



Bill Analysis

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BILL SUMMARY

General provisions

- Precludes the Department of Administrative Services' general statutory authority over state property from interfering with the power of the Director of Natural Resources to enter into leases of real property, buildings, and office space for the use of the Department of Natural Resources (DNR), to purchase real property for Division or district offices, or to prepare plans and specifications for and construct any buildings or other facilities that the Director may require for the administration of DNR.
- Revises the notice publication requirements for contracts awarded by DNR for the construction, repair, or maintenance of certain projects, improvements, or buildings.
- Revises the requirements for entering into a contract without advertising for and receiving bids.
- Authorizes the Director to include in contracts a clause providing for value engineering change proposals, and establishes requirements for the distribution of savings from such a proposal.
- Revises DNR's authority to require a contractor to complete work that is neglected or deficient.
- Revises the requirements related to the revisions of plans and specifications under a contract due to exigencies.

- Requires contracts administered by DNR to include language requiring wage rate determinations and updates to be obtained electronically or by other means as appropriate from the Department of Commerce, and exempts such contracts from requirements in the Wages and Hours on Public Works Law that involve attaching the schedule of wages to the specifications for the work, making the schedule part of those specifications, and printing the schedule on the bidding blanks where the work is done by contract.

Law enforcement

- Expands provisions in the existing Corrupt Activity Forfeiture Law that pertain to distribution of the proceeds of a sale of forfeited property or of forfeited cash to provide specifically for distribution to certain existing funds administered by certain Divisions in DNR when law enforcement officers of those Divisions substantially conducted the investigation or made the seizure of the property or cash.
- Expands the existing Contraband Forfeiture Law to authorize the distribution of proceeds from forfeited contraband or moneys to certain Divisions in DNR when the Divisions make the seizure of the contraband or moneys that are forfeited, to create specified funds within the state treasury that are designated for the deposit of such proceeds and that are to be administered by each specified Division, and to specify that if such a Division obtains a forfeiture of seized property under federal law, all interest and earnings earned regarding the forfeited property must be deposited into the specified fund administered by the Division.
- Requires the specified Divisions that may receive proceeds from forfeited contraband or moneys to do all of the following in accordance with the existing Contraband Forfeiture Law: adopt a written internal control policy that addresses the use of moneys deposited to the credit of the specified funds created under the bill, comply with requirements governing the use of such moneys, and annually file with the Attorney General a report verifying that the moneys were used for authorized purposes together with a cumulative report that includes all of the information contained in all of the public financial records that must be kept by the Division under that Law.
- Modifies requirements governing the forfeiture of vehicles, boats, guns, and other devices used and seized in the unlawful taking or transporting

of wild animals to specify that a proceeding for the forfeiture of such seized property that is initiated under the bill must not progress to actual forfeiture of the seized items unless so ordered by a court as part of a sentence imposed for a violation involving the unlawful taking or transporting.

Division of Recycling and Litter Prevention

- Repeals the requirement that a state recycling market development plan be prepared every two years.
- Authorizes grants to be made from the Scrap Tire Grant Fund to support market development activities for synthetic rubber from tire manufacturing processes and tire recycling processes.
- Changes the defined term "waste reduction" to "source reduction," but does not change the definition of the term.

Division of Real Estate and Land Management

- Authorizes the Division of Real Estate and Land Management, with the approval of the Director of Natural Resources, to coordinate and administer compensatory mitigation grant programs and other programs for streams and wetlands.

Division of Engineering

- Requires the Chief Engineer to be a professional engineer registered under the Professional Engineers and Professional Surveyors Law or a professional architect certified under the Architects Law rather than only a professional engineer as in current law.

Division of Soil and Water Conservation

- Allows the supervisors of a soil and water conservation district to hold one or more credit cards on behalf of the district and to authorize any supervisor or employee of the district to use such a credit card to pay for expenses related to the purposes of the district, and establishes requirements governing that use.

Division of Natural Areas and Preserves

- Exempts real property that is within a nature preserve from special assessments for sewer, water, or electrical service, and establishes recording requirements for county auditors regarding the exemptions.
- Authorizes the governing bodies of certain public entities to apply to the Water and Sewer Commission for an advance of money from the Water and Sewer Fund in an amount equal to the portion of the costs of a water or sewer improvement that is to be financed by assessments on real property within a nature preserve whose collection is prohibited under the bill, and requires the advanced money to be repaid to the Commission if the assessments subsequently are collected.
- Revises the statutes governing the authority of the Director of Natural Resources to declare part or parts of any watercourse in the state as a wild, scenic, or recreational river area, and revises in part the classifications for "wild river areas," "scenic river areas," and "recreational river areas."
- Allows money in the Natural Areas and Preserves Fund to be used for routine maintenance for health and safety purposes.
- Revises the duties of the Chief of the Division of Natural Areas and Preserves in regards to surveys and inventories of certain natural areas and species, requires the information from the surveys and inventories to be stored in the Ohio natural heritage database, established pursuant to the bill, and provides for the availability of the database for specified uses.

Division of Water

- Authorizes the Chief of the Division of Water to use money in the Water Management Fund for the purposes of administering the Water Diversion and Consumptive Use Permit Programs established under current law and to perform watershed and water resource studies for the purposes of water management planning.
- Establishes requirements governing the submission of well sealing reports.

- Repeals provisions of current law that divide the state into two grand divisions for purposes of state public works under the jurisdiction of the Division of Water.
- Requires in statute that development in 100-year floodplain areas be protected to at least the 100-year flood level and that flood water conveyance be maintained, at a minimum, in accordance with standards established under the national flood insurance program.
- Repeals the requirement that the Chief adopt rules that provide for the administration, implementation, and enforcement of the floodplain management program and that establish certain flood damage reduction standards governing development within 100-year floodplains.
- Amends a provision that requires the Chief to adopt rules establishing technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains by requiring the rules also to establish technical standards for the assessment of development impacts on flood heights and flood conveyance.
- Establishes other floodplain management requirements, applies those requirements to agencies of the state and to counties and municipal corporations, and reorganizes existing requirements.
- Defines "substantial damage" for purposes of the Division of Water Law.
- Requires the Director of Natural Resources to issue a water diversion permit to any person who lawfully diverted more than 100,000 gallons per day of any waters of the state out of the Ohio River drainage basin during the calendar year ending October 14, 1984.
- Eliminates current law authorizing the Director, not later than July 1, 1990, to transfer certain canal lands identified by the Department of Transportation or the Ohio Historical Society to those respective entities.
- Requires the Director's approval concerning certain aspects of the sale, lease, or transfer by the Chief of minerals or mineral rights on canal lands.

- Generally retains, but relocates current law that requires the Division of Water to have control of and responsibility for all canals and canal reservoirs owned by the state together with related waters and lands and that authorizes the Chief to adopt related rules.
- Authorizes the Director to give away or sell the spoils of a dredging operation conducted by DNR in waters under the control and management of DNR rather than in waters under the control and management of only the Division of Water as in current law.
- Adds four members to the advisory group for the Water Resources Council.
- Allows the Council to enter into contracts and agreements with federal agencies to assist in accomplishing the Council's objectives.

Division of Wildlife

- Amends the definitions of "person," "nongame bird," and "migratory game bird" for the purposes of the Division of Wildlife Law and the Hunting and Fishing Law.
- Prohibits any person from possessing or transporting a wild animal that has been unlawfully possessed outside the state.
- Eliminates the prohibition against using a rifle, at any time, in taking migratory game birds.
- Adds to the required duties of the Division of Wildlife by requiring the Division to promote, educate, and inform the citizens about conservation and the values of fishing, hunting, and trapping.
- Specifies that information contained in the wildlife diversity database may be made available to any individual or public or private agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature, but exempts from the Public Records Law information regarding sensitive site locations and features included in the database the release of which could be detrimental to the conservation of a species or feature.

- Revises the criminal penalty for selling or offering for sale wild animals or wild animal parts to include buying them, and includes buying and selling wild animals in the restitution portion of the penalty.
- Changes the name of the wild animal collecting permit to wild animal permit, requires persons desiring to possess as well as collect wild animals for scientific study to obtain the permit, requires the permit to be renewed annually, and makes other changes pertaining to the permit.
- Requires the Chief of the Division of Wildlife to adopt rules providing for the issuance of fishing licenses, hunting licenses, fur taker permits, or wetlands habitat stamps to disabled veterans and former POWs, and deer or wild turkey permits to disabled veterans, on an annual, multi-year, or lifetime basis rather than just an annual basis as required in current law.
- Makes the suspension or revocation of a license or permit issued for hunting, fishing, trapping, and other activities pertaining to wild animals discretionary rather than mandatory upon the conviction of certain specified criminal offenses.
- Revises the definitions of "harvest" and "person" for purposes of the statutes governing ginseng collection.

Division of Parks and Recreation

- Expands the list of timber, including timber that requires management to improve wildlife habitat, protect against wildfires, provide access to recreational facilities, or improve the safety, quality, or appearance of any state park area, that the Chief of the Division may dispose of by sale or other lawful means.
- Replaces statutory references to "cabins" with "cottages" in regards to the rental and management of those structures by the Division.

Division of Watercraft

- Requires the Division of Watercraft, with the approval of the Director of Natural Resources, to educate and inform the citizens of Ohio about, and promote, conservation, navigation, safety practices, and the benefits of recreational boating.

- Requires the Chief of the Division of Watercraft to cancel a watercraft certificate of title if it appears that the certificate of title is no longer required.
- Revises the requirements for issuance of a historic watercraft identification plate by eliminating the requirement that the watercraft be wooden.
- Prohibits a person from entering, operating a vessel that enters, or allowing a vessel to enter a federally declared security zone as defined in federal regulations, and establishes that whoever violates the prohibition is guilty of a first degree misdemeanor.
- Requires the Division to accept the clerk's bond that is required under the Clerk of the Court of Common Pleas Law for any security that is required for agents of the Chief who issue watercraft certificates of title if a clerk of the court of common pleas applies for designation as such an authorized agent.

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CONTENT AND OPERATION

Introduction

The bill makes changes in the statutes governing many of the Divisions in the Department of Natural Resources (DNR). In some cases, those changes are fairly substantive or numerous, or both. In others, the changes are relatively minor. Because the bill addresses topics that fall into many categories related to natural resources, it does not lend itself to the usual structure of an analysis, that is,

a discussion of the most significant proposals first followed by the remaining changes. Instead, the analysis first discusses general provisions that are not limited to just one of DNR's Divisions as well as provisions dealing with law enforcement. It then discusses the changes in statutes governing each of the Divisions that are included in the bill. The order of that discussion generally is the order in which those statutes appear in the Ohio Revised Code.

General provisions

Administration

Current law grants the Department of Administrative Services general supervision over the purchase of property, preparation of plans for projects or improvements, and construction of any projects and improvements of grounds and buildings under the control of a state agency. In addition, the Department has authority to lease real property and buildings under the control of a state agency and to allow the use of office space in such buildings. (Sec. 123.01(A).) However, current law also states that the general supervision authority of the Department cannot interfere with specified grants of authority to other state agencies and directors of departments (sec. 123.01(B)). The bill adds that the Department's general supervision authority cannot interfere with the power of the Director of Natural Resources under the Department of Natural Resources Law to enter into leases of real property, buildings, and office space for the use of the Department of Natural Resources (DNR), to purchase real property for Division or district offices, or to prepare plans and specifications for and construct any buildings or other facilities that the Director may require for the administration of DNR. (Sec. 123.01(B)(7).)

Contracts

Current law states that DNR has the following powers in addition to its other powers: to prepare, or contract to be prepared, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for, to enter into contracts for, and to supervise the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings, on lands and waters under the control of DNR, as may be authorized by legislative appropriations or any other available funds (sec. 1501.011(A)).

Under existing law, except in cases of extreme public exigency or emergency, the Director of Natural Resources must publish notice in a newspaper of general circulation in the county where the contract is to be let, at least once a week for four consecutive weeks, the last publication to be at least eight days preceding the day for the applicable action specific to the contract. The bill

instead requires the Director, except as provided under the bill (see below), to publish notice in a newspaper of general circulation in the region where the activity for which bids are submitted is to occur and in any other newspapers that the Director determines are appropriate, at least once a week for four consecutive weeks, the last publication to be at least eight days preceding the day for the applicable action specific to the contract. (Sec. 1501.011(B).)

Current law authorizes the Director to enter into a contract without advertising for and receiving bids for the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings on lands and waters under the control of DNR, the cost of which is less than \$10,000. The bill instead specifies that with respect to the Director's entering into a contract for the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings on lands and waters under the control of DNR, both of the following apply:

(1) The Director is not required to advertise for and receive bids if the total estimated cost of the contract is less than \$25,000; and

(2) The Director is not required to advertise for bids, regardless of the cost of the contract, if the contract involves an exigency that concerns the public health, safety, or welfare or addresses an emergency situation in which timeliness is crucial in preventing the cost of the contract from increasing significantly. Regarding such a contract, the Director may solicit bids by sending a letter to a minimum of three contractors in the region where the contract is to be let or by any other means that the Director considers appropriate. (Sec. 1501.011(E).)

The bill authorizes the Director to insert in any contract awarded under DNR's contracting authority a clause providing for value engineering change proposals, under which a contractor who has been awarded a contract may propose a change in the plans and specifications of the project that saves DNR time or money on the project without impairing any of the essential functions and characteristics of the project such as service life, reliability, economy of operation, ease of maintenance, safety, and necessary standardized features. If the Director adopts the value engineering proposal, the savings from the proposal must be divided between DNR and the contractor according to guidelines established by the Director, provided that the contractor must receive at least 50% of the savings from the proposal. The adoption of a value engineering proposal does not invalidate the award of the contract or require the Director to rebid the project. (Sec. 1501.011(F).)

Current law provides that when in DNR's opinion the work under any contract made under any state law is neglected by the contractor or the work is not

prosecuted with the diligence and force specified or intended in the contract, DNR may make requisition upon the contractor for such additional specific force or materials to be brought into the work under the contract or to remove improper materials from the grounds as in its judgment the contract and its faithful fulfillment requires. Not less than five days' notice in writing of that action must be served upon the contractor or the contractor's agent in charge of the work. If the contractor fails to comply with the requisition within 15 days, DNR may employ upon the work the additional force, or supply the special materials or such part of either as it considers proper, and may remove improper materials from the grounds. (Sec. 1501.011(G).)

The bill instead states that when in DNR's opinion the work under any contract made under any state law is neglected by the contractor, the work completed is deficient in quality or materials, or the work is not prosecuted with the diligence and force specified or intended in the contract, DNR may require the contractor to provide, at no additional expense to DNR, any additional labor and materials that are necessary to complete the improvements at the level of quality and within the time of performance specified in the contract. Procedures concerning such a requirement together with its format must be specified in the contract. If the contractor fails to comply with the requirement within the period specified in the contract, DNR may take action to complete the work through other means, up to and including termination of the contract. (Sec. 1501.011(G).)

Under existing law, when an exigency occurs or there is immediate danger of an exigency that would materially impair the successful construction or completion of a project, improvement, or building, the Director may make necessary plan and specification change orders (sec. 1501.011(D)). The bill revises that provision first by applying it also to an impairment of successful bidding and then by authorizing the Director to revise related plans and specifications as necessary to address the exigency through the issuance of an addendum prior to the opening of bids or, in accordance with procedures established in the Public Improvements Law, through the issuance of a change order after the contract has been awarded (sec. 1501.011(H)).

Finally, the Wages and Hours on Public Works Law requires every public authority authorized to contract for or construct with its own forces a public improvement, before advertising for bids or undertaking the construction with its own forces, to have the Director of Commerce determine the prevailing wage rates of mechanics and laborers in accordance with that Law for the class of work called for by the public improvement in the locality where the work is to be performed. The schedule of wages must be attached to and made part of the specifications for the work and must be printed on the bidding blanks where the work is done by contract. A copy of the bidding blank must be filed with the Director before the

contract is awarded. The bill provides that in the case of contracts that are administered by DNR, the Director of Natural Resources or the Director's designee must include language in the contracts requiring wage rate determinations and updates to be obtained directly from the Department of Commerce through electronic or other means as appropriate. Contracts that include that requirement are exempt from the requirements in the Wages and Hours on Public Works Law that involve attaching the schedule of wages to the specifications for the work, making the schedule part of those specifications, and printing the schedule on the bidding blanks where the work is done by contract. (Sec. 4115.04(A)(1) and (2).)

Law enforcement

Overview of forfeiture laws

Current law provides a series of mechanisms pursuant to which certain types of property or money that is derived from, used in, or related to the commission of a specified type of criminal offense, such as engaging in a pattern of corrupt activity, or a criminal offense in general, is forfeited to the state. The forfeiture mechanisms include, among others, the Corrupt Activity Forfeiture Law (secs. 2923.31 to 2923.36) and the Contraband Forfeiture Law (secs. 2902.01(A)(13), 2933.42, and 2933.43). Each of the mechanisms establishes procedures that govern the actual forfeiture of property or cash under the mechanism and also specifies what is to be done with the property or cash that is forfeited under it. The bill modifies the forfeited property and money disposition mechanism under the Corrupt Activity Forfeiture Law and the Contraband Forfeiture Law.

Corrupt Activity Forfeiture Law

Current law. Current law specifies that 10% of the proceeds of all property ordered forfeited by a juvenile court pursuant to the Corrupt Activity Forfeiture Law must be applied to one or more certified alcohol and drug addiction treatment programs specified by the court and that the remaining 90% of those proceeds, all proceeds of property ordered forfeited by a court other than a juvenile court pursuant to that Law, and fines and civil penalties imposed pursuant to that Law must be deposited into the state treasury to the credit of the Corrupt Activity Investigation and Prosecution Fund (sec. 2923.35(D)(1)). The moneys credited to the Fund must be disposed of in the following order:

- (1) First, to a civil plaintiff in an action brought under the Corrupt Activity Law;
- (2) Second, to the payment of the fees and costs of the forfeiture and sale;



(3) Except as otherwise described below, the remainder to the law enforcement trust fund of the prosecuting attorney (unless the prosecuting attorney declines) and to the law enforcement trust fund of the county sheriff, of a municipal corporation, of a township, or of a park district if the investigation was conducted substantially by the sheriff, the municipal police department, the township police department or constable, or the park district police force or law enforcement department. The Law provides for the creation of the law enforcement trust funds. If the State Highway Patrol, the Department of Taxation, the State Board of Pharmacy, or a state law enforcement agency, other than the Patrol, the Department, or the Board, substantially conducted the investigation, the remainder must be transferred for deposit into the State Highway Patrol Contraband, Forfeiture, and Other Fund; the Department of Taxation Enforcement Fund; the Board of Pharmacy Drug Law Enforcement Fund; or the Peace Officer Training Commission Fund, respectively. The moneys paid or deposited into any of the funds must be allocated, used, and expended only in accordance with the Contraband Forfeiture Law described below, a written internal control policy adopted under that Law, and, if applicable, specified provisions under the State Board of Pharmacy Law. (Sec. 2923.35(D)(2).)

If more than one law enforcement agency substantially conducted the investigation, the court ordering the forfeiture must equitably divide the remaining proceeds, fines, and penalties among the law enforcement agencies that substantially conducted the investigation (sec. 2923.35(D)(3)).

The bill. The bill expands the provisions of the Corrupt Activity Forfeiture Law that govern the distribution of proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund relative to a forfeiture under that Law by applying the provisions to cases in which certain Divisions in the Department of Natural Resources substantially conducted the investigation. It expands the existing provisions that provide for the distribution of the remainder of the proceeds, fines, and penalties to the prosecuting attorney and to the specified local and state law enforcement agencies that substantially conducted the investigation to also provide for distribution in cases in which certain DNR Divisions substantially conducted the investigation.

Under the bill, if the Division of Forestry substantially conducted the investigation, the remaining proceeds must be transferred to that Division for deposit into the existing State Forest Fund. If the Division of Natural Areas and Preserves substantially conducted the investigation, the remaining proceeds must be transferred to that Division for deposit into the existing Natural Areas and Preserves Fund. If the Division of Wildlife substantially conducted the investigation, the remaining proceeds must be transferred to that Division for deposit into the existing Wildlife Fund. If the Division of Parks and Recreation

substantially conducted the investigation, the remaining proceeds must be transferred to that Division for deposit into the existing State Park Fund. If the Division of Watercraft substantially conducted the investigation, the remaining proceeds must be transferred to that Division for deposit into the existing Waterways Safety Fund. (Sec. 2923.35(D)(2).) Accordingly, the bill modifies the statutes governing each of the specified Funds to specify that each such Fund consists of all fines, penalties, and forfeitures arising from prosecutions, convictions, confiscations, or other actions commenced under the law governing the applicable Division (secs. 1503.23, 1517.11, 1531.17, 1541.22, and 1547.75, respectively).

The moneys deposited into the specified Funds must be allocated, used, and expended only in accordance with provisions of the Contraband Forfeiture Law described below and only in accordance with DNR's internal control policy adopted under that Law (sec. 2923.35(D)(2)). The existing provisions regarding equitable division of the remaining proceeds, fines, and penalties when more than one law enforcement agency substantially conducted the investigation apply regarding the bill's expansion (sec. 2923.35(D)(3)).

Contraband Forfeiture Law

Disposition of proceeds of forfeited contraband. Current law specifies that certain contraband ordered forfeited pursuant to the Contraband Forfeiture Law must be sold or, in the case of forfeited moneys, disposed of in accordance with provisions described below. The proceeds of a sale and forfeited moneys must be applied in the following order:

(1) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the contraband, the forfeiture proceeding and, if any, the sale;

(2) Second, the remaining proceeds or forfeited moneys after compliance with item (1), above, to the payment of the balance due on any perfected, bona fide security interest on the contraband property, provided that the holder of the security interest neither knew nor should have known after a reasonable inquiry that the property was used or likely to be used in a crime or administrative violation and did not expressly or impliedly consent to the use of the property for such unlawful purposes;

(3) Third, the remaining proceeds or forfeited moneys after compliance with items (1) and (2), above, as follows: if the forfeiture was ordered in a juvenile court, 10% of the proceeds to one or more certified alcohol and drug addiction treatment programs specified in the order of forfeiture and the remaining 90% of those proceeds together with all proceeds of property ordered forfeited by

a court other than a juvenile court to the applicable specified fund of a specified law enforcement agency that made the seizure of the contraband. (Sec. 2933.43(D)(1)(a), (b), and (c)(i) and (ii).)

Under current law, the specified law enforcement agencies include the county sheriff; a municipal police department; a township police department, township police district police force, or office of a township constable; a park district police force; the State Highway Patrol; the investigative unit of the Department of Public Safety; the Department of Taxation; and the Board of Pharmacy.¹ The specified funds include law enforcement trust funds established by any of the following: a county prosecuting attorney who intends to receive proceeds or forfeited moneys, the sheriff of each county, the legislative authority of each municipal corporation, the board of township trustees of each township that has a township police department, township police district police force, or office of the constable, and the board of commissioners of a park district that has a park district police force or law enforcement department; the Highway Patrol State Contraband, Forfeiture, and Other Fund; the Department of Public Safety Investigative Unit Contraband, Forfeiture, and Other Fund; and the Department of Taxation Enforcement Fund.² If a state law enforcement agency other than one of the specified law enforcement agencies made the seizure of the contraband, the proceeds must be distributed to the Treasurer of State for deposit into the Peace Officer Training Commission Fund. (Sec. 2933.43(D)(1)(c)(ii).)

The bill expands the Contraband Forfeiture Law to include certain Divisions of the Department of Natural Resources within the list of specified law enforcement agencies that may receive proceeds from forfeited contraband or moneys when they make the seizure of the contraband or moneys that are forfeited. It specifies that if the Division of Forestry made the seizure, the proceeds must be deposited to the credit of the Division of Forestry Law Enforcement Contraband, Forfeiture, and Other Fund, which the bill creates in the state treasury. If the Division of Natural Areas and Preserves made the seizure, the proceeds must be deposited to the credit of the Division of Natural Areas and Preserves Law Enforcement Contraband, Forfeiture, and Other Fund, which the bill creates in the state treasury. If the Division of Wildlife made the seizure, the proceeds must be deposited to the credit of the Division of Wildlife Law Enforcement Contraband, Forfeiture, and Other Fund, which the bill creates in the state treasury. If the Division of Parks and Recreation made the seizure, the

¹ *For purposes of the remainder of this portion of the analysis, the law enforcement agencies that are listed are referred to as "specified law enforcement agencies."*

² *For purposes of the remainder of this portion of the analysis, the funds that are listed are referred to as "specified funds."*

proceeds must be deposited to the credit of the Division of Parks and Recreation Law Enforcement Contraband, Forfeiture, and Other Fund, which the bill creates in the state treasury. Finally, if the Division of Watercraft made the seizure, the proceeds must be deposited to the credit of the Division of Watercraft Law Enforcement Contraband, Forfeiture, and Other Fund, which the bill creates in the state treasury. (Sec. 2933.43(D)(1)(c)(ii).)

Internal control policy. Current law prohibits proceeds from contraband or forfeited moneys from being allocated to or used by a specified law enforcement agency unless the agency has adopted a written internal control policy that addresses the use of the proceeds or moneys that are distributed to the specified fund of the agency. The internal control policy must address the agency's use and disposition of all proceeds and forfeited moneys received and must provide for the keeping of detailed financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure, and the amounts that must be used for community preventive education programs such as DARE programs. Current law states that all financial records of the receipts of the proceeds and forfeited moneys and all information that is prepared and maintained pursuant to the internal control policy are public records. The bill requires each specified Division in DNR that may receive and use proceeds or forfeited moneys to adopt an internal control policy and makes applicable to those Divisions all provisions concerning such a policy. (Sec. 2933.43(D)(1)(c)(ii) and (3)(a)(i).)

Authorized uses of proceeds. Current law provides that the applicable specified fund must be expended only in accordance with the written internal control policy adopted by the recipient and, subject to certain requirements, only to pay the costs of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse, to pay the costs of emergency action relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory, or for other law enforcement purposes that the specified law enforcement agencies determine to be appropriate. Current law prohibits the specified funds from being used to meet the operating costs of the specified law enforcement agencies that are unrelated to law enforcement. The bill applies these provisions to the specified Divisions in DNR and related funds created under the bill. (Sec. 2933.43(D)(1)(c)(ii).)

Report requirement. Current law requires each specified law enforcement agency to file a report with the Attorney General verifying that proceeds and

forfeited moneys paid into its respective specified fund during the prior calendar year were used only by the agency for authorized purposes and specifying the amounts expended for each authorized purpose. Likewise, the bill requires the Chiefs of the Divisions of Forestry, Natural Areas and Preserves, Wildlife, Parks and Recreation, and Watercraft each to file such a report with the Attorney General not later than January 31 of each calendar year. The report must verify that proceeds and forfeited moneys paid into the respective specified fund of each Division during the prior calendar year were used by the appropriate Division during that calendar year only for authorized purposes and must specify the amounts expended for each authorized purpose. (Sec. 2933.43(D)(1)(c)(ii).)

Equitable division of proceeds among law enforcement agencies involved in seizure of contraband. Current law specifies that if more than one of the specified law enforcement agencies is substantially involved in the seizure of forfeited contraband, the court ordering the forfeiture must equitably divide the proceeds or forfeited moneys, after calculating any distribution to the law enforcement trust fund of the prosecuting attorney, among any of the specified law enforcement agencies that are determined to be substantially involved in the seizure. The bill authorizes each specified Division in DNR that is determined by the court to be substantially involved in the seizure to receive its equitable share of the proceeds or forfeited moneys and retains current law that requires the proceeds or forfeited moneys to be deposited into the appropriate specified funds. (Sec. 2933.43(D)(2).)

Cumulative report. Current law requires each specified law enforcement agency that uses in any calendar year any proceeds or forfeited moneys out of its respective specified fund to prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency in accordance with certain requirements established under the Contraband Forfeiture Law and to send, within a specified time period, a copy of the cumulative report to the Attorney General. Likewise, the bill requires the Chiefs of the Divisions of Forestry, Natural Areas and Preserves, Wildlife, Parks and Recreation, and Watercraft each to prepare a report covering each calendar year in which each such respective Division uses any proceeds or forfeited moneys in each respective specified fund of each Division that cumulates all of the information contained in all of the public financial records kept by the appropriate Division in accordance with certain requirements established under the Contraband Forfeiture Law and to send a copy of the cumulative report, not later than March 1 of the calendar year following the calendar year covered by the report, to the Attorney General. The bill retains current law specifying that each report received by the Attorney General is a public record and requiring the Attorney General to send to the President of the Senate and the Speaker of the House of Representatives an annual written notification indicating receipt of such

reports, their openness for inspection, and the availability, upon request, of copies of them. (Sec. 2933.43(D)(3)(b).)

Disposition of proceeds of forfeited contraband received under federal law. Current law addresses the disposition by a specified law enforcement agency of the proceeds of forfeited contraband that it receives under federal law. The bill applies this law to the specified Divisions in DNR by requiring that if the Chief of the Division of Forestry, Natural Areas and Preserves, Wildlife, Parks and Recreation, or Watercraft receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate government officials deposit into the appropriate specified fund created under the bill all interest or other earnings derived from the investment of the proceeds or forfeited moneys. The appropriate Division must use and account for that interest or other earnings in accordance with the applicable federal law. (Sec. 2933.43(D)(4)(c).)

Proceedings for forfeiture of seized vehicles, boats, and other devices used in unlawful taking or transporting of wild animals

Current law unchanged by the bill specifies that any motor vehicle, all-terrain vehicle, or boat used in the unlawful taking or transporting of wild animals, and any net, seine, trap, ferret, gun, or other device used in the unlawful taking of wild animals, is a public nuisance. Under current law, each wildlife officer or other officer with like authority must seize and safely keep such property and the illegal results of its use and, unless otherwise ordered by the Chief of the Division of Wildlife, must institute, within five days, proceedings in a proper court of the county for its forfeiture. The bill requires the proceedings to be initiated, rather than instituted, within 30 days rather than within five days and replaces other references to the institution or commencement of the proceedings with references to the initiation of proceedings. (Sec. 1531.20.)

Current law specifies that if the owner or person unlawfully using the property at the time of its seizure is arrested, pleads guilty, and confesses that the property at the time of its seizure was being used by the owner or user in violation of law or Division rule, no proceeding of forfeiture can be instituted, but the court in imposing sentence must order the property so seized forfeited to the state, to be disposed of thereafter as the Chief directs. The bill instead specifies that a proceeding for the forfeiture of seized property that is initiated under the bill must not progress to actual forfeiture of the seized property unless so ordered by the court. The bill authorizes the court to order the actual forfeiture of the seized property as part of the sentence that it imposes if the owner or person unlawfully using the property at the time of its seizure is convicted, pleads guilty, or confesses that the property at the time of its seizure was being used by the owner or user in violation of law or Division rule. The bill retains current law specifying that

forfeited property is the property of the state to be disposed of as the Chief directs. The bill eliminates current law stating that notwithstanding any other provision to the contrary, a proceeding of forfeiture cannot be initiated unless the owner of the property or the person unlawfully using the property is convicted of a violation of law or Division rule. (Sec. 1531.20.)

Division of Recycling and Litter Prevention

Recycling market development plan

Under current law, the Chief of the Division of Recycling and Litter Prevention must prepare, with the assistance of the Recycling and Litter Prevention Advisory Council, and the Director of Natural Resources must approve, a revised state recycling market development plan not later than December 31 every two years. The plan must do all of the following:

(1) Identify the types of recyclables, the recycling of which will receive assistance under the plan;

(2) Assess the need for and recommend specific types of direct financial assistance to be provided by the state, including grants, low-interest loans, bonds, and rebates and guarantees for projects such as retooling costs for manufacturers and industrial plants to use recycled materials, capitalization business incubators, new product research and development, demonstration projects, and the application and uses of recycled materials;

(3) Assess the need for and recommend specific types of other assistance to be provided by the state, including the creation of enterprise zones and other tax incentives and exemptions, job training and managerial assistance, facilitation of technology transfers, provision of technical information to industries and to counties, townships, municipal corporations, and solid waste management districts, provision of consumer information, and establishment of a computer information network;

(4) Designate a specific state agency to administer each component of the plan required in items (2) and (3), above;

(5) Determine the funding level needed for each of those components of the plan, and establish biennial budget estimates for the main operating biennial budget needed by the state agency designated to administer the component; and

(6) Recommend necessary statutory changes, provided that the changes have been endorsed by a two-thirds vote of the Recycling and Litter Prevention Advisory Council.

Additionally, each revised plan must do both of the following:

- (1) Review the relevant activities of each state agency designated to administer a component of the previous plan; and
- (2) Recommend any needed changes in the components of the previous plan, including the addition or deletion of any components.

Each state agency that is designated under the plan to administer a component of the plan must administer that component as provided in the plan and include in its biennial budget estimates for the main operating biennial budget the budget estimates established under the plan. A copy of each plan must be submitted upon completion to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

The bill repeals the requirement that a biennial recycling market development plan be prepared and the provisions governing the plan. (Sec. 1502.11, repealed.)

Market development for synthetic rubber

Under existing law, the Chief, with the approval of the Director, may make grants from the Scrap Tire Grant Fund, which consists of money transferred to it from the Scrap Tire Management Fund, for the purpose of supporting market development activities for scrap tires. The bill adds that the grants also may be used to support market development activities for synthetic rubber from tire manufacturing processes and tire recycling processes. (Sec. 1502.12(A).) Under the bill, "synthetic rubber" means produced or extended rubber and products made from a synthetic rubber base material originating from petrochemical feedstocks, including scrap tires, tire molds, automobile engine belts, brake pads and hoses, weather stripping, fittings, electrical insulation, and other molded objects and parts (sec. 1502.01(J)).

Change of term "waste reduction" to "source reduction" in Recycling, Waste Reduction, and Litter Prevention Law

Under the existing Recycling, Waste Reduction, and Litter Prevention Law, "waste reduction" means activities that decrease the initial production of waste materials at their point of origin. The bill changes the defined term from "waste reduction" to "source reduction," but does not change the definition. (Sec. 1502.01(D).) In addition, the bill makes conforming changes to reflect the new term (secs. 1502.01(F) and 1502.03).

Division of Real Estate and Land Management

The bill authorizes the Division of Real Estate and Land Management, with the approval of the Director of Natural Resources, to coordinate and administer compensatory mitigation grant programs and other programs for streams and wetlands as approved in accordance with certifications and permits issued under Sections 401 and 404 of the Federal Water Pollution Control Act by the Environmental Protection Agency and the United States Army Corps of Engineers (sec. 1504.02(B)(2)).

Division of Engineering

Current law requires DNR's Chief Engineer, who administers the Division of Engineering, to be a professional engineer registered under the Professional Engineers and Professional Surveyors Law. The bill also allows the Chief Engineer to be a professional architect certified under the Architects Law. (Sec. 1507.01.)

Division of Soil and Water Conservation

The bill allows the supervisors of a soil and water conservation district to hold one or more credit cards on behalf of the district and to authorize any supervisor or employee of the district to use such a credit card to pay for expenses related to the district's purposes. The supervisors must pay the debt incurred as a result of the use of such a credit card from the special fund established for the district under current law (see below).

The bill specifies that the misuse of a credit card held on behalf of a soil and water conservation district is a violation of the misuse of credit card statute in the Theft and Fraud Law. In addition, a supervisor or employee of a district who makes unauthorized use of such a credit card may be held personally liable to the district for the unauthorized use. The bill states that those provisions do not limit any other liability of a supervisor or employee of a district for the unauthorized use of such a credit card.

The bill requires a supervisor or employee of a soil and water conservation district who is authorized to use a credit card that is held on behalf of the district and who suspects the loss, theft, or possibility of another person's unauthorized use of the credit card to immediately notify the supervisors in writing of the suspected loss, theft, or possible unauthorized use. (Sec. 1515.093.)

Current law authorizes the board of county commissioners of each county in which there is a soil and water conservation district to levy a tax within the ten-mill limitation and to appropriate money from the proceeds of the levy or from the

general fund of the county. The money must be held in a special fund for the credit of the district, to be expended for the purposes prescribed in the Soil and Water Conservation Commission Law, for construction and maintenance of improvements by the district, and for other expenses incurred in carrying out the program of the district upon the written order of the fiscal agent for the district after authorization by a majority of the supervisors of the district. The bill adds that the money in the special fund may be used to pay district credit card expenses. (Sec. 1515.10.)

Division of Natural Areas and Preserves

Special assessments on real property in nature preserves

Under the bill, no public entity with authority to levy special assessments on real property can collect an assessment for purposes of sewer, water, or electrical service on real property that is within a nature preserve without the permission of the owner (sec. 1517.052(A)(1)). For purposes of the bill, a nature preserve is an area that is established:

(1) In the case of counties, prior to the adoption of a resolution of necessity by a board of county commissioners for a water supply improvement under the County Water Supply Systems Law or for a sanitary or drainage facility improvement under the Sewer Districts and County Sewers Law;

(2) In the case of municipal corporations, prior to whichever of the following occurs first:

(a) The adoption of the resolution of necessity by the municipal legislative authority for the payment of a public improvement by special assessment under the statutes governing special assessments for that purpose or for the construction or repair of sidewalks, curbs, or gutters under the statutes governing special assessments for that purpose;

(b) The service of notice on all or some of the owners to be assessed for the installation of sewer or water connections under the statutes governing special assessments for that purpose;

(c) The adoption of the ordinance or resolution by the municipal legislative authority declaring the necessity for the improvement, the costs of which are to be assessed under procedures authorized by a municipal charter adopted pursuant to the Ohio Constitution, or, if no such ordinance or resolution is required under the charter, the service of the first notice on all or some of the owners of lands to be assessed, or the adoption of the first ordinance or resolution by the municipal legislative authority pertaining to the assessment proceedings under the charter.

(3) In the case of a regional water and sewer district, prior to the adoption of a resolution of necessity by the board of trustees of the district under the Regional Water and Sewer Districts Law. (Sec. 1517.052(A)(2).)

The bill requires the county auditor, for each special assessment levied by a public entity on real property within a nature preserve for purposes of sewer, water, or electrical service, to make and maintain a list showing all of the following:

- (1) The name of the owner of each lot, tract, or parcel of land that is exempt from the collection of the special assessment under the bill;
- (2) A description of the exempt land;
- (3) The purpose of the special assessment; and
- (4) The amount of the uncollected assessment on the exempt land.

In the case of a county project that is constructed under the County Water Supply Systems Law or the Sewer Districts and County Sewers Law, the county auditor may use a list provided for in those Laws in lieu of the list required by the bill. The auditor also must record the assessments that are not collected under the bill in the water works record that is required by the statute governing the certification by boards of county commissioners of all of the special assessments levied by the boards under the County Water Systems Law or the sewer improvement record that is required by the statute governing the certification by boards of county commissioners of all assessments levied by the boards under the Sewer Districts and County Sewers Law. The recording of the assessments does not permit the collection of the assessments until the time that exempt lands are withdrawn from dedication as a nature preserve. (Sec. 1517.052(B).)

Under the bill, a board of county commissioners, legislative authority of a municipal corporation, or other governing board of any other public entity may apply to the Water and Sewer Commission created in current law for an advance of money from the existing Water and Sewer Fund in an amount equal to that portion of the costs of a water or sewer improvement authorized by law that is to be financed by assessments whose collection is prohibited under the bill. The application for such an advance of money must be made in the manner prescribed by rules of the Commission. Upon collection of any assessment whose collection was prohibited under the bill, the board of county commissioners, legislative authority, or other governing board must repay the Commission the amount of any money advanced by it in regard to the assessments. (Sec. 1517.052(C).) The bill adds references to the provisions pertaining to special assessments that are not

collectable on real property within nature preserves to the statutes governing the use of the Water and Sewer Fund (secs. 1525.11, 1525.12, and 6111.034).

Wild, scenic, and recreational river areas

Under existing law, the Director of Natural Resources or the Director's representative may create, supervise, operate, protect, and maintain wild, scenic, and recreational river areas under the "wild river area," "scenic river area," and "recreational river area" classifications established in current law (see below) (sec. 1517.14(B)). The Director may propose for establishment as a wild, scenic, or recreational river area a part or parts of any watercourse in this state, with adjacent lands, that in the Director's judgment possesses water conservation, scenic, fish, wildlife, historic, or outdoor recreation values that should be preserved, using the applicable classification established in current law. The bill instead authorizes the Director to propose for declaration as a wild, scenic, or recreational river area a part or parts of any watercourse in this state, together with any lands described in the definition of "wild, scenic, or recreational river area" under the bill, using the applicable classification established in current law. (Sec. 1517.14(C).) Under the bill, "wild, scenic, or recreational river area" means a watercourse, all lands within 1,000 feet of the top of either bank of the watercourse, and any additional lands that are necessary to preserve, protect, and restore the natural character of the watercourse and adjacent lands or to preserve water quality or scenic, fish, wildlife, aesthetic, or outdoor recreational value (sec. 1517.14(A)(2)).

Current law defines "watercourse" as a substantially natural channel with recognized banks and bottom, in which a flow of water occurs, with an average of at least ten feet mean surface water width and at least five miles of length. The bill instead defines "watercourse" as a substantially natural channel with recognized banks and bottom, in which a perennial flow of water occurs, that is at least five miles in length. (Sec. 1517.14(A)(1).)

Under existing law, the area established as a wild, scenic, or recreational river area by the Director must include lands adjacent to the watercourse in sufficient width to preserve, protect, and develop the natural character of the watercourse, but must not include any lands more than 1,000 feet from the normal waterlines of the watercourse unless an additional width is necessary to preserve water conservation, scenic, fish, wildlife, historic, or outdoor recreation values. The bill removes this provision and replaces it with authority for the Director to include in, or add to, the declaration of a watercourse as a wild or scenic river any upstream segments or headwaters of that watercourse even if the upstream segments or headwaters do not independently meet the wild or scenic river area classifications established in current law as modified by the bill (see below). (Sec. 1517.14(C).)

Current law specifies that in creating wild, scenic, or recreational river areas, the Director must classify them as "wild river areas," "scenic river areas," or "recreational river areas." "Wild river areas" include those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, representing vestiges of primitive America.³ The bill retains the classification with two changes. First, it adds that wild river areas may be accessible by unpaved roads as well as by trails as specified under current law. Second, the bill adds that in addition to having watersheds or shorelines that are essentially primitive as specified in current law, those areas also may have floodplains that are essentially primitive. (Sec. 1517.15(A).)

Under existing law, "scenic river areas" include those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. The bill retains the classification with one change. In addition to having shorelines or watersheds that are still largely primitive as specified in current law, the bill adds that those areas also may have floodplains that are still largely primitive. (Sec. 1517.15(B).)

Under current law, "recreational river areas" include those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. The bill retains the classification with two changes. Instead of specifying that the areas may have undergone some impoundment or diversion in the past, the bill specifies that the areas may have undergone some impoundment, diversion, or other degradation in the past, but still possess generally good in-stream habitat or recreational value. (Sec. 1517.15(C).)

Use of Natural Areas and Preserves Fund

Under existing law, money in the Natural Areas and Preserves Fund must be used for certain purposes such as the acquisition of new or expanded natural areas, nature preserves, and wild, scenic, and recreational river areas. The bill

³ Current law defines "impoundment" as the reservoir created by a dam or other artificial barrier across a watercourse that causes water to be stored deeper than and generally beyond the banks of the natural channel of the watercourse during periods of normal flow, excluding water stored behind rock piles, rock riffle dams, and low channel dams where the depth of water is less than ten feet above the channel bottom and is essentially confined within the banks of the natural channel during periods of normal stream flow (sec. 1517.15).

adds that money in the Fund may be used for routine maintenance for health and safety purposes. (Sec. 1517.11(D).)

Ohio natural heritage database

Current law requires the Chief of the Division of Natural Areas and Preserves to perform certain duties. One of those duties is to prepare and maintain surveys and inventories of natural areas and habitats of rare and endangered species of plants and animals. The bill retains this provision, but with changes. Instead of requiring the Chief to prepare and maintain surveys and inventories of habitats of rare and endangered species of plants and animals, the bill requires the Chief to prepare and maintain surveys and inventories of rare and endangered species of plants and animals. The bill also requires the Chief to prepare and maintain surveys and inventories of other unique natural features.

In addition, the bill requires the information from the surveys and inventories to be stored in the Ohio natural heritage database, which is established pursuant to the bill, and authorizes the information to be made available to any individual or private or public agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species of plants that the Chief has listed under existing law as being endangered or threatened with extirpation from Ohio and of unique natural features that are included in the Ohio natural heritage database is not subject to the Public Records Law if the Chief determines that the release of the information could be detrimental to the conservation of a species or unique natural feature. (Sec. 1517.02(D).)

Division of Water

Use of Water Management Fund

Current law establishes the Water Management Fund and establishes the purposes for which money in the Fund may be used. Those purposes include the making of loans and grants by the Chief of the Division of Water to governmental agencies for water management and water supply improvements. In addition, money in the Fund may be used by the Chief to acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements. The bill adds to the purposes for which money in the Fund may be used by authorizing the Chief to use money in the Fund for the purposes of administering the water diversion and consumptive use permit programs established in current law and to perform watershed and water resource studies for the purposes of water management planning. (Sec. 1521.04.)

Well construction logs and sealing reports

Current law requires any person that constructs a well to keep a careful and accurate log of the construction of the well. Current law also specifies what the log must show, including the name of the owner of the well, the address of the location where the well was constructed, and a description of the location of the property where the well was constructed. The bill instead requires that that portion of the log show the name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well. (Sec. 1521.05(B)(7).)

Current law requires the Chief to adopt rules requiring any person that seals an abandoned well to submit a well sealing report. The bill eliminates the requirement that rules be adopted and instead establishes well sealing report requirements in statute. Under the bill, any person that seals a well must keep a careful and accurate report of the sealing of the well. The sealing report must show all of the following:

(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;

(2) The depth of the well, the size and length of its casing, and the static water level of the well;

(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material;

(4) The date on which the sealing was performed;

(5) The signature of the individual who sealed the well and filed the sealing report; and

(6) Any other information required by the Chief in rules. (Sec. 1521.05(C) and (D).)

The sealing report must be furnished to the Division of Water within 30 days after the completion of the sealing of the well on forms prescribed and prepared by the Division. The bill prohibits any person from failing to keep and submit a sealing report and provides that any person committing such a violation is guilty of a misdemeanor of the fourth degree. For purposes of the prosecution of such a violation, the bill provides that a prima-facie case is established when the Division obtains either a certified copy of the invoice or a canceled check from the owner of a well indicating the sealing services performed or a certified copy of any permit issued under the Solid, Infectious, and Hazardous Waste Law or the

Water Pollution Control Law or plan approval under the Safe Drinking Water Law for any activity that includes the sealing of a well as applicable. The bill also prohibits anyone from making a false statement in a sealing report. Violation is falsification under the state's general falsification statute. (Secs. 1521.05(E) and (F) and 1521.99.)

Repeal of two grand divisions of public works

Current law divides the state's public works under the jurisdiction of the Division of Water into two grand divisions as follows:

(1) The Miami and Erie Canal, together with Lake St. Mary's reservoir, Indian Lake reservoir, and the Loramie reservoir, with all of their feeders and parts, and the various state channel dams that impound water for the purpose of supplying water for the Miami and Erie Canal are designated "division one."

(2) The Ohio and Erie Canal, together with the Portage Lakes and Buckeye Lake, with all of their feeders and parts, and the various state dams in the state channels that impound waters for the purpose of supplying the Ohio and Erie Canal are designated "division two." (Sec. 1521.08.)

The bill repeals the provisions of current law that divide the state into two grand divisions (secs. 123.04 and 1520.05 and sec. 1521.08, repealed).

Floodplain management

Current law establishes a floodplain management program administered by the Division. Under the program, the Chief is required to coordinate the floodplain management activities of state agencies and political subdivisions with federal floodplain management activities. In overseeing the state program, the Chief is required to execute a variety of duties, including assisting local governments and collecting and preparing technical data. The Chief also is required to adopt rules in accordance with the Administrative Procedure Act, including rules that do all of the following:

(1) Provide for the administration, implementation, and enforcement of the floodplain management program;

(2) Establish technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains;

(3) Establish flood damage reduction standards governing development within 100-year floodplains for which a demonstration of compliance is required under current law; and



(4) Establish minimum flood damage reduction standards governing development undertaken by state agencies within 100-year floodplains. (Sec. 1521.13(C).)

Current law also establishes requirements that are applicable to state agencies and political subdivisions regarding development and other activities in flood prone areas. Under current law, all state agencies and political subdivisions, prior to the expenditure of funds for or the construction of buildings, structures, roads, bridges, or other facilities in locations that may be subject to flooding or flood damage, must notify and consult with the Division of Water and must furnish such information as the Division may reasonably require in order to avoid the uneconomic, hazardous, or unnecessary use of floodplains in connection with such facilities. Further, with respect to existing publicly owned facilities that have suffered flood damage or that may be subject to flood damage, the Chief may conspicuously mark past and probable flood heights so as to assist in creating public awareness of and knowledge about flood hazards. Wherever economically feasible, state agencies and political subdivisions that are responsible for existing publicly owned facilities must apply floodproofing measures in order to reduce potential flood damage. (Sec. 1521.14.)

State agencies also must require applicants for funding or authorization for certain development projects to comply with certain flood damage reduction standards established in rules. Any state agencies that undertake any development that is or is to be located within a 100-year floodplain must ensure that the development complies with the minimum flood damage reduction standards established in rules. Prior to the disbursement of any state disaster assistance funds in connection with any incident of flooding to or within a municipal corporation or county that is not listed by the Chief as being in compliance with the National Flood Insurance Act, each state agency having the authority to disburse such funds must require the municipal corporation or county to establish or reestablish compliance. Finally, current law authorizes the Director of Natural Resources to request the Attorney General to bring a civil action for injunctive relief against any state agency that violates the floodplain management statutes or rules adopted under them or any local floodplain management ordinance or resolution. (Sec. 1521.14.)

The bill makes numerous changes to the statutes that govern the floodplain management program. In some instances, the bill simply relocates statutes. In others, it makes minor changes to the statutes. It also makes several substantive changes in the statutes. Below is a discussion of the relevant statutes as revised by the bill.

The bill requires in statute that development in 100-year floodplain areas be protected to at least the 100-year flood level and that flood water conveyance be

maintained, at a minimum, in accordance with standards established under the national flood insurance program (sec. 1521.13(A)).⁴ Further, the bill states that prior to the expenditure of money for or the construction of buildings, structures, roads, bridges, or other facilities in locations that may be subject to flooding or flood damage, all state agencies and political subdivisions must notify and consult with the Division and must furnish information that the Division reasonably requires in order to avoid the uneconomic, hazardous, or unnecessary use of floodplains in connection with such facilities (sec. 1521.13(B)).

The bill repeals the requirement that the Chief adopt rules that provide for the administration, implementation, and enforcement of the floodplain management program; establish flood damage reduction standards governing development within 100-year floodplains for which a demonstration of compliance is required; and establish minimum flood damage reduction standards governing development undertaken by state agencies within 100-year floodplains (sec. 1521.13(C)). In addition, the bill amends the provision that requires the Chief to adopt rules establishing technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains by requiring the rules also to establish technical standards for the assessment of development impacts on flood heights and flood conveyance (sec. 1521.13(C)).

The bill also requires the Chief, with respect to existing publicly owned facilities that have suffered flood damage or that may be subject to flood damage, to conspicuously mark past and probable flood heights in order to assist in creating public awareness of and knowledge about flood hazards (sec. 1521.13(C)).

Under the bill, development that is funded, financed, undertaken, or preempted by state agencies must comply with the provisions of the bill requiring development in 100-year floodplain areas to be protected to at least the 100-year flood level and flood water conveyances to be maintained, at a minimum, in accordance with standards established under the national flood insurance program and also must comply with rules regarding technical standards for the delineation and mapping of floodplains and assessment of development impacts (see above) (sec. 1521.13(D)(1)). The bill defines "national flood insurance program" to mean

⁴ "Development" is defined in current law to mean any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, and mining, dredging, filling, grading, paving, excavating, and drilling operations. The bill adds the storage of equipment or materials to the definition. (Sec. 1521.01(H).) Further, the bill applies this definition to provisions of current law dealing with coastal flood hazard areas (sec. 1506.04).

the national flood insurance program established in the National Flood Insurance Act of 1968 and regulations adopted under it (sec. 1521.01(Q)).

The bill requires state agencies to apply floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage (sec. 1521.13(D)(2)). Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency must require the applicant to demonstrate to the satisfaction of the agency that the development will comply with the provisions of the bill requiring development in 100-year floodplain areas to be protected to at least the 100-year flood level and flood water conveyances to be maintained, at a minimum, in accordance with standards established under the national flood insurance program, with rules regarding technical standards for the delineation and mapping of floodplains and assessment of development impacts, and with any applicable local floodplain management resolution or ordinance (sec. 1521.13(D)(3)).

The bill states that prior to the disbursement of any state disaster assistance money in connection with any incident of flooding to or within a county or municipal corporation that is not listed by the Chief as being in compliance with applicable standards adopted under the National Flood Insurance Act of 1968, a state agency that has authority to disburse such money must require the county or municipal corporation to establish or reestablish such compliance (sec. 1521.13(D)(4)).

Under the bill, a county or a municipal corporation may do all of the following:

- (1) Adopt floodplain maps that reflect the best available data and that indicate the areas to be regulated under a floodplain management resolution or ordinance, as applicable;
- (2) Develop and adopt a floodplain management resolution or ordinance, as applicable; and
- (3) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program. (Sec. 1521.13(E)(1).)

A county or municipal corporation must examine and apply, where economically feasible, floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage. A county that adopts a floodplain management resolution must do so in accordance with the procedures established in current law governing boards of county commissioners. The county may enforce the resolution by issuing stop

work orders, seeking injunctive relief, or pursuing other civil actions that the county considers necessary to ensure compliance with the resolution. In addition, the bill declares that the failure to comply with the floodplain management resolution constitutes a violation of current law prohibiting the violation of a county resolution. No action challenging the validity of a floodplain management resolution adopted by a county or a floodplain management ordinance adopted by a municipal corporation, or an amendment to such a resolution or ordinance, because of a procedural error in the adoption of the resolution, ordinance, or amendment is permitted to be brought more than two years after the adoption of the resolution, ordinance, or amendment. (Secs. 307.37 and 1521.13(E)(2) to (4).)

The bill amends the provisions of current law that allow the Director of Natural Resources only to request the Attorney General to bring an action for injunctive relief against a state agency that violates state and local floodplain management requirements. Instead, the bill authorizes the Director to request the Attorney General to bring an action for appropriate relief in a court of competent jurisdiction against any development that is not in compliance with the standards of the national flood insurance program and that is one of the following:

- (1) Located in a county or municipal corporation that is not listed by the Chief as being in compliance with the national flood insurance program; or
- (2) Funded, financed, undertaken, or preempted by a state agency.

The Attorney General must bring an action if so requested. (Sec. 1521.14.)

Definition of "substantial damage"

The Division of Water Law defines "substantial improvement" to mean, in part, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. "Substantial improvement" includes repairs to structures that have incurred substantial damage regardless of the actual repair work performed. (Sec. 1521.01(N).) The bill defines "substantial damage" to mean damage of any origin that is sustained by a structure if the cost of restoring the structure to its condition prior to the damage would equal or exceed 50% of the market value of the structure before the damage occurred (sec. 1521.01(P)).

Permits for pre-1984 diversions of water

Current law prohibits any person from diverting more than 100,000 gallons per day of any waters of the state out of the Lake Erie or Ohio River drainage basins to another basin without a permit to do so issued by the Director of Natural

Resources. Current law establishes application requirements, standards for approving permit applications, requirements for the notification of governors of other states and premiers of Canadian provinces, and revocation and suspension requirements. The bill requires the Director to issue a water diversion permit to any person who lawfully diverted more than 100,000 gallons per day of any waters of the state out of the Ohio River drainage basin during the calendar year ending October 14, 1984. A person who is eligible for such a permit must file an application not later than 180 days after the bill's effective date. No application fees are required from such an applicant. In addition, certain provisions related to the approval of water diversion permit applications and the filing of annual reports do not apply to such an application. (Sec. 1501.32.)

Canal lands

Current law specifies that the Director of Natural Resources has exclusive authority to administer, manage, and establish policies governing canal lands. Current law authorizes the Director, subject to the exception described below, to sell, lease, exchange, give, or grant all or part of the state's interest in any canal lands in accordance with certain statutory provisions. However, an exception states that, not later than one year after July 1, 1989, the Director of Transportation and the Director of the Ohio Historical Society must identify all canal lands that are or may be of use to any program operated by the Department of Transportation or the Ohio Historical Society, respectively, and must notify the Director of Natural Resources of those lands. The exception authorizes the Director of Natural Resources to transfer any canal lands so identified to the exclusive care, custody, and control of the Department of Transportation or the Ohio Historical Society, as applicable, by means of a departmental transfer not later than six months after receiving notification. The bill eliminates the exception. Accordingly, the bill also eliminates current law specifying that a certain statutory provision does not apply to canal lands transferred pursuant to the exception. That provision states that, notwithstanding any other section of the Revised Code, the county auditor must transfer any canal lands conveyed by the Director of Natural Resources, and the county recorder must record the deed for those lands. (Sec. 1520.02.)

Current law states that with regard to canal lands, the Chief, with the approval of the Director, may sell, lease, or transfer minerals or mineral rights when the Chief and the Director determine that the sale, lease, or transfer is in the best interest of the state. The bill instead specifies that the sale, lease, or transfer may occur when the Chief, with the approval of the Director, makes the determination. Current law requires consideration for minerals and mineral rights to be by rental or on a royalty basis as prescribed by the Chief and payable as prescribed by contract. The bill requires the Chief's prescription regarding

whether the consideration for minerals and mineral rights are by rental or on a royalty basis to be approved by the Chief. (Sec. 1520.02.)

The bill requires the Division of Water, on behalf of the Director, to have the care and control of all canals and canal reservoirs owned by the state, the water in them, and canal lands and to protect, operate, and maintain them and keep them in repair. The Chief may remove obstructions from or on them and must make any alterations or changes in or to them and construct any feeders, dikes, reservoirs, dams, locks, or other works, devices, or improvements in or on them that are necessary in the discharge of the Chief's duties. The bill authorizes the Chief, in accordance with the Administrative Procedure Act, to adopt, amend, and rescind rules that are necessary for those purposes. Those provisions are substantively nearly identical to current law that is repealed elsewhere in the bill. (Sec. 1520.03 and sec. 1521.08, repealed.)

Disposition of spoils of dredging operation

Current law authorizes the Director to give away or sell the spoils of a dredging operation conducted by DNR in waters under the control and management of the Division of Water. The bill instead establishes this authorization for waters under the control and management of DNR. (Sec. 1520.07.)

Water Resources Council

Current law establishes the Water Resources Council to provide a public forum for policy development, collaboration and coordination among state agencies, and strategic direction with respect to state water resource programs (sec. 1521.19(A)). Existing law also creates an advisory group to assist the Council in its functions. The advisory group must consist of not more than 20 members, each representing an organization or entity with an interest in water resource issues. The Council appoints the members. The bill adds four members to the advisory group and establishes staggered two-year terms of office for them. As with the members appointed under current law, the bill requires each new member to represent an organization or entity with an interest in water resource issues. (Sec. 1521.19(C).)

Current law authorizes the Council to enter into contracts and agreements with state agencies, political subdivisions, and private entities to assist in accomplishing its objectives. The bill adds that the Council may enter into such contracts and agreements with federal agencies. (Sec. 1521.19(E).)

Current law includes in the membership of the Council the Executive Director of the State and Local Government Commission of Ohio. Because the

State and Local Government Commission of Ohio no longer exists, the bill removes the Executive Director of that Commission from the Council and removes references to the Executive Director and the Commission in the statute governing the Council. (Sec. 1521.19(A) and (D).)

Division of Wildlife

Definitions

Current law includes a number of definitions for purposes of the Division of Wildlife Law and the Hunting and Fishing Law. Under those Laws, "person" is defined to mean an individual, company, partnership, corporation, municipal corporation, association, or any combination of individuals or any employee, agent, or officer thereof. The bill instead defines "person" to mean an individual, corporation, business trust, estate, trust, partnership, association, or company (generally by reference to sec. 1.59, not in the bill); an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it. (Sec. 1531.01(A).) Current law defines "nongame birds" to include all other wild birds not included and defined as game birds. The bill also defines "nongame birds" as all other wild birds not included and defined as migratory game birds. (Sec. 1531.01(T).) In addition, the bill adds cormorants to the definition of "migratory game bird" (sec. 1531.01(AAA)).

Unlawful possession of wild animal from outside Ohio

Current law prohibits any person from possessing or transporting a wild animal that has been taken unlawfully outside the state. The bill also prohibits any person from possessing or transporting a wild animal that has been possessed unlawfully outside the state. (Sec. 1531.02.)

Use of rifle in taking migratory game birds

Current law prohibits any person from using a rifle, at any time, in taking migratory game birds. The bill eliminates this prohibition. (Sec. 1531.02.)

Promotion of conservation, hunting, fishing, and trapping

The bill expands the duties of the Division of Wildlife by requiring the Division to promote, educate, and inform the citizens of the state about conservation and the values of fishing, hunting, and trapping, with the approval of the Director of Natural Resources (sec. 1531.04(D)).

Wildlife diversity database

Current law requires the Chief of the Division of Wildlife to adopt rules governing the taking or possession of native wildlife that the Chief finds to be threatened with statewide extinction and authorizes the Chief to adopt other rules concerning wild animals and their management. Pursuant to that rulemaking authority, the Chief has established a wildlife diversity database. The bill specifies that information contained in the wildlife diversity database may be made available to any individual or public or private agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. The bill also provides that information regarding sensitive site locations of species and of features that are included in the wildlife diversity database is not subject to the Public Records Law if the Chief determines that the release of the information could be detrimental to the conservation of a species or feature. (Sec. 1531.06(M).)

Buying, selling, or offering for sale wild animals

Under current law, any person that violates the prohibition against selling or offering for sale wild animals or wild animal parts is guilty of a fifth degree felony if the value of the wild animals or animal parts is more than \$1,000. The bill adds that the buying of those wild animals or wild animal parts also is a fifth degree felony and clarifies that in order for there to be a violation, the value of the wild animals or wild animal parts must be \$1,000 or more. (Sec. 1531.99(D).)

Current law also requires a court that imposes sentence for a violation of any provision of the Division of Wildlife Law governing the holding, taking, or possession of wild animals to require the violator, in addition to any fine, term of imprisonment, seizure, and forfeiture imposed, to make restitution for the minimum value of the wild animal illegally held, taken, or possessed. The bill adds violations of provisions governing the buying or selling of wild animals to the restitution requirement. (Sec. 1531.99(E).)

Wild animal permits for collecting or possessing wild animals

Current law requires any person desiring to collect wild animals that are protected by law or their nests or eggs for scientific study, school instruction, other educational uses, or rehabilitation to apply to the Chief for a wild animal collecting permit. An applicant, other than an applicant desiring to rehabilitate wild animals, must pay an annual \$25 fee for each permit. When it appears that the application is made in good faith, the Chief must issue to the applicant a permit to take, possess, and transport the wild animals or their nests and eggs. A person engaged in collecting wild animals must carry the permit at all times and exhibit it upon demand to any wildlife officer, constable, sheriff, deputy sheriff, or police

officer or to the owner or person in control of the land on which the permit holder is collecting. In addition, current law requires a wild animal collecting permit holder to keep a daily record of all specimens collected and their disposition and to submit an annual report to the Chief outlining the permit holder's operations under the permit and the disposition of specimens collected during the preceding calendar year. The report is due by February 15 each year. (Secs. 1533.08 and 1533.09.)

The bill alters the provisions of law governing the permit by first changing the name of the permit from a wild animal collecting permit to a wild animal permit. The bill then requires persons desiring to collect or possess wild animals or their nests or eggs for scientific study, school instruction, other educational uses, or rehabilitation to apply annually to the Chief for a wild animal permit. It retains the annual fee requirement. The bill eliminates the requirement that the Chief issue a permit when it appears that an application is made in good faith. Instead, the bill authorizes the Chief to issue a permit to an applicant to take, possess, and transport at any time and in a manner that is acceptable to the Chief specimens of wild animals protected by law or their nests and eggs for scientific study, school instruction, other educational uses, or rehabilitation. The requirement that a person engaged in collecting wild animals carry the permit at all times and exhibit it upon demand to any wildlife officer, constable, sheriff, deputy sheriff, or police officer is altered to require exhibition to any peace officer as defined in criminal law. Finally, the annual report that permit holders are required to submit must be submitted under the bill by March 15 each year rather than February 15 each year. All other requirements governing the permit remain the same. (Secs. 1533.08 and 1533.09.)

Deer and wild turkey permits

Current law requires a person to obtain a deer permit to hunt deer and a wild turkey permit to hunt wild turkeys in addition to a hunting license. However, current law occasionally refers to those permits as special deer permits and special wild turkey permits. The bill removes "special" wherever it appears in statute so that the law consistently refers to the permits as deer permits and wild turkey permits. (Secs. 1533.10, 1533.11, 1533.12, 1533.131, and 1533.171.)

Disabled veterans and former POW permits and licenses

Current law requires the Chief to adopt rules providing for the issuance of annual fishing licenses, hunting licenses, fur taker permits, deer or wild turkey permits, or wetlands habitat stamps free of charge to permanently disabled veterans and annual fishing licenses, hunting licenses, fur taker permits, or wetlands habitat stamps free of charge to former prisoners of war. The bill requires the Chief to adopt rules providing for the issuance of the applicable

licenses, permits, or stamps on an annual, multi-year, or lifetime basis as determined appropriate by the Chief. (Sec. 1533.12.)

Discretionary suspension or revocation of licenses and permits

Under current law, if a person is convicted of a violation of any law relative to the taking, possession, protection, preservation, or propagation of wild animals, or a violation of the prohibition against shooting in the vicinity of an airport while hunting, or a violation of any rule of the Division of Wildlife, the court or magistrate that has jurisdiction, as an additional part of the penalty, must suspend or revoke each license or permit issued to the person pertaining to hunting, fishing, trapping, breeding, and sale of wild animals or the sale of their hides, skins, or pelts. The bill makes such suspension or revocation discretionary rather than mandatory. (Sec. 1533.68.)

Ginseng collection

Current law establishes requirements governing the collection of ginseng and establishes certain definitions related to those requirements. Under current law, "harvest" means to cut, pick, dig, root up, gather, or otherwise collect ginseng. The bill adds attempting to cut, pick, dig, root up, gather, or otherwise collect ginseng to the definition. (Sec. 1533.86(D).) In addition, current law defines "person" to include an individual, corporation, business trust, estate, trust, partnership, and association (by reference to sec. 1.59, not in the bill) and any political subdivision, instrumentality, or agency of this state, another state, or the United States. The bill instead defines "person" to mean any individual, corporation, business trust, estate, trust, partnership, and association, the state, any municipal corporation, any other political subdivision of the state, any interstate body created by compact, or the federal government or any department, agency, or instrumentality thereof (all by reference to sec. 6111.01, not in the bill), or any political subdivision, instrumentality, or agency of another state. (Sec. 1533.86.)

Division of Parks and Recreation

Sale of timber

Existing law authorizes the Chief of the Division of Parks and Recreation, with the approval of the Director of Natural Resources, to dispose of by sale or any other lawful means, in a manner that will benefit the Division of Parks and Recreation, standing timber that as a result of wind, storm, or any other natural occurrence may present a hazard to life or property or timber that has fallen on lands under the control and management of the Division. The bill retains the Chief's authority and also allows him to dispose of by sale or any other lawful means, in a manner that will benefit the Division, standing timber that as a result

of pestilence may present a hazard to life or property, timber that has weakened on lands under the control and management of the Division, or any timber that requires management to improve wildlife habitat, protect against wildfires, provide access to recreational facilities, or improve the safety, quality, or appearance of any state park area. (Sec. 1541.05(A)(1).)

Terminology changes

Under current law, the Division may adopt, amend, and rescind, in accordance with the Administrative Procedure Act, rules governing the application for and rental of, rental fees for, and the use of cabins. The bill changes "cabins" to "cottages." (Sec. 1541.03(D)(4).) Existing law also requires the Department through the Division to plan, supervise, acquire, construct, enlarge, improve, erect, equip, and furnish public service facilities, including cabins, in state parks that are reasonably necessary and useful in promoting the public use of state parks under its control. The bill changes "cabins" to "cottages." (Sec. 1501.07.)

Division of Watercraft

Duties

Current law requires the Division of Watercraft to administer and enforce all laws relative to the identification, numbering, registration, titling, use, and operation of vessels operated on the water in this state.⁵ The bill adds that the Division, with the approval of the Director of Natural Resources, also must educate and inform the citizens of Ohio about, and promote, conservation, navigation, safety practices, and the benefits of recreational boating. (Sec. 1547.51.)

Watercraft certificate of title

Current law requires the Chief of the Division of Watercraft to adopt rules that the Chief considers necessary to ensure the uniform and orderly operation of the Watercraft Certificates of Title Law. The Chief must maintain indexes covering the state at large for information forwarded to the Chief by the clerks of the courts of common pleas who issued the certificates of title under that Law. If it appears that a certificate of title has been improperly issued, the Chief must cancel it. The bill adds that the Chief also must cancel a certificate of title if it appears that the certificate of title is no longer required. (Sec. 1548.02.)

⁵ Current law defines "vessel" to include every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water (sec. 1547.01(B)(1), not in the bill).

Historic watercraft identification plate

Current law allows the owner of a wooden watercraft to apply to the Chief for an historic watercraft identification plate, provided that the watercraft is more than 25 years old, is essentially as originally constructed, and is owned primarily as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but is not used for general recreation. The bill eliminates the requirement that the watercraft be wooden. (Sec. 1547.541.)

Prohibitions against operation of vessel in certain areas

Current law establishes certain prohibitions concerning the operation of a vessel in specified areas. All of the following are prohibited:

(1) Operation within or through a designated bathing area or any area that has been buoyed off designating it as an area in which vessels are prohibited;

(2) Operation, generally, at greater than idle speed or at a speed that creates a wake within 300 feet of certain specified areas such as marinas and certain harbors, during the period of sunset to sunrise on a specified portion of the Ohio River, and within any area buoyed or marked as a no wake area;

(3) Operation in any area of restricted or controlled operation in violation of the designated restriction; and

(4) Operation within 300 feet of an official diver's flag unless the person is tendering the diving operation. (Sec. 1547.08(A) to (D).)

The bill retains those prohibitions and also prohibits a person from entering, operating a vessel that enters, or allowing a vessel to enter a federally declared security zone as defined in federal regulations (sec. 1547.08(F)). Whoever violates the new prohibition is guilty of a first degree misdemeanor (sec. 1547.99(B)).

Security required for clerk of court of common pleas as authorized agent

Current law authorizes the Chief or an authorized agent of the Chief to issue registration certificates for watercraft. Any person designated as an agent by the Chief must post with the Division security as may be required by the Director. The bill states that if a clerk of the court of common pleas applies for designation as an authorized agent of the Chief, the Division must accept the clerk's bond that is required under the Clerk of the Court of Common Pleas Law for any security that is required for agents of the Chief. (Sec. 1547.54(H).)

HISTORY

ACTION

DATE

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