, or perform another activity regarding the well that is approved by the Chief. The bill retains existing requirements governing production statements for all wells and specifically applies them to production statements for horizontal wells.

Country of origin disclosure form for certain steel products used in oil and gas production

(R.C. 1509.16)

The bill requires an owner of a well to file with the Division of Oil and Gas Resources Management a disclosure form that specifies the country in which each oil country tubular good initially used in a production operation on or after the provision's effective date was manufactured unless that country cannot be determined by the owner. Under the bill, oil country tubular goods are circular steel pipes that are seamless or welded and used in drilling for oil or natural gas, including casing, tubing, and drill pipe, whether finished or unfinished, and steel couplings and drill collars used with the pipes.

The Division must do all of the following:



(1) Prescribe the disclosure form and consult with representatives from the natural gas, oil, and steel industries when developing it;

(2) Determine the date on which the disclosure form must be filed; and

(3) Use the information specified on the form to establish a quality well infrastructure catalog.

Material safety data sheet

(R.C. 1509.10)

The bill requires the term "material safety data sheet," as used in the statute governing well completion records in the Oil and Gas Law, to conform to any revision of or change in the term by the Occupational Safety and Health Administration.

Technologically enhanced naturally occurring radioactive material and other material from horizontal wells

(R.C. 1509.074, 3734.01, 3734.02, 3734.125, 3748.01, and 3748.04)

The bill establishes requirements and procedures governing technologically enhanced naturally occurring radioactive material as defined by the bill (hereafter TENORM) (see below) and other material from horizontal wells. It assigns to the Departments of Natural Resources and Health and the Environmental Protection Agency specific functions and responsibilities regarding those requirements and procedures. Under the Oil and Gas Law, a horizontal well is a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.

Department of Natural Resources

With regard to material, presumably any material, that results from the construction, operation, or plugging of a horizontal well, the bill establishes all of the following requirements and procedures in the Oil and Gas Law:

(1) Except as discussed below, the owner of a well or a person that is an authorized agent of the owner (hereafter owner) must determine the concentration of radium-226 and radium-228 in representative samples of the material if the material is TENORM. The owner must provide for the collection and analysis of the representative samples of the material, which must be performed in accordance with requirements approved by the Chief of the Division of Oil and Gas Resources Management. The bill does not specify under what authority or in accordance with what procedures the Chief approves those requirements.



Additionally, the owner cannot remove the material from the location associated with the production operation of the horizontal well until the analysis is complete and the results are available. However, the owner may do one of the following:

--Temporarily store the material in an area adjacent to that location while the results from the analysis are pending if the material is located in an area that is designated by the Division of Oil and Gas Resources Management and the owner complies with all conditions imposed by the Chief;

--Prior to the collection of representative samples, transport the material to a location for which a permit or order has been issued under the bill for the storage, recycling, treatment, processing, or disposal of brine or other waste substances (see "**Brine and other waste substances**," above). The owner must provide for the collection of representative samples of the material at that location in the same manner as discussed above and must temporarily store the material at that location while the results from the analysis are pending.

The bill does not specify any other purpose of the analysis or use of the results.

An owner who has obtained results from the collection and analysis must keep and maintain the results for a period of three years. The owner must provide a copy of the results to the Chief upon request.

(2) The owner is not required to determine the concentration of radium-226 and radium-228 of the TENORM if any of the following applies:

--The material is reused in the horizontal well from where it originated or is transferred to another site for reuse in a horizontal well. For purposes of that provision, a material is reused if the material is used in a substantially similar manner as it was originally used.

--The owner disposes of the material at an injection well for which a permit has been issued under current law;

--The owner uses the material in association with a method of enhanced recovery for which a permit has been issued under current law; or

--The material is transported out of the state for lawful disposal, in which case the owner must retain records that substantiate the lawful disposal and provide them to the Chief upon request.

(3) Except as discussed above in item (2), the owner must transport and dispose of TENORM in accordance with all applicable laws.



(4) If the material is not TENORM and the material has come in contact with a refined oil-based substance, the owner must do one of the following:

--If the material is removed from the location associated with the production operation of the well or from a location specified in a permit or order issued under the bill for the storage, recycling, treatment, processing, or disposal of brine or other waste substances (see "**Brine and other waste substances**," above), dispose of the material at a solid waste facility that is authorized to accept the material in accordance with the Solid, Hazardous, and Infectious Wastes Law and rules adopted under it, or beneficially use the material in accordance with rules adopted by the Director of Environmental Protection under the bill (see below); or

--If the material is not removed from the location associated with the production operation of the well, recycle or reuse it with the approval of the Chief.

(5) If the material is not TENORM and the material has not come in contact with a refined oil-based substance, the material may be used at the location associated with the production operation of the horizontal well or at another location associated with a production operation.

Environmental Protection Agency

The bill prohibits the owner or operator of a solid waste facility licensed under the Solid, Hazardous, and Infectious Wastes Law (hereafter licensed solid waste facility) from accepting for transfer or disposal TENORM if that material contains or is contaminated with radium-226, radium-228, or both (hereafter contaminated TENORM) at concentrations equal to or greater than five picocuries per gram above natural background. It defines "natural background" as two picocuries per gram or the actual number of picocuries per gram as measured at an individual licensed solid waste facility, subject to verification by the Director of Health. The bill does not specify who is required to take the measurements or how it is determined if the two picocuries level or the actual number of picocuries level applies.

The owner or operator of a licensed solid waste facility may receive and process, for purposes other than transfer or disposal, contaminated TENORM at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the Director of Health under the Radiation Control Program Law.

Under the bill, the Director of Environmental Protection may adopt rules in accordance with the Administrative Procedure Act governing the receipt, acceptance,

processing, handling, management, and disposal by licensed solid waste facilities of material that contains or is contaminated with radioactive material, including contaminated TENORM at concentrations less than five picocuries per gram above natural background. The rules may include, at a minimum, requirements in accordance with which the owner or operator of a licensed solid waste facility must do both of the following:

(1) Monitor leachate and ground water for radium-226, radium-228, and other radionuclides; and

(2) Develop procedures to ensure that TENORM accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or both at concentrations equal to or greater than five picocuries per gram above natural background.

Additionally, the bill prohibits the owner or operator of a licensed solid waste facility from receiving, accepting, processing, handling, managing, or disposing of TENORM associated with drilling operations without first obtaining representative analytical results to determine compliance with the above provisions and rules adopted by the Director under them. The bill defines "drilling operation" to include a production operation as that term is defined in the Oil and Gas Law, which defines "production operation" in part as all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under that Law.

Under the bill, the Director may adopt rules in accordance with the Administrative Procedure Act establishing requirements governing the beneficial use of material from a horizontal well that has come in contact with a refined oil-based substance and that is not TENORM. The bill expands the definition of "beneficially use" in the Solid, Hazardous, and Infectious Wastes Law to mean, with regard to material from a horizontal well as described above, to use the material in any manner authorized as a beneficial use in rules adopted by the Director under the bill.

Department of Health

The bill requires the Director of Health to adopt rules in accordance with the Administrative Procedure Act establishing requirements governing TENORM and requiring the maintenance of records on the receipt, use, storage, transfer, and disposal of TENORM. It stipulates that the rules must not apply to naturally occurring radioactive material. The bill defines "technologically enhanced naturally occurring radioactive material" as naturally occurring radioactive material with radionuclide concentrations that are increased by or as a result of past or present human activities, excluding drill cuttings, natural background radiation, byproduct material, or source

material. "Naturally occurring radioactive material" is defined by the bill to mean material that contains any nuclide that is radioactive in its natural physical state, excluding source material, byproduct material, or special nuclear material. "Drill cuttings" means the soil, rock fragments, and pulverized material that are removed from a borehole and that may include a de minimus amount of fluid that results from a drilling process. "Byproduct material," "source material," and "special nuclear material" are defined in the existing Radiation Control Program Law.

Clean Ohio Trail Fund

(R.C. 1519.05)

The bill adds a requirement that the Director of Natural Resources establish a policy in accordance with which an applicant for a matching grant for a recreational trail project from the existing Clean Ohio Trail Fund must submit a study on the current use of existing trails in the county in which the proposed project will be located if there is an existing trail in that county. The study must include a report on the maintenance needs and a plan for use of the proposed project.

The bill also allows the Director, at the Director's discretion, to use up to 25% of money in that Fund to provide grants to nonprofit organizations and local political subdivisions for the purpose of maintaining recreational trails. The Director must establish procedures and eligibility criteria governing the awarding of such grants.

State Recreational Vehicle Fund and Fund Advisory Board

(R.C. 1541.50 and 4519.11)

Under the bill, Controlling Board approval is required when the State Recreational Vehicle (SRV) Fund is used by the Department of Natural Resources (DNR) for the existing purposes of (1) expanding DNR activities to provide trails and other areas for the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles on state-controlled land and waters, (2) purchasing additional land to be used for such purposes, and (3) the development and implementation by DNR of programs relating to the safe use and enjoyment of snowmobiles, off-highway motorcycles, and all-purpose vehicles.

The SRV Fund consists of fees, taxes, and fines related to the registration and operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles. In addition to those fund purposes that the bill makes subject to Controlling Board approval, the SRV Fund also is used for the purpose of enforcing and administering the law relative to the registration and operation of snowmobiles, off-highway motorcycles,



and all-purpose vehicles, but such use is not made subject to Controlling Board approval.

The bill creates the State Recreational Vehicle Fund Advisory Board consisting of the following nine members, who must be appointed by the Director of Natural Resources within 60 days after the bill's effective date: (1) two members representing snowmobile users, (2) two members representing all-purpose vehicle users, (3) two members representing off-highway motorcycle users, (4) one member representing full-size four wheel drive users, and (5) two members representing power sport dealers.

Members are appointed to the Board for staggered three-year terms of office. For public officers or employees, serving as a Board member does not constitute holding a public office or position of employment and does not constitute grounds for removal from their offices or positions of employment. Board members must be reimbursed for actual and necessary expenses incurred in the discharge of Board duties and may be reappointed to the Board.

The Board must advise with and make recommendations to DNR regarding the use of State Recreational Vehicle Fund money and DNR must give primary consideration to the Board's advice and recommendations.

Exemption of certain watercraft from registration

(R.C. 1547.532)

The bill exempts sailboards, kiteboards, paddleboards, and belly boats or float tubes from the requirement to be registered under the Watercraft and Waterways Law. It defines all of those terms as follows:

(1) "Belly boat" or "float tube" as a vessel that is inflatable, propelled solely by human muscular effort without using an oar, paddle, or pole, and designed to accommodate a single individual as an operator in such a manner that the operator remains partially submerged in the water;

(2) "Kiteboard" as a recreational vessel that is inherently buoyant, has no cockpit, and is operated by an individual who is standing on the vessel while using a kite as a means of propulsion and lift;

(3) "Paddleboard" as a recreational vessel that is inherently buoyant, is propelled by human muscular effort using a pole or single- or double-bladed paddle, and is operated by an individual who is kneeling, standing, or lying on the vessel; and



(4) "Sailboard" as a recreational vessel that is inherently buoyant, has no cockpit, has a single sail mounted on a mast that is connected to the vessel by a free-rotating, flexible joint, and is operated by an individual who is standing on the vessel.

Registration and identification of watercraft owned by liveries

(R.C. 1547.542)

The bill revises the law governing the registration of liveries and the identification of watercraft owned by liveries. It requires a livery owner to be issued a tag for each watercraft that has been registered in accordance with current law, requires the tag to be affixed to each such watercraft in accordance with the bill prior to the watercraft's being rented to the public, and requires the Chief of the Division of Watercraft to prescribe the content and form of the tag in rules.

The bill revises the current requirement that a livery watercraft registration number be displayed on each watercraft in the fleet for which an annual certificate of livery registration has been issued by requiring a livery owner, not later than March 15, 2015, to identify each watercraft in the owner's fleet in one of the following ways:

(1) By displaying the livery watercraft registration number assigned to the livery owner on the forward half of both sides of the watercraft in block characters that are of a single color that contrasts with the color of the hull and are at least three inches in height. The registration number must be displayed in such a manner that it is visible under normal operating conditions. In addition, the tag that has been issued to the watercraft must be placed not more than six inches from the registration number on the port side of the watercraft.

(2) By displaying the livery name on the rear half of the watercraft in such a manner that it is clearly visible under normal operating conditions. However, if there is insufficient space or it is impractical to display the livery name on the sides of the watercraft, the name may be displayed on the rear half of the watercraft's deck, provided that the display of the name does not interfere with the placement of the tag that has been issued to the watercraft. In addition, the tag must be placed in one of the following locations:

--In the upper right corner of the transom so that the tag does not interfere with the legibility of the hull identification number of the watercraft;

--Six inches from the stern on the outside of the watercraft below the port side gunwale;



--On the inside of the watercraft on the upper portion of the starboard side gunwale so that the tag is visible from the port side of the watercraft; or

--On a deck on the rear half of the watercraft.

The bill requires each watercraft in a livery fleet to be identified in a uniform and consistent manner. It specifies that rental agreements, rather than rental receipts as in current law, are subject to inspection at any time at the livery's place of business by any authorized representative of the Division of Watercraft or any law enforcement officer.

Finally, the bill eliminates the Chief's authority to issue an order permanently restricting or suspending a watercraft livery certificate of registration and the privileges associated with it without a hearing if the Chief finds that the holder of the certificate has violated the Watercraft and Waterways Law. It retains the Chief's authority to temporarily restrict or suspend a registration and privileges without a hearing.

Watercraft operation requirements

(R.C. 1547.05, 1547.051, 1547.052, and 1547.06)

The bill revises the requirements regarding completion of a safe boater course or proficiency examination for persons operating a powercraft powered by more than ten horsepower on Ohio waters by requiring only the following persons to successfully complete such a course or examination:

(1) A person under 18 years of age; and

(2) A person 18 years of age or older who was born on or after January 1, 1982, and who is supervising a person operating a personal watercraft who is between 12 and 15 years old (see below).

Current law instead requires any person born on or after January 1, 1982, to successfully complete a safe boater course or proficiency examination.

The bill also prohibits a person under the age of 12 from operating a personal watercraft on Ohio waters. It allows a person between the ages of 12 and 15 to operate a personal watercraft if a supervising person at least 18 years old is aboard the personal watercraft who meets one of the following requirements:

(1) Was born before January 1, 1982;

(2) Was born on or after January 1, 1982, and holds a certificate indicating that the person has successfully completed a safe boater course or proficiency examination; or



(3) In the case of a rented powercraft, meets the requirements of the law governing such rentals (see below).

Under current law, a person under the age of 16 is prohibited from operating a personal watercraft on Ohio waters unless the person is between the ages of 12 and 15 and a supervising person at least 18 years old is aboard the personal watercraft, and, in the case of a supervising person born on or after January 1, 1982, the supervising person either holds a certificate indicating that the person has successfully completed a safe boater course or proficiency examination or, in the case of a rented powercraft, meets the requirements of the law governing such rentals.

In addition, the bill retains an existing prohibition against anyone under 12 years old operating a powercraft, other than a personal watercraft, powered by more than ten horsepower unless the person is under the direct visual and audible supervision of a person who is at least 18 years old and aboard the powercraft. However, it removes the requirement that such a supervisor who was born on or after January 1, 1982, either must hold a certificate indicating successful completion of a safe boater course or proficiency examination or, in the case of a rented powercraft, meet the requirements of the law governing such rentals.

Finally, the bill prohibits a rental business from leasing, hiring, or renting a powercraft powered by more than ten horsepower for operation on Ohio waters to a person less than 18 years old, or to a person who will be supervising a person operating a personal watercraft as discussed above, unless the person to whom the powercraft will be leased, hired, or rented meets one of the following requirements:

(1) The person signs a statement that the person has successfully completed a safe boater course or proficiency examination as discussed above; or

(2) The person receives educational materials from the rental business and successfully passes an abbreviated examination given by the business.

Current law instead applies those restrictions to a person born on or after January 1, 1982.

Watercraft Revolving Loan Program and Fund

(R.C. 1547.721, 1547.722, 1547.723, 1547.724, 1547.725, and 1547.726, repealed)

The bill eliminates the Watercraft Revolving Loan Program, under which loans are made to public or private entities to pay allowable costs of eligible projects involving marine recreational facilities and refuge harbors. The bill also eliminates the



Watercraft Revolving Loan Fund, which is used to fund the Program and consists of money appropriated or transferred to it.

Law enforcement funds

(R.C. 1501.45)

The bill eliminates the Division of Forestry Law Enforcement Fund and the Division of Natural Areas and Preserves Law Enforcement Fund, both of which consist of proceeds from forfeited property that were seized pursuant to a law enforcement investigation. It then requires proceeds from forfeited property resulting from investigations conducted by the Division of Forestry and the Division of Natural Areas and Preserves to be deposited in the Division of Parks and Recreation Law Enforcement Fund. Finally, it requires money in the Division of Parks and Recreation Law Enforcement Fund to be used by the Division of Parks and Recreation for law enforcement purposes.

Wild Animal Fund

(R.C. 1531.06, 1531.17, and 1531.34, repealed)

The bill eliminates the Wild Animal Fund, which consists of moneys received from the sale of wild animals to other states, state or federal agencies, and conservation or zoological organizations and is used to fund programs for the acquisition, development, and management of lands and waters in Ohio for wildlife purposes. The bill requires money received from those sales instead to be credited to the existing Wildlife Fund.

Mined Land Set Aside Fund

(R.C. 1513.371, repealed)

The bill eliminates the Mined Land Set Aside Fund, which consists of federal grants and is used for specified activities for the reclamation and restoration of land and water resources adversely affected by past coal mining practices.

Transfers from the Coal-Workers Pneumoconiosis Fund

(R.C. 4131.03)

The bill eliminates the authority of the Director to annually request the Administrator of Workers' Compensation to transfer a portion of the investment earnings earned by the Coal-Workers Pneumoconiosis Fund to the Mine Safety Fund and the Coal Mining Administration and Reclamation Reserve Fund. The bill also



eliminates the Administrator's current law authority to transfer up to \$3 million to the Mine Safety Fund and up to \$1.5 million to the Coal Mining Administration and Reclamation Reserve Fund. Thus, the bill also eliminates the requirement that the Administrator adopt rules governing these transfers to ensure the solvency of the Coal-Workers Pneumoconiosis Fund. Current law establishing this request and transfer process is set to expire June 30, 2013.

Conservancy District Organization Fund

(R.C. 6101.451, repealed)

The bill eliminates the Conservancy District Organization Fund, which is used to provide an advance of money to a conservancy district or a subdistrict to pay expenses of organization, surveys and plans, appraisals, estimates of cost, land options, and other incidental expenses of the district or subdistrict.

Ohio Lake Erie Commission

(R.C. 1506.21)

The bill adds the Director of Development Services as a member of the Ohio Lake Erie Commission.

