

Executive

In House Finance and Appropriations

1 DNR - 26 Departmental Reorganization - Division of Soil and Water Resources

R.C. 121.04, 307.79, 504.21, 903.082, 903.11, 903.25, 1501.01, 1501.05, 1501.07, 1501.30, 1506.01, 1507.01, 1511.01-1511.08, 1514.08, 1514.13, 1515.08, 1515.183, 1519.03, 1520.02-1520.03, 1521.03-1521.07, 1521.10-1521.16, 1521.18-1521.19, 1523.01-1523.20, 1541.03, 3701.344, 3718.03, 6109.21, 6111.044, Sections 515.30, 515.40, and 515.50, Repealed: R.C. 1504.01-1504.04, 1521.02

(1) No provision.

(1) Renames the Division of Soil and Water Conservation in the Department of Natural Resources as the Division of Soil and Water Resources and abolishes the Division of Water.

(2) No provision.

(2) Transfers a portion of the duties and responsibilities of the Division of Water to the Division of Soil and Water Resources, including the administration of the Water Management Fund; responsibility for well construction logs and well sealing reports; issuance of construction permits for dams or levees; inspection of dams, dikes, and levees; floodplain management activities; responsibility for water resource inventories; and other similar duties and responsibilities.

(3) No provision.

(3) Transfers the Division of Water's authority, duties, and responsibilities concerning canals and canal reservoirs owned by the state to the Division of Parks and Recreation.

(4) No provision.

(4) Abolishes the Division of Real Estate and Land Management and transfers its duties and responsibilities concerning DNR's geographic information system needs to

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(5) No provision.

the Director of Natural Resources; transfers its duties concerning the coordination and conduct of all real estate functions, comprehensive planning, capital improvements planning, and other similar planning, and other duties and responsibilities for the Department to the Division of Engineering; and transfers its duties and responsibilities concerning the statewide recreational trails system to the Division of Parks and Recreation.

(5) Revises the authority, duties, and responsibilities of the Director of Natural Resources to reflect the abolishment and transfer of duties and responsibilities of the Division of Real Estate and Land Management.

(6) No provision.

(6) Revises the authority, duties, and responsibilities of the Chief Engineer of the Division of Engineering to reflect the changes discussed above, and requires the Chief Engineer to carry out all of the Chief Engineer's duties with the approval of the Director of Natural Resources.

Fiscal effect: Consolidates funding for the Division of Water and the Division of Soil and Water Conservation under the new Division of Soil and Water Resources. Potentially creates initial costs to carry out reorganizational efforts, which may be offset by savings due to consolidation of certain operations.

2 DNR - 8 Energy Resource Extraction Fee

R.C. 1509.021, 1513.021

Establishes energy resource extraction fees of:
 (1) \$0.08 per ton of coal to be paid by the operator of a coal mining operation;

R.C. 1509.021, 1513.021

(1) Same as the Executive.

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(2) \$0.20 per barrel of crude oil sold or 0.56% of the total purchase price of the crude oil after the severance tax has been subtracted (whichever is greater), to be paid by the first purchaser of crude oil; and

(2) No provision.

(3) \$0.05 per 1000 cubic feet of natural gas or 2.25% of the total purchase price of the natural gas after the severance tax has been subtracted, whichever is greater, to be paid by the first purchaser of natural gas.

(3) No provision.

Sets out requirements for the use of revenue generated by each fee; requires the fee on coal to be credited to SSR Fund 5260, the Coal Mining Administration and Reclamation Reserve Fund; requires the fees on oil and natural gas to be credited to SSR Fund 5180, the Oil and Gas Well Fund; and allows the Director of Natural Resources to reduce the fees and to transfer a portion of their proceeds to SSR Fund 5110, the Geological Mapping Fund, under certain circumstances.

Modifies the Executive provision by eliminating the requirements relating to the deposit of the proceeds of the energy extraction fees on crude oil and natural gas; requires \$0.01 per ton of coal from the coal energy extraction fee to be transmitted to the treasurer of the county in which the coal is extracted for the use of the county's general fund.

Fiscal effect: Increases revenue to the Department of Natural Resources Division of Mineral Resources Management through SSR Fund 5260, the Coal Mining Administration and Reclamation Reserve Fund, for coal mining regulatory operations and SSR Fund 5180, the Oil and Gas Well Fund, for oil and gas well regulatory operations, and potentially increases revenue to the Division of Geological Survey through SSR Fund 5110, the Geological Mapping Fund. These fees would offset a total of approximately \$7,092,000 in funding formerly supported by the GRF.

Fiscal effect: Removes the fees for oil and natural gas as revenue sources for Funds 5110 and 5180. Decreases the amount of the fee for coal extraction that would be deposited into Fund 5260, and correspondingly increases revenues to counties from the \$0.01 per ton set-aside.

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3 DNR - 3 Well Log Filing Fee

R.C. 1521.05, 3701.344, 6109.21, Section 343.20.20

Requires a person constructing a potable water well for use in a private or public water system to pay a well log filing fee of \$20 or an amount established in rules, whichever is applicable; requires the Chief of the Division of Water in the Department of Natural Resources to adopt rules governing the payment and collection of the fee; and requires boards of health and the Environmental Protection Agency to collect the fee on behalf of the Division and submit the proceeds of the fee to the Division quarterly for deposit into GSF Fund 1550, the Departmental Services - Intrastate Fund.

Fiscal effect: Increases revenue to the Departmental Services - Intrastate Fund (Fund 1550) in the Department of Natural Resources from a new well log filing fee that would offset an estimated \$198,000 in funding formerly provided by the GRF.

R.C. 1521.05, 3701.344, 6109.21, Section 343.20.20

Same as the Executive.

Fiscal effect: Same as the Executive.

4 DNR - 4 Dam or Levee Construction Permit Filing Fee

R.C. 1521.06

Increases the minimum amount of the fee for a dam or levee construction permit from \$1,000 to \$1,500, increases the maximum amount of the fee from \$100,000 to \$500,000, and allows the Chief of the Division of Water to establish alternative minimum and maximum amounts by rule.

R.C. 1521.06

Same as the Executive.

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Fiscal effect: Increases revenue to SSR Fund 6150, the Dam Safety Fund, in the Department of Natural Resources as a result of an increase in the filing fee for dam and levee construction permits. This would offset approximately \$40,000 in funding formerly provided by the GRF.

Fiscal effect: Same as the Executive.

5 DNR - 9 Dam Fees and Discounts

R.C. 1521.063

Requires that annual dam fees be based not only on the height of a class I, class II, or class III dam, but also on the linear foot length of the dam and the per-acre foot of the volume of water impounded by the dam and establishes the following fee schedule:

- (1) \$30 base fee (unchanged) plus \$10 per foot of height (unchanged) and new fees of \$0.05 per foot of length and \$0.05 per acre-foot of water impounded by a class I dam;
- (2) \$30 base fee (unchanged) plus new fees of \$6 per foot of height, \$0.05 per foot of length, and \$0.05 per acre-foot of water impounded by a class II dam; and
- (3) \$30 base fee (unchanged) plus new fees of \$4 per foot of height, \$0.05 per foot of length, and \$0.05 per acre-foot of water impounded by a class III dam.

Requires rules adopted by the Chief of the Division of Water regarding dam fees to be subject to the prior approval of the Director of Natural Resources; and establishes a compliant dam discount program that allows for certain discounts of the annual fee if the owner of a dam is in compliance with specified provisions of law and has developed an emergency action plan.

R.C. 1521.063

Same as the Executive, but increases the base fee for class I dams to \$300 and the base fee for class II and class III dams to \$90.

Same as the Executive.

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Fiscal effect: Increases revenue to SSR Fund 6150, the Dam Safety Fund, from new fees imposed on the height and length of certain dams and the area of water impounded by them, and potentially imposes new administrative costs from GRF line item 733321, Division of Water, for costs incurred in implementing a new Compliant Dam Discount Program. These fees would offset approximately \$1,200,000 in funding formerly provided by the GRF.

Fiscal effect: Same as the Executive, but further increases the amount that would be collected in base fees for each type of dam.

6 DNR - 2 Hunting Licenses and Annual Deer and Wild Turkey Permits

R.C. 1533.10, 1533.11, 1531.01

(1) Removes the exemption in current law that allows a nonresident owner of land in Ohio and the owner's children and grandchildren under 18 years of age to hunt on the land without a hunting license, thus requiring such a nonresident owner to purchase a nonresident hunting license. (Continues to allow a resident owner and the owner's children and grandchildren under 18 years of age to hunt on the land without a hunting license.)

(2) Removes the exemption in current law that allows an owner of land in Ohio and the owner's children, and a tenant of land in Ohio and the tenant's children, to hunt deer or wild turkey on the lands where they reside without a deer or wild turkey permit, thus requiring all persons to obtain an annual deer or wild turkey permit. Specifies that the permit is free of charge to a resident owner and the owner's children and grandchildren and to a tenant and children of the tenant and that all other individuals must purchase a deer or wild turkey permit in order to hunt deer or wild turkey. Defines "children" and "grandchildren" for purposes of the Division of Wildlife Law and the Hunting

R.C. 1533.10, 1533.11, 1531.01

(1) Same as the Executive.

(2) Same as the Executive, but adds to the definition of "grandchildren" the requirement that grandchildren be under 18 years old.

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and Fishing Law.

Fiscal effect: Increases revenue to the Wildlife Fund (Fund 7015) by approximately \$330,000 from additional hunting license fees and deer and wild turkey permit fees for nonresident landowners, their children, their tenants, and their tenants' children. Increases in expenses for the Division of Wildlife in the Department of Natural Resources to process licenses and permits.

Fiscal effect: Same as the Executive.

7 DNR - 6 Wild, Scenic, and Recreational River Areas

R.C. 1547.85, 1517.02, 1517.10, 1517.11, 1517.14, 1517.16, 1517.17, 1517.18, 1547.01, 1547.02, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.86, 1547.87, 1547.99, 4501.24, Section 815.10, Repealed: R.C. 1517.15

Transfers the administration of the state programs for wild, scenic, and recreational river areas from the Division of Natural Areas and Preserves to the Division of Watercraft, generally retains the statutory requirements and procedures governing the programs, adds other provisions for the program's administration, and expands the authority of the Waterways Safety Council.

Creates a waterways conservation assessment fee and authorizes the Chief of the Division of Watercraft to adopt rules establishing fees to support stream impact reviews for the above programs.

R.C. 1547.85, 1517.02, 1517.10, 1517.11, 1517.14, 1517.16, 1517.17, 1517.18, 1547.01, 1547.02, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.86, 1547.87, 1547.99, 4501.24, Section 815.10, Repealed: R.C. 1517.15

Same as the Executive.

Same as the Executive.

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Fiscal effect: Increases revenue to the Waterways Safety Fund (Fund 7086) by approximately \$162,000 as a result of waterways conservation assessments levied in the amount of \$5 per triennial non-motorized watercraft registration and \$1.50 per annual non-motorized watercraft registration; potentially increases revenue to Fund 7086 by allowing for the charging of fees for stream impact reviews.

Fiscal effect: Same as the Executive.

8 DNR - 7 Snowmobile, Off-Highway Motorcycle, and All-Purpose Vehicle Fees

R.C. *4519.04, 4519.09*

Increases the three-year registration fee for snowmobiles, off-highway motorcycles, and all-purpose vehicles from \$5 to \$31.25, increases the length of time a nonresident temporary operating permit for these vehicles is valid from 15 days to one year, and increases the cost of a temporary operating permit from \$5 to \$11.25.

No provision. (These provisions were enacted in Am. Sub. H.B. 2 of the 128th General Assembly.)

Fiscal effect: Increases revenue to SSR Fund 5210, the State Recreational Vehicle Fund, by approximately \$676,820 from snowmobile, off-highway motorcycle, and all-purpose vehicle registration fees and nonresident temporary operating fees.

9 DNR - 14 Natural Resources General Obligation Debt Service

Section: *343.10*

Requires GRF appropriation item 725903, Natural Resources General Obligation Debt Service, to be used for all debt service and financing costs between July 1, 2009 and June 30, 2011 for obligations issued by the Ohio Public Facilities Commission.

Section: *343.10*

Same as the Executive.

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10 DNR - 11 Central Support Indirect

Section: 343.20

Requires the Department of Natural Resources, with the approval of the Director of Budget and Management, to determine the payments of each division, except the Division of Wildlife, to be made into GSF Fund 1570, the Central Support Indirect Fund, using a methodology that contains the characteristics of administrative ease and uniform application in compliance with federal grant requirements.

Section: 343.20

Same as the Executive.

11 DNR - 10 Federal Economic Stimulus/Recovery Funds

Section: 343.20.10

Requires GRF appropriation item 725652, Natural Resources Operations, to be used for the operations of the Department of Natural Resources in a manner consistent with federal funds received for economic stabilization and recovery purposes.

Section: 343.20.10

Same as the Executive.

12 DNR - 13 Canal Lands

Section: 343.30

Requires GRF line item 725456, Canal Lands, to be used to transfer cash to GSF Fund 4300, the Canal Lands Fund, for operating expenses of the State Canal Lands Program.

Section: 343.30

Same as the Executive.

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13 DNR - 12 Lease Rental Payments

Section: 343.30

Requires GRF appropriation item 725413, Lease Rental Payments, to be used for bond service payments related to the construction of various parks and recreation facilities at the times they are required to be made between July 1, 2009 and June 30, 2011.

Section: 343.30

Same as the Executive.

14 DNR - 15 Fountain Square

Section: 343.30.10

Requires GSF Fund 6350 appropriation item 725664, Fountain Square Facilities Management, to be used for the costs of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex. Specifies that Fund 6350 receive cash transfers from various department funds and rental income received by the Department of Natural Resources.

Section: 343.30.10

Same as the Executive.

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15 DNR - 16 Soil and Water Districts

Section: 343.40

Authorizes the Department of Natural Resources to use GRF appropriation item 725502, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. Requires county auditors to credit the payments to local soil and water conservation district funds established under section 1515.10 of the Revised Code and requires moneys received by each district to be spent for the purposes of the district.

Requires SSR Fund 5BV0 appropriation item 725683, Soil and Water Districts, to be used for the same purposes, and requires the line item to be funded by fees on construction and demolition debris and municipal solid waste under section 1515.14 of the Revised Code.

Section: 343.40

Same as the Executive.

Same as the Executive.

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16 DNR - 17 Oil and Gas Well Plugging

Section: 343.40

Requires SSR Fund 5180 appropriation item 725677, Oil and Gas Well Plugging, to be used exclusively for the purposes of plugging wells and restoring the land surface of idle and orphan oil and gas wells under section 1509.071 of the Revised Code. Prohibits these funds from being used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well, and prohibits this appropriation item from being used to transfer cash to any other fund or appropriation item.

Section: 343.40

Same as the Executive.

17 DNR - 18 Litter Control and Recycling

Section: 343.40

Earmarks up to \$1,500,000 in each fiscal year from SSR Fund 5320 appropriation item 725644, Litter Control and Recycling, for the administration of the Recycling and Litter Prevention Program.

Section: 343.40

Same as the Executive.

18 DNR - 19 Clean Ohio Operating Expenses

Section: 343.40.10

Requires Clean Ohio Conservation Fund line item 725405, Clean Ohio Operating, to be used by the Department of Natural Resources in administering grants for recreational trails under section 1519.05 of the Revised Code.

Section: 343.40.10

Same as the Executive.

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19 DNR - 20 Watercraft Marine Patrol

Section: 343.50

Earmarks up to \$200,000 in each fiscal year from Waterways Safety Fund appropriation item 739401, Division of Watercraft, to be used for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Requires documentation for receipt of a marine patrol subsidy to include proposals for equipment and requires equipment to be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department and the eligible marine patrol.

Section: 343.50

Same as the Executive.

20 DNR - 21 Parks Capital Expenses Fund

Section: 343.60

Requires the Director of Natural Resources to submit the estimated design, engineering, and planning costs of parks project capital work under the Parks and Recreation Improvement Fund (Fund 7035) to the Director of Budget and Management, and permits the Director of Budget and Management to release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Requires the Department of Natural Resources to reimburse Fund 7035 for these expenses from GSF Fund 2270, the Parks Capital Expenses Fund.

Section: 343.60

Same as the Executive.

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21 DNR - 22 Natureworks Capital Expenses Fund

Section: 343.60

Requires the Director of Natural Resources to submit the estimated design, engineering, and planning costs of capital work under the Ohio Parks and Natural Resources Fund (Fund 7031) to the Director of Budget and Management, and permits the Director of Budget and Management to release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Requires the Department of Natural Resources to reimburse Fund 7031 for these expenses from GSF Fund 2270, the Parks Capital Expenses Fund.

Section: 343.60

Same as the Executive.

22 DNR - 23 Public Access Roads for State Facilities

Section: 343.60.10

Permits the Director of Natural Resources to submit a request to the Director of Transportation to enter into an interagency agreement for the use of up to \$5,000,000 in each fiscal year from Department of Transportation appropriation item 772421, Highway Construction – State. Requires the Director of Transportation to use the amount requested for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources.

No provision.

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23 DNR - 28 Venison Donations by Farmers and Hunters Feeding the Hungry

No provision.

Section: 751.40

Requires the Director of Natural Resources and Farmers and Hunters Feeding the Hungry to enter into a memorandum of understanding that prescribes a method by which Farmers and Hunters Feeding the Hungry may donate venison to Ohio food banks and methods to encourage private donations that are equal or greater in value than the venison donations during the period of July 1, 2009 to June 30, 2011.

24 DNR - 27 Marietta State Nursery

No provision.

Section: 753.10

Requires the Director of Natural Resources to enter into a memorandum of understanding with the Southeastern Ohio Port Authority to develop the former Marietta State Nursery Property.

No provision.

Requires that the memorandum:

(1) Provide for the sale of the property for highest and best use and with the maximum financial return for the Department of Natural Resources;

No provision.

(2) Require contracted professional engineering services to conduct a phase 1 environmental assessment and a master plan for property development, including an evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;

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No provision.	(3) Require the Port Authority to manage the master plan, including engaging in the marketing and sale of the property;
No provision.	(4) Specify that the Department owns the property and may sell it to the Port Authority for sale to private buyers; and
No provision.	(5) Specify that the Department is responsible for the costs of environmental, engineering, printing, design, and signage costs.
No provision.	Requires the Department and Port Authority to agree on a cap on invoices for cost specified in (5) above.

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25 EPA - 6 Scrap Tire Fund Transfer

R.C. 1502.12, 3734.82

Eliminates the \$750,000 cap on the Scrap Tire Management Fund that may be used for the administration of the Scrap Tire Program.

Alters the purposes for which money in the Scrap Tire Management Fund (Fund 4R50) can be used by authorizing up to \$500,000 in each fiscal year to be transferred to the Scrap Tire Grant Fund (Fund 5860) in the Department of Natural Resources for scrap tire amnesty and clean up events, in addition to the \$1 million transferred under current law in each fiscal year for scrap tire and synthetic rubber from tire manufacturers and recycling processes.

Fiscal effect: Results in more money that could be used for scrap tire amnesty and clean up events.

R.C. 1502.12, 3734.82

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

26 EPA - 22 Construction and Demolition Debris Disposal Fees

R.C.

Increases the construction and demolition debris disposal fee that is deposited into SSR Fund 5BV0, the Soil and Water Conservation District Assistance Fund, which is used by the Department of Natural Resources, from \$0.125 per cubic yard and \$0.25 per ton to \$1.25 per cubic yard or \$2.50 per ton, as applicable.

Establishes a new construction and demolition debris disposal fee of \$0.225 per cubic yard or \$0.45 per ton, as applicable, to be credited to SSR Fund 5BC0, the

R.C. 3714.073, 3745.015, 1515.14

Same as the Executive.

No provision.

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Environmental Protection Fund, which is used by the Environmental Protection Agency. Requires that these fees take effect on July 1, 2009.

No provision.

Fiscal effect: Increases revenue to the Department of Natural Resources Division of Soil and Water through new and increased fees to SSR Fund 5BV0, the Soil and Water Conservation Fund, and increases revenue to the Environmental Protection Agency through new and increased fee to SSR Fund 5BC0, the Environmental Protection Fund. Offsets an estimated \$11,930,000 in DNR GRF Funding for Soil and Water Conservation Projects.

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Specifies that fees on the disposal of construction and demolition debris apply to the disposal of asbestos and asbestos-containing materials and products.

Fiscal effect: Same as the Executive, but decreases revenues to Fund 5BC0, the Environmental Protection Fund, due to the removal of new construction and demolition debris fees deposited into that fund. However, including asbestos as a material to which the disposal fee applies could increase revenues to each applicable fund.

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27 DPS - 49 "Ohio Nature Preserves" License Plates

No provision.

R.C. 4501.243, and 4503.563

(1) Creates the "Ohio Nature Preserves" license plate, (2) requires payment of a contribution not exceeding \$40 and directs it for deposit in the Ohio Nature Preserves Fund, (3) requires the Department of Natural Resources to use the money in the Ohio Nature Preserves Fund to help finance nature preserve education, nature preserve clean-up projects, and nature preserve maintenance, protections, and restoration, and (4) requires payment of a \$10 administrative fee and directs it for deposit in the State Bureau of Motor Vehicles Fund (Fund 4W40) to compensate the Bureau for additional services required in issuing the plate.

Fiscal effect: This provision could result in: (1) a potential, likely minimal at most, increase in state revenues and administrative expenditures, and (2) a potential, likely minimal at most, change in the amount of money distributed annually to local governments from the State Bureau of Motor Vehicles Fund (Fund 4W40). Whether the direction of that revenue change will be a minimal gain or minimal loss for local governments will depend upon the degree to which the \$10 administrative fee offsets the Bureau's cost to produce and distribute the "Ohio Nature Preserves" license plate.

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Other Taxation Provisions

28 TAX - 12 Salt Severance Tax Revenue Use

R.C. 5749.02(B)

Requires 85% of severance tax revenue from salt extraction to be used for Lake Erie water and shore erosion protection and recreation facilities. (Currently, this share of revenue is credited to the Unreclaimed Lands Fund (Fund 5290) used by the Department of Natural Resources.)

Fiscal effect: Increases revenue to the Permit and Lease Fund (Fund 5140), used by the Department of Natural Resources, from the severance tax on salt extraction. Corresponding decrease in revenue to the Unreclaimed Lands Fund (Fund 5290).

R.C. 5749.02(B)

Same as the Executive.

Fiscal effect: Same as the Executive.