

As Introduced

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 276

Representatives Niehaus, McGregor, Latta, Reidelbach

A BILL

To amend sections 149.56, 317.08, 1501.01, 1504.02, 1
1506.01, 1506.11, 1506.12, 1506.30, 1506.34, 2
1506.35, 1506.99, 1521.01, 1521.20, 1521.21, 3
1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 4
1521.27, 1521.28, 1521.29, 1521.99, and 6121.04; 5
to amend, for the purpose of adopting new section 6
numbers as indicated in parentheses, sections 7
1521.20 (1506.38), 1521.21 (1506.39), 1521.22 8
(1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 9
1521.25 (1506.43), 1521.26 (1506.44), 1521.27 10
(1506.45), 1521.28 (1506.46), 1521.29 (1506.47), 11
and 1521.30 (1506.48); to enact section 1506.49; 12
and to repeal section 1506.37 of the Revised Code 13
to revise the law governing coastal management and 14
the control of erosion along Lake Erie. 15

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

Section 1. That sections 149.56, 317.08, 1501.01, 1504.02, 16
1506.01, 1506.11, 1506.12, 1506.30, 1506.34, 1506.35, 1506.99, 17
1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 18
1521.26, 1521.27, 1521.28, 1521.29, 1521.99, and 6121.04 be 19
amended, sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 20
(1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 1521.25 21

(1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 1521.28
(1506.46), 1521.29 (1506.47), and 1521.30 (1506.48) be amended for
the purpose of adopting new section numbers as indicated in
parentheses, and section 1506.49 of the Revised Code be enacted to
read as follows:

Sec. 149.56. (A) As used in this section, "abandoned
property" has the same meaning as in section 1506.30 of the
Revised Code.

(B) The Ohio historical society shall establish a program to
locate, identify, and evaluate abandoned property and other
resources in Lake Erie. The society, in accordance with the
authority granted under section 149.30 of the Revised Code, may
list any abandoned property it finds to have historical
significance on its Ohio archaeological inventory or Ohio
historical inventory as the director of the society considers
appropriate. In determining whether an item has historical
significance, the director shall follow the criteria of the
national register of historic places established in 36 C.F.R. 60.
The director shall notify the director of natural resources of any
abandoned property found to have historical significance. The
society may use the services of volunteers to locate, identify,
and evaluate abandoned property in Lake Erie. The director shall
approve any volunteer programs and may recruit, train, and
supervise the services of volunteers.

(C) The moneys credited to the Ohio historical society under
division (C) of section 1506.35 of the Revised Code and any
appropriations, contributions, gifts, and federal grants made to
the Ohio historical society for the purposes of this section and
the applicable provisions of sections 1506.30 to ~~1506.37~~ 1506.36
of the Revised Code shall be placed in a separate fund within the
accounts of the Ohio historical society, together with moneys

credited to that fund under divisions (D)(2) and (3) of section 53
1506.33 of the Revised Code, to be used solely to implement and 54
administer this section and the duties assigned the society under 55
sections 1506.30 to ~~1506.37~~ 1506.36 of the Revised Code. 56

Sec. 317.08. Except as provided in division (F) of this 57
section, the county recorder shall keep six separate sets of 58
records as follows: 59

(A) A record of deeds, in which shall be recorded all deeds 60
and other instruments of writing for the absolute and 61
unconditional sale or conveyance of lands, tenements, and 62
hereditaments; all notices as provided for in sections 5301.47 to 63
5301.56 of the Revised Code; all judgments or decrees in actions 64
brought under section 5303.01 of the Revised Code; all 65
declarations and bylaws as provided for in Chapter 5311. of the 66
Revised Code; affidavits as provided for in section 5301.252 of 67
the Revised Code; all certificates as provided for in section 68
5311.17 of the Revised Code; all articles dedicating 69
archaeological preserves accepted by the director of the Ohio 70
historical society under section 149.52 of the Revised Code; all 71
articles dedicating nature preserves accepted by the director of 72
natural resources under section 1517.05 of the Revised Code; all 73
agreements for the registration of lands as archaeological or 74
historic landmarks under section 149.51 or 149.55 of the Revised 75
Code; all conveyances of conservation easements and agricultural 76
easements under section 5301.68 of the Revised Code; all 77
instruments extinguishing agricultural easements under section 78
901.21 or 5301.691 of the Revised Code or pursuant to terms of 79
such an easement granted to a charitable organization under 80
section 5301.68 of the Revised Code; all instruments or orders 81
described in division (B)(1)(c)(ii) of section 5301.56 of the 82
Revised Code; all no further action letters issued under section 83
122.654 or 3746.11 of the Revised Code; all covenants not to sue 84

issued under section 3746.12 of the Revised Code, including all 85
covenants not to sue issued pursuant to section 122.654 of the 86
Revised Code; any restrictions on the use of property contained in 87
a no further action letter issued under section 122.654 of the 88
Revised Code, any restrictions on the use of property identified 89
pursuant to division (C)(3) of section 3746.10 of the Revised 90
Code, and any restrictions on the use of property contained in a 91
deed or other instrument as provided in division (E) of section 92
3737.882 of the Revised Code; all memoranda of trust, as described 93
in division (A) of section 5301.255 of the Revised Code, that 94
describe specific real property; and all agreements entered into 95
under division (A) of section ~~1521.26~~ 1506.44 of the Revised Code; 96

(B) A record of mortgages, in which shall be recorded all of 97
the following: 98

(1) All mortgages, including amendments, supplements, 99
modifications, and extensions of mortgages, or other instruments 100
of writing by which lands, tenements, or hereditaments are or may 101
be mortgaged or otherwise conditionally sold, conveyed, affected, 102
or encumbered; 103

(2) All executory installment contracts for the sale of land 104
executed after September 29, 1961, that by their terms are not 105
required to be fully performed by one or more of the parties to 106
them within one year of the date of the contracts; 107

(3) All options to purchase real estate, including 108
supplements, modifications, and amendments of the options, but no 109
option of that nature shall be recorded if it does not state a 110
specific day and year of expiration of its validity; 111

(4) Any tax certificate sold under section 5721.33 of the 112
Revised Code, or memorandum thereof, that is presented for filing 113
of record. 114

(C) A record of powers of attorney, including all memoranda 115

of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;

(D) A record of plats, in which shall be recorded all plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings as provided for in Chapter 5311. of the Revised Code;

(E) A record of leases, in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;

(F) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.

All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, 5111.021, and 5311.18 of the Revised Code.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest

in the real estate covered by the option only during the period of 147
the validity of the option as stated in the option. 148

(G) In lieu of keeping the six separate sets of records 149
required in divisions (A) to (F) of this section and the records 150
required in division (H) of this section, a county recorder may 151
record all the instruments required to be recorded by this section 152
in two separate sets of record books. One set shall be called the 153
"official records" and shall contain the instruments listed in 154
divisions (A), (B), (C), (E), (F), and (H) of this section. The 155
second set of records shall contain the instruments listed in 156
division (D) of this section. 157

(H) Except as provided in division (G) of this section, the 158
county recorder shall keep a separate set of records containing 159
all corrupt activity lien notices filed with the recorder pursuant 160
to section 2923.36 of the Revised Code and a separate set of 161
records containing all medicaid fraud lien notices filed with the 162
recorder pursuant to section 2933.75 of the Revised Code. 163

Sec. 1501.01. Except where otherwise expressly provided, the 164
director of natural resources shall formulate and institute all 165
the policies and programs of the department of natural resources. 166
The chief of any division of the department shall not enter into 167
any contract, agreement, or understanding unless it is approved by 168
the director. No appointee or employee of the director, other than 169
the assistant director, may bind the director in a contract except 170
when given general or special authority to do so by the director. 171

The director shall correlate and coordinate the work and 172
activities of the divisions in the department to eliminate 173
unnecessary duplications of effort and overlapping of functions. 174
The chiefs of the various divisions of the department shall meet 175
with the director at least once each month at a time and place 176
designated by the director. 177

The director may create advisory boards to any of those 178
divisions in conformity with section 121.13 of the Revised Code. 179

The director may accept and expend gifts, devises, and 180
bequests of money, lands, and other properties on behalf of the 181
department or any division thereof under the terms set forth in 182
section 9.20 of the Revised Code. Any political subdivision of 183
this state may make contributions to the department for the use of 184
the department or any division therein according to the terms of 185
the contribution. 186

In administering the provisions governing the coastal 187
management program that are established in sections 1506.01 to 188
1506.03 and 1506.05 to 1506.09 of the Revised Code, the director 189
may consult with and provide coordination among state agencies, 190
political subdivisions, the United States and its agencies, and 191
interstate, regional, and areawide agencies. 192

The director may publish and sell or otherwise distribute 193
data, reports, and information. 194

The director shall adopt rules in accordance with Chapter 195
119. of the Revised Code to permit the department to accept by 196
means of a credit card the payment of fees, charges, and rentals 197
at those facilities described in section 1501.07 of the Revised 198
Code that are operated by the department, for any data, reports, 199
or information sold by the department, and for any other goods or 200
services provided by the department. 201

Whenever authorized by the governor to do so, the director 202
may appropriate property for the uses and purposes authorized to 203
be performed by the department and on behalf of any division 204
within the department. This authority shall be exercised in the 205
manner provided in sections 163.01 to 163.22 of the Revised Code 206
for the appropriation of property by the director of 207
administrative services. This authority to appropriate property is 208

in addition to the authority provided by law for the appropriation 209
of property by divisions of the department. The director of 210
natural resources also may acquire by purchase, lease, or 211
otherwise such real and personal property rights or privileges in 212
the name of the state as are necessary for the purposes of the 213
department or any division therein. The director, with the 214
approval of the governor and the attorney general, may sell, 215
lease, or exchange portions of lands or property, real or 216
personal, of any division of the department or grant easements or 217
licenses for the use thereof, or enter into agreements for the 218
sale of water from lands and waters under the administration or 219
care of the department or any of its divisions, when the sale, 220
lease, exchange, easement, agreement, or license for use is 221
advantageous to the state, provided that such approval is not 222
required for leases and contracts made under section 1501.07, 223
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 224
may be sold from a reservoir only to the extent that the reservoir 225
was designed to yield a supply of water for a purpose other than 226
recreation or wildlife, and the water sold is in excess of that 227
needed to maintain the reservoir for purposes of recreation or 228
wildlife. 229

Money received from such sales, leases, easements, exchanges, 230
agreements, or licenses for use, except revenues required to be 231
set aside or paid into depositories or trust funds for the payment 232
of bonds issued under sections 1501.12 to 1501.15 of the Revised 233
Code, and to maintain the required reserves therefor as provided 234
in the orders authorizing the issuance of such bonds or the trust 235
agreements securing such bonds, revenues required to be paid and 236
credited pursuant to the bond proceeding applicable to obligations 237
issued pursuant to section 154.22, and revenues generated under 238
section 1520.05 of the Revised Code, shall be deposited in the 239
state treasury to the credit of the fund of the division of the 240
department having prior jurisdiction over the lands or property. 241

If no such fund exists, the money shall be credited to the general 242
revenue fund. All such money received from lands or properties 243
administered by the division of wildlife shall be credited to the 244
wildlife fund. 245

The director shall provide for the custody, safekeeping, and 246
deposit of all moneys, checks, and drafts received by the 247
department or its employees prior to paying them to the treasurer 248
of state under section 113.08 of the Revised Code. 249

The director shall cooperate with the nature conservancy, 250
other nonprofit organizations, and the United States fish and 251
wildlife service in order to secure protection of islands in the 252
Ohio river and the wildlife and wildlife habitat of those islands. 253

Any instrument by which real property is acquired pursuant to 254
this section shall identify the agency of the state that has the 255
use and benefit of the real property as specified in section 256
5301.012 of the Revised Code. 257

Sec. 1504.02. (A) The division of real estate and land 258
management shall do all of the following: 259

(1) Except as otherwise provided in the Revised Code, 260
coordinate and conduct all real estate functions for the 261
department of natural resources, including at least acquisitions 262
by purchase, lease, gift, devise, bequest, appropriation, or 263
otherwise; grants through sales, leases, exchanges, easements, and 264
licenses; inventories of land; and other related general 265
management duties; 266

(2) Assist the department and its divisions by providing 267
department-wide planning, including at least master planning, 268
comprehensive planning, capital improvements planning, and special 269
purpose planning such as trails coordination and planning under 270
section 1519.03 of the Revised Code; 271

~~(3) On behalf of the director of natural resources, 272
administer the coastal management program established under 273
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 274
Code and consult with and provide coordination among state 275
agencies, political subdivisions, the United States and agencies 276
of it, and interstate, regional, and areawide agencies to assist 277
the director in executing the director's duties and 278
responsibilities under that program and to assist the department 279
as the lead agency for the development and implementation of the 280
program; 281~~

~~(4) On behalf of the director, administer sections 1506.10 282
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 283~~

~~(5) Cooperate with the United States and agencies of it and 284
with political subdivisions in administering federal recreation 285
moneys under the "Land and Water Conservation Fund Act of 1965," 286
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 287
distribute the statewide comprehensive outdoor recreation plan; 288
and administer the state recreational vehicle fund created in 289
section 4519.11 of the Revised Code; 290~~

~~(6)(4)(a) Support the geographic information system needs for 291
the department as requested by the director, which shall include, 292
but not be limited to, all of the following: 293~~

~~(i) Assisting in the training and education of department 294
resource managers, administrators, and other staff in the 295
application and use of geographic information system technology; 296~~

~~(ii) Providing technical support to the department in the 297
design, preparation of data, and use of appropriate geographic 298
information system applications in order to help solve resource 299
related problems and to improve the effectiveness and efficiency 300
of department delivered services; 301~~

~~(iii) Creating, maintaining, and documenting spatial digital 302~~

data bases for the division and for other divisions as assigned by the director. 303
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(b) Provide information to and otherwise assist government officials, planners, and resource managers in understanding land use planning and resource management; 305
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(c) Provide continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities; 308
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(d) Coordinate and administer the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state; 314
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(e) Prepare and publish maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis; 318
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(f) Locate and distribute hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public. 321
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~~(7)~~(5) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director. 324
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(B) The division may do any of the following: 326

(1) Coordinate such environmental matters concerning the department and the state as are necessary to comply with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as 327
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amended, and regulations adopted under those acts; 333

(2) On behalf of the director, administer Chapter 1520. of 334
the Revised Code, except divisions (B) to (F) of section 1520.03 335
of the Revised Code, division (A) of section 1520.04 of the 336
Revised Code as it pertains to those divisions, and section 337
1520.05 of the Revised Code; 338

(3) Administer any state or federally funded grant program 339
that is related to natural resources and recreation as considered 340
necessary by the director. 341

Sec. 1506.01. As used in this chapter: 342

(A) "Coastal area" means the waters of Lake Erie, the islands 343
in the lake, and the lands under and adjacent to the lake, 344
including transitional areas, wetlands, and beaches. The coastal 345
area extends in Lake Erie to the international boundary line 346
between the United States and Canada and landward only to the 347
extent necessary to include shorelands, the uses of which have a 348
direct and significant impact on coastal waters as determined by 349
the director of natural resources. 350

(B) "Coastal management program" means the comprehensive 351
action of the state and its political subdivisions cooperatively 352
to preserve, protect, develop, restore, or enhance the resources 353
of the coastal area and to ensure wise use of the land and water 354
resources of the coastal area, giving attention to natural, 355
cultural, historic, and aesthetic values; agricultural, 356
recreational, energy, and economic needs; and the national 357
interest. "Coastal management program" includes the establishment 358
of objectives, policies, standards, and criteria concerning, 359
without limitation, protection of air, water, wildlife, rare and 360
endangered species, wetlands and natural areas, and other natural 361
resources in the coastal area; management of coastal development 362
and redevelopment; preservation and restoration of historic, 363

cultural, and aesthetic coastal features; and public access to the 364
coastal area for recreation purposes. 365

(C) "Coastal management program document" means a 366
comprehensive statement consisting of, without limitation, text, 367
maps, and illustrations that is adopted by the director in 368
accordance with this chapter, describes the objectives, policies, 369
standards, and criteria of the coastal management program for 370
guiding public and private uses of lands and waters in the coastal 371
area, lists the governmental agencies, including, without 372
limitation, state agencies, involved in implementing the coastal 373
management program, describes their applicable policies and 374
programs, and cites the statutes and rules under which they may 375
adopt and implement those policies and programs. 376

(D) "Person" means any agency of this state, any political 377
subdivision of this state or of the United States, and any legal 378
entity defined as a person under section 1.59 of the Revised Code. 379

(E) "Director" means the director of natural resources or the 380
director's designee. 381

(F) "Permanent structure" means any residential, commercial, 382
industrial, institutional, or agricultural building, any mobile 383
home as defined in division (O) of section 4501.01 of the Revised 384
Code, any manufactured home as defined in division (C)(4) of 385
section 3781.06 of the Revised Code, and any septic system that 386
receives sewage from a single-family, two-family, or three-family 387
dwelling, but does not include any recreational vehicle as defined 388
in section 4501.01 of the Revised Code. 389

(G) "State agency" or "agency of the state" has the same 390
meaning as "agency" as defined in section 111.15 of the Revised 391
Code. 392

(H) "Coastal flood hazard area" means any territory within 393
the coastal area that has been identified as a flood hazard area 394

under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 395
42 U.S.C.A. 4002, as amended. 396

(I) "Coastal erosion area" means any territory included in 397
Lake Erie coastal erosion areas identified by the director under 398
section 1506.06 of the Revised Code. 399

(J) "Conservancy district" means a conservancy district that 400
is established under Chapter 6101. of the Revised Code. 401

(K) "Park board" means the board of park commissioners of a 402
park district that is created under Chapter 1545. of the Revised 403
Code. 404

(L) "Erosion control structure" means anything that is 405
designed primarily to reduce or control erosion of the shore along 406
or near Lake Erie, including, without limitation, revetments, 407
seawalls, bulkheads, groins or breakwaters, and similar 408
structures. "Erosion control structure" does not include wharves, 409
piers, docks, marinas, boat ramps, and other similar structures. 410

(M) "Private residential pier" means a pier serving private 411
residential property that consists of a structure of open 412
construction that extends out into a body of water from the shore 413
and that serves solely as a means of wharfing out in aid of 414
navigation rather than a means of protecting the shore. "Private 415
residential pier" does not include groins, jetties, breakwaters, 416
or other similar structures. 417

(N) "Open construction," with respect to a pier, means that 418
substantial gaps, voids, or open spans within the structure allow 419
the free and natural movement of water, waves, and littoral drift 420
through and beneath the structure. 421

Sec. 1506.11. (A) "Territory," as used in this section, means 422
the waters and the lands presently underlying the waters of Lake 423
Erie and the lands formerly underlying the waters of Lake Erie and 424

now artificially filled, between the natural shoreline and the 425
international boundary line with Canada. 426

(B) Whenever the state, acting through the director of 427
natural resources, upon application of any person who wants to 428
develop or improve part of the territory, and after notice that 429
the director, at the director's discretion, may give as provided 430
in this section, determines that any part of the territory can be 431
developed and improved or the waters thereof used as specified in 432
the application without impairment of the public right of 433
navigation, water commerce, and fishery, a lease of all or any 434
part of the state's interest therein may be entered into with the 435
applicant, or a permit may be issued for that purpose, subject to 436
the powers of the United States government and in accordance with 437
rules adopted by the director in accordance with Chapter 119. of 438
the Revised Code, and without prejudice to the littoral rights of 439
any owner of land fronting on Lake Erie, provided that the 440
legislative authority of the municipal corporation within which 441
any such part of the territory is located, if the municipal 442
corporation is not within the jurisdiction of a port authority, or 443
the county commissioners of the county within which such part of 444
the territory is located, excluding any territory within a 445
municipal corporation or under the jurisdiction of a port 446
authority, or the board of directors of a port authority with 447
respect to such part of the territory included in the jurisdiction 448
of the port authority, has enacted an ordinance or resolution 449
finding and determining that such part of the territory, described 450
by metes and bounds or by an alternate description referenced to 451
the applicant's upland property description that is considered 452
adequate by the director, is not necessary or required for the 453
construction, maintenance, or operation by the municipal 454
corporation, county, or port authority of breakwaters, piers, 455
docks, wharves, bulkheads, connecting ways, water terminal 456

facilities, and improvements and marginal highways in aid of 457
navigation and water commerce and that the land uses specified in 458
the application comply with regulation of permissible land use 459
under a waterfront plan of the local authority. 460

(C) Upon the filing of the application with the director, the 461
director may hold a public hearing thereon and may cause written 462
notice of the filing to be given to any municipal corporation, 463
county, or port authority, as the case may be, in which such part 464
of the territory is located and also shall cause public notice of 465
the filing to be given by advertisement in a newspaper of general 466
circulation within the locality where such part of the territory 467
is located. If a hearing is to be held, public notice of the 468
filing may be combined with public notice of the hearing and shall 469
be given once a week for four consecutive weeks prior to the date 470
of the initial hearing. All hearings shall be before the director 471
and shall be open to the public, and a record shall be made of the 472
proceeding. Parties thereto are entitled to be heard and to be 473
represented by counsel. The findings and order of the director 474
shall be in writing. All costs of the hearings, including 475
publication costs, shall be paid by the applicant. The director 476
also may hold public meetings on the filing of an application. 477

If the director finds that a lease may properly be entered 478
into with the applicant or a permit may properly be issued to the 479
applicant, the director shall determine the consideration to be 480
paid by the applicant, which consideration shall exclude the value 481
of the littoral rights of the owner of land fronting on Lake Erie 482
and improvements made or paid for by the owner of land fronting on 483
Lake Erie or that owner's predecessors in title. The lease or 484
permit may be for such periods of time as the director determines. 485
The rentals received under the terms of such a lease or permit 486
shall be paid into the state treasury to the credit of the Lake 487
Erie submerged lands fund, which is hereby created, and shall be 488

distributed from that fund as follows: 489

(1) ~~Fifty per cent~~ One-third of each rental shall be paid to 490
the department of natural resources for the administration of this 491
section and section 1506.10 of the Revised Code and for the 492
coastal management assistance grant program required to be 493
established under division (C) of section 1506.02 of the Revised 494
Code; 495

(2) ~~Fifty per cent~~ One-third of each rental shall be paid to 496
the municipal corporation, county, or port authority making the 497
finding provided for in this section; 498

(3) One-third of each rental shall be set aside by the 499
director each calendar year for the purpose of providing financial 500
assistance to any owner of a parcel of private residential real 501
property that is located in a coastal erosion area who has 502
obtained a permit issued under section 1506.40 of the Revised Code 503
for the construction of an erosion control structure in the 504
coastal erosion area. 505

Subject to a limit of two thousand dollars per parcel of real 506
property, the director may reimburse such an owner for not more 507
than fifty per cent of the costs that the owner incurred in 508
complying with any of the following requirements: 509

(a) Having a registered professional engineer prepare 510
engineering plans and specifications for the erosion control 511
structure in accordance with section 1506.40 of the Revised Code; 512

(b) Obtaining any site-specific geological or engineering 513
information necessary to obtain a permit issued under section 514
1506.07 of the Revised Code and rules adopted under it for the 515
erection, construction, or redevelopment of a permanent structure 516
on land within a coastal erosion area; 517

(c) Having a survey performed in order to determine the metes 518
and bounds of the owner's coastal real property for purposes of an 519

application for a permit issued under this section. 520

Any portion of the money set aside under division (C)(3) of 521
this section that is not used within the calendar year for the 522
prescribed purposes shall be evenly divided between and paid to 523
the following: 524

(i) The department of natural resources; 525

(ii) The municipal corporation, county, or port authority 526
making the finding described in division (B) of this section. 527

All leases and permits shall be executed in the manner 528
provided by section 5501.01 of the Revised Code and shall contain, 529
in addition to the provisions required in this section, a 530
reservation to the state of all mineral rights and a provision 531
that the removal of any minerals shall be conducted in such manner 532
as not to damage any improvements placed by the littoral owner, 533
lessee, or permit holder on the lands. No lease or permit of the 534
lands defined in this section shall express or imply any control 535
of fisheries or aquatic wildlife now vested in the division of 536
wildlife of the department. No lease or permit shall be issued to 537
a commercial or marina operation unless the operation possesses 538
liability insurance coverage with an insurance company that is 539
authorized to do business in this state. 540

(D) Upland owners who, prior to October 13, 1955, have 541
erected, developed, or maintained structures, facilities, 542
buildings, or improvements or made use of waters in the part of 543
the territory in front of those uplands shall be granted a lease 544
or permit by the state upon the presentation of a certification by 545
the chief executive of a municipal corporation, resolution of the 546
board of county commissioners, or resolution of the board of 547
directors of the port authority establishing that the structures, 548
facilities, buildings, improvements, or uses do not constitute an 549
unlawful encroachment on navigation and water commerce. The lease 550

or permit shall specifically enumerate the structures, facilities, 551
buildings, improvements, or uses so included. 552

(E) Persons having secured a lease or permit under this 553
section are entitled to just compensation for the taking, whether 554
for navigation, water commerce, or otherwise, by any governmental 555
authority having the power of eminent domain, of structures, 556
facilities, buildings, improvements, or uses erected or placed 557
upon the territory pursuant to the lease or permit or the littoral 558
rights of the person and for the taking of the leasehold and the 559
littoral rights of the person pursuant to the procedure provided 560
in Chapter 163. of the Revised Code. The compensation shall not 561
include any compensation for the site in the territory except to 562
the extent of any interest in the site theretofore acquired by the 563
person under this section or by prior acts of the general assembly 564
or grants from the United States government. The failure of any 565
person to apply for or obtain a lease or permit under this section 566
does not prejudice any right the person may have to compensation 567
for a taking of littoral rights or of improvements made in 568
accordance with a lease, a permit, or littoral rights. 569

(F) If any taxes or assessments are levied or assessed upon 570
property that is the subject of a lease or permit under this 571
section, the taxes or assessments are the obligation of the lessee 572
or permit holder. 573

(G) If a lease or permit secured under this section requires 574
the lessee or permit holder to obtain the approval of the 575
department or any of its divisions for any changes in structures, 576
facilities, or buildings, for any improvements, or for any changes 577
or expansion in uses, no lessee or permit holder shall change any 578
structures, facilities, or buildings, make any improvements, or 579
expand or change any uses unless the director first determines 580
that the proposed action will not adversely affect any current or 581
prospective exercise of the public right of recreation in the 582

territory and in the state's reversionary interest in any 583
territory leased or permitted under this section. 584

Proposed changes or improvements shall be deemed to 585
"adversely affect" the public right of recreation if the changes 586
or improvements cause or will cause any significant demonstrable 587
negative impact upon any present or prospective recreational use 588
of the territory by the public during the term of the lease or 589
permit or any renewals and of any public recreational use of the 590
leased or permitted premises in which the state has a reversionary 591
interest. 592

Sec. 1506.12. There is hereby created the Lake Erie coastal 593
~~resources~~ advisory council, which shall consist of ~~nineteen the~~ 594
director of natural resources or the director's designee, the 595
director of the Ohio historical society or the director's 596
designee, the director of the Ohio sea grant college program or 597
the director's designee, the director of the Ohio Lake Erie 598
commission or the director's designee, and fifteen members, ~~who~~ 599
shall be appointed by the ~~director of natural resources, governor~~ 600
and who represent a broad range of interests, experience, and 601
knowledge relating to the management, use, conservation, 602
protection, preservation, and development of coastal area 603
resources. The ~~director~~ governor shall solicit names of qualified 604
persons to serve on the council from the legislative authorities 605
of counties, townships, municipal corporations, and other 606
political subdivisions and from interest groups located in the 607
coastal area. The ~~director~~ governor shall appoint to the council 608
at least one member from each shoreline county, which members 609
shall be selected from the names submitted to the ~~director~~ 610
governor as described above and at least one of which shall be a 611
public official of such a county; at least three individuals who 612
own private shoreline property in a shoreline county; at least one 613
public official of a municipal corporation that is located in a 614

shoreline county; at least two individuals who are members of the 615
Ohio association of realtors and whose places of business as 616
specified in section 4735.16 of the Revised Code are located in 617
the shoreline area; at least three individuals who have an 618
interest in or are knowledgeable about the preservation of 619
submerged resources, two of whom shall be experienced in scuba 620
diving and one of whom shall be a professional salvor or marine 621
surveyor; and at least two individuals with experience in 622
residential and commercial land development in the shoreline area. 623
No more than ten members of the council shall be from the same 624
political party. ~~The director may participate in the deliberations~~ 625
~~of the council, but shall not vote.~~ 626

~~The members of the council first appointed by the director~~ 627
~~shall serve terms commencing no later than one hundred eighty days~~ 628
~~after March 15, 1989, and expiring on February 1, 1990. On~~ 629
~~February 2, 1990, the director shall appoint six members to serve~~ 630
~~for a term of one year and seven members to serve for a term of~~ 631
~~two years. The members first appointed by the director after the~~ 632
~~effective date of this amendment shall serve terms commencing no~~ 633
~~later than one hundred eighty days after that date. Three of those~~ 634
~~members shall serve terms expiring on February 1, 1997, and three~~ 635
~~of those members shall serve terms expiring on February 1, 1998.~~ 636
~~On February 2, 1997, the director shall appoint nine members to~~ 637
~~serve for a term of three years to replace all members whose terms~~ 638
~~of office expired on February 1, 1997. On February 2, 1998, the~~ 639
~~director shall appoint ten members to serve for a term of four~~ 640
~~years to replace all members whose terms of office expired on~~ 641
~~February 1, 1998.~~ 642

On the effective date of this amendment, the governor shall 643
begin the process of appointing members to the council. Not later 644
than three months following that date, all of the governor's 645
appointments shall be completed, and the terms of the initial 646

members of the council shall commence. Seven of the initial 647
members shall be appointed for terms ending on the first day of 648
February of the year that is two years following the year in which 649
the effective date of this amendment occurs. Eight of the initial 650
members shall be appointed for terms ending on the first day of 651
February of the year that is four years following the year in 652
which the effective date of this amendment occurs. Thereafter, 653
terms of office for all appointed members shall be for four years 654
commencing on the second day of February and ending on the first 655
day of February. Members may be reappointed to the council. 656

The ~~director~~ governor may remove any appointed member at any 657
time for inefficiency, neglect of duty, or malfeasance in office. 658
In the event of the death, removal, resignation, or incapacity of 659
any appointed member, the ~~director~~ governor shall appoint a 660
successor to hold office for the remainder of the term for which 661
the member's predecessor was appointed. Any appointed member shall 662
continue in office subsequent to the expiration date of the 663
member's term until the member's successor takes office, or until 664
a period of sixty days has elapsed, whichever occurs first. 665

Membership on the council does not constitute holding a 666
public office or position of employment under state law and is not 667
grounds for removal of public officers or employees from their 668
offices or positions of employment. 669

The council annually shall select from its members a 670
chairperson and a vice-chairperson. The council shall hold at 671
least one meeting every three months and shall keep a record of 672
its proceedings, which shall be open to the public for inspection. 673
Special meetings may be called by the chairperson and shall be 674
called upon the written request of two or more members. A majority 675
of the members constitutes a quorum. The department of natural 676
resources shall furnish clerical, technical, legal, and other 677
services required by the council in the performance of its duties. 678

Members shall receive no compensation, but shall be 679
reimbursed from appropriations to the department for the actual 680
and necessary expenses incurred by them in the performance of 681
their official duties. 682

The council shall do all of the following: 683

(A) Advise the director of natural resources on carrying out 684
the director's duties under this chapter, including, without 685
limitation, implementation of the coastal management program; 686

(B) Recommend to the director such policies and legislation 687
as are necessary to preserve, protect, develop, and restore or 688
enhance the coastal resources of the state; 689

(C) Review and make recommendations to the director on the 690
development of policies, plans, and programs for long-term, 691
comprehensive coastal resource management, including, without 692
limitation, the coastal management program document adopted under 693
division (A)(1) of section 1506.02 of the Revised Code; 694

(D) Recommend to the director ways to enhance cooperation 695
among governmental agencies, including, without limitation, state 696
agencies, having an interest in coastal management and to 697
encourage wise use and protection of the state's coastal 698
resources. The council may request information and other 699
assistance from those governmental agencies for this purpose. 700

Sec. 1506.30. As used in sections 1506.30 to ~~1506.37~~ 1506.36 701
of the Revised Code: 702

(A) "Abandoned property" means a submerged aircraft; a 703
submerged watercraft, including a ship, boat, canoe, skiff, raft, 704
or barge; the rigging, gear, fittings, trappings, and equipment of 705
a submerged aircraft or watercraft; the personal property of the 706
officers, crew, and passengers of a submerged aircraft or 707
watercraft; the cargo of a submerged aircraft or watercraft that 708

has been deserted, relinquished, cast away, or left behind and for 709
which attempts at reclamation have been abandoned by the owners 710
and insurers; and submerged materials resulting from activities of 711
prehistoric and historic native Americans. 712

(B) "Lake Erie" means that portion of the waters and lands of 713
Lake Erie belonging to the state as provided in section 1506.10 of 714
the Revised Code. 715

(C) "Historical value" means the quality of significance 716
exemplified by an object, structure, site, or district that is 717
included in or eligible for inclusion in the state registry of 718
archaeological landmarks authorized under section 149.51 of the 719
Revised Code, the state registry of historic landmarks authorized 720
under section 149.55 of the Revised Code, or the national register 721
of historic places. 722

(D) "Marine surveyor" means a person engaged in the business 723
of mapping or surveying submerged lands and abandoned property. 724

(E) "Mechanical or other assistance" means all ~~manmade~~ 725
artificial devices used to raise or remove artifacts from 726
abandoned property, including pry bars, wrenches and other hand or 727
power tools, cutting torches, explosives, winches, flotation bags, 728
lines to surface, extra divers buoyancy devices, and other 729
buoyancy devices. 730

(F) "Recreational value" means value relating to an activity 731
in which the public engages or may engage for recreation or sport, 732
including scuba diving and fishing, as determined by the director 733
of natural resources. 734

Sec. 1506.34. (A) The director of natural resources, with the 735
approval of the director of the Ohio historical society, shall 736
establish policies and may adopt rules necessary to implement and 737
administer sections 1506.30 to ~~1506.37~~ 1506.36 of the Revised 738

Code. Not less than forty-five days prior to adopting a rule under 739
this section or section 1506.31 of the Revised Code, the director 740
of natural resources shall send a copy of the proposed rule to the 741
director of the Ohio historical society, who shall promptly review 742
it. Not more than thirty days after receiving the proposed rule, 743
the director of the Ohio historical society shall return the rule 744
to the director of natural resources together with ~~his~~ the former 745
director's written approval or disapproval of the proposed rule. 746
If ~~he~~ the director of the Ohio historical society disapproves the 747
rule, ~~he~~ the director shall explain the reasons for ~~his~~ the 748
disapproval and any amendments to the rule ~~he~~ the director 749
considers necessary to obtain ~~his~~ the director's approval. The 750
director of natural resources shall not adopt a rule under those 751
sections that has not been approved by the director of the Ohio 752
historical society. If the director of the Ohio historical society 753
does not respond within thirty days as prescribed in this section, 754
the rule is deemed approved by ~~him~~ the director. 755

(B) The director of natural resources shall inform the public 756
of the requirements of sections 1506.30 to ~~1506.37~~ 1506.36 of the 757
Revised Code and any policies established and rules adopted under 758
them. In complying with this section, the director may establish 759
or conduct educational programs or seminars, print and distribute 760
informational pamphlets, and provide detailed information to 761
organizations that conduct scuba diving training programs. 762

(C) The director of natural resources may hire or contract 763
with a marine archaeologist, a marine historian, a marine 764
surveyor, or any combination thereof for the purposes of 765
implementing and administering sections 1506.30 to ~~1506.37~~ 1506.36 766
of the Revised Code and any rules adopted under them. 767

Sec. 1506.35. (A) The director of natural resources may 768
suspend or revoke, in accordance with Chapter 119. of the Revised 769

Code, a permit issued under section 1506.32 of the Revised Code if 770
the permit holder has done either of the following: 771

(1) Failed to comply with sections 1506.30 to ~~1506.37~~ 1506.36 772
of the Revised Code, any rules adopted under those sections, or 773
any provision or condition of ~~his~~ the permit; 774

(2) Damaged abandoned property other than in accordance with 775
the provisions or conditions of the permit. 776

(B) Any motor vehicle, as defined in section 4501.01 of the 777
Revised Code, watercraft, as defined in section 1547.01 of the 778
Revised Code, mechanical or other assistance, scuba gear, sonar 779
equipment, or other equipment used by any person in the course of 780
committing a third or subsequent violation of division (K) of 781
section 1506.32 of the Revised Code shall be considered contraband 782
for the purposes of sections 2933.42 and 2933.43 of the Revised 783
Code, except that proceeds from the sale of such contraband shall 784
be disposed of in the following order: 785

(1) To the payment of the costs incurred in the forfeiture 786
proceedings under section 2933.43 of the Revised Code; 787

(2) To the payment of the balance due on any security 788
interest preserved under division (C) of section 2933.43 of the 789
Revised Code; 790

(3) To the payment of any costs incurred by the seizing 791
agency under section 2933.43 of the Revised Code in connection 792
with the storage, maintenance, security, and forfeiture of the 793
contraband; 794

(4) Fifty per cent of the remaining money to the credit of 795
the Lake Erie submerged lands preserves fund created in division 796
(C) of this section and fifty per cent of the remaining money to 797
the Ohio historical society for deposit into the fund created 798
pursuant to division (C) of section 149.56 of the Revised Code. 799

(C) There is hereby created in the state treasury the Lake Erie submerged lands preserves fund. The fund shall be composed of moneys credited to it under division (B)(4) of this section and division (D)(2) of section 1506.33 of the Revised Code, all appropriations, contributions, and gifts made to it, and any federal grants received by the department of natural resources for the purposes of sections 1506.30 to ~~1506.37~~ 1506.36 of the Revised Code. The director shall use the moneys in the Lake Erie submerged lands preserves fund solely to implement and administer sections 1506.30 to ~~1506.37~~ 1506.36 of the Revised Code.

(D) The director may request the attorney general to, and the attorney general shall, bring a civil action in any court of competent jurisdiction for any of the following purposes:

(1) To enforce compliance with or restrain violation of sections 1506.30 to ~~1506.37~~ 1506.36 of the Revised Code, any rules adopted under those sections, or any permit issued under section 1506.32 of the Revised Code;

(2) To enjoin the further removal of abandoned property or archaeological material from Lake Erie;

(3) To order the restoration of an area affected by a violation of sections 1506.30 to ~~1506.37~~ 1506.36 of the Revised Code or of a permit issued under section 1506.32 of the Revised Code to its prior condition.

Any action under this division is a civil action, governed by the Rules of Civil Procedure.

(E) A peace officer of a county, township, or municipal corporation, and a preserve officer, wildlife officer, park officer, or watercraft officer designated under section 1517.10, 1531.13, 1541.10, or 1547.521 of the Revised Code, as applicable, may enforce compliance with sections 1506.30 to ~~1506.37~~ 1506.36 of the Revised Code, any rules adopted under those sections, and any

permit issued under section 1506.32 of the Revised Code and may 831
make arrests for violation of those laws, rules, and permits. 832

Sec. ~~1521.20~~ 1506.38. The ~~chief director~~ of the ~~division of~~ 833
~~water natural resources~~ shall act as the erosion agent of the 834
state for the purpose of cooperating with the secretary of the 835
army, acting through the chief of engineers of the United States 836
army corps of engineers in the department of defense. The ~~chief~~ 837
~~director~~ shall cooperate with the secretary in carrying out, and 838
may conduct, investigations and studies of conditions along the 839
shorelines of Lake Erie and of the bays and projections therefrom, 840
and of the islands therein, within the territorial waters of the 841
state, with a view to devising and perfecting economical and 842
effective methods and works for preventing, correcting, and 843
controlling shore erosion and damage therefrom and controlling the 844
inundation of improved property by the waters of Lake Erie, its 845
bays, and associated inlets. 846

Sec. ~~1521.21~~ 1506.39. The ~~chief director~~ of the ~~division of~~ 847
~~water natural resources~~, in the discharge of the ~~chief's~~ 848
~~director's~~ duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 849
1506.49 of the Revised Code, may call to the ~~chief's~~ ~~director's~~ 850
assistance, temporarily, any engineers or other employees in any 851
state department, or in the Ohio state university or other 852
educational institutions financed wholly or in part by the state, 853
for the purpose of devising the most effective and economical 854
methods of controlling shore erosion and ~~damage from it and~~ 855
~~controlling the inundation of improved property by~~ along the 856
~~waters shore~~ of Lake Erie and its bays and associated inlets. 857

Such engineers and employees shall not receive any additional 858
compensation over that which they receive from the departments or 859
institutions by which they are employed, but they shall be 860
reimbursed for their actual necessary expenses incurred while 861

working under the direction of the ~~chief~~ director on erosion and 862
inundation projects. 863

Sec. ~~1521.22~~ 1506.40. (A) No person shall construct a beach, 864
groin, or other structure to arrest or control erosion, wave 865
action, or inundation along or near the Ohio shoreline of Lake 866
Erie, including related islands, bays, and inlets, without first 867
obtaining a ~~shore structure~~ permit from the ~~chief of the division~~ 868
director of water. The natural resources. A permit is not required 869
under this section for the construction of a private residential 870
pier. 871

The application for a ~~shore structure~~ permit shall include 872
detailed plans and specifications as prescribed by the director. 873
The detailed plans and specifications shall be prepared by a 874
professional engineer registered under Chapter 4733. of the 875
Revised Code. ~~An~~ unless they pertain to a project that solely 876
involves any of the following: 877

(1) The rehabilitation of a structure for which a permit 878
previously was issued under this section; 879

(2) The rehabilitation of a structure that was constructed 880
prior to October 5, 1955, provided that the purpose of the 881
rehabilitation is to return the structure to its condition prior 882
to that date; 883

(3) Beach nourishment with natural sand. 884

An applicant for a permit under this section shall provide 885
appropriate evidence of compliance with any applicable provisions 886
of this chapter and Chapters 1505. and ~~1506.~~ 1521. of the Revised 887
Code, as determined by the ~~chief~~ director. A temporary ~~shore~~ 888
~~structure~~ permit may be issued by the ~~chief or an~~ authorized 889
~~representative of the chief~~ director if it is determined necessary 890
to safeguard life, health, or property. 891

Each application or reapplication for a permit under this 892
section shall be accompanied by a non-refundable fee ~~as the chief~~ 893
~~shall prescribe by rule~~ in the amount of five hundred dollars. 894

(B) Upon receipt of an application submitted under this 895
section, the director shall notify owners of littoral real 896
property that is adjacent to the proposed area of construction. 897
The notice shall be in writing, state that an application for a 898
permit has been filed, summarize the proposed construction that is 899
the subject of the application, and state that the recipient of 900
the notice may submit comments to the director concerning the 901
application not later than thirty days following receipt of the 902
notice. 903

(C) If the application is approved, the chief director shall 904
issue a permit to the applicant authorizing construction of the 905
project. If requested in writing by the applicant within thirty 906
days of issuance of a notice of disapproval of the application, 907
the ~~chief~~ director shall conduct an adjudication hearing under 908
Chapter 119. of the Revised Code, except sections 119.12 and 909
119.121 of the Revised Code. After reviewing the record of the 910
hearing, the ~~chief~~ director shall issue a final order approving 911
the application, disapproving it, or approving it conditioned on 912
the making of specified revisions in the plans and specifications. 913

(D) The chief director, by rule, shall limit the period 914
during which a construction permit issued under this section is 915
valid and shall establish reapplication requirements governing a 916
construction permit that expires before construction is completed. 917

(E) In accordance with Chapter 119. of the Revised Code, the 918
~~chief~~ director shall adopt, and may amend or rescind, such rules 919
as are necessary for the administration, implementation, and 920
enforcement of this section. 921

(F) Nothing in this section shall be construed as determining 922

the boundary of the state's ownership of the waters of Lake Erie 923
together with the soil beneath and their contents as provided in 924
section 1506.10 of the Revised Code. 925

Sec. ~~1521.23~~ 1506.41. All moneys derived from the granting of 926
permits and leases under section 1505.07 of the Revised Code for 927
the removal of sand, gravel, stone, gas, oil, and other minerals 928
and substances from and under the bed of Lake Erie and from 929
applications for ~~shore structure~~ permits submitted under section 930
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 931
treasury to the credit of the permit and lease fund, which is 932
hereby created. Notwithstanding any section of the Revised Code 933
relating to the distribution or crediting of fines for violations 934
of the Revised Code, all fines imposed under division (A) of 935
section 1505.99 of the Revised Code and under division ~~(C)~~(A) of 936
section ~~1521.99~~ 1506.99 of the Revised Code for violations of 937
section 1506.40 of the Revised Code shall be paid into that fund. 938
The fund shall be administered by the department of natural 939
resources for the protection of Lake Erie shores and waters; 940
investigation and control of erosion; the planning, development, 941
and construction of facilities for recreational use of Lake Erie; 942
implementation of section ~~1521.22~~ 1506.40 of the Revised Code; 943
preparation of the state shore erosion plan under section ~~1521.29~~ 944
1506.47 of the Revised Code; provision of technical assistance to 945
shoreline property owners under that section; and state 946
administration of Lake Erie coastal erosion areas under sections 947
1506.06 and 1506.07 of the Revised Code. 948

Sec. ~~1521.24~~ 1506.42. The state, acting through the ~~chief~~ 949
director of the division of water natural resources, subject to 950
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 951
agreements with counties, townships, municipal corporations, park 952
boards, and conservancy districts, other political subdivisions, 953

or any state departments or divisions for the purpose of 954
constructing and maintaining projects to control erosion along the 955
Ohio shoreline of Lake Erie and in any rivers and bays that are 956
connected with Lake Erie and any other watercourses that flow into 957
Lake Erie. Such projects also may be constructed on any Lake Erie 958
island that is situated within the boundaries of the state. 959

The cost of such shore erosion projects that are for the 960
benefit of public littoral property shall be prorated on the basis 961
of two-thirds of the total cost to the state through 962
appropriations made to the ~~division~~ department of ~~water~~ natural 963
resources and one-third of the cost to the counties, townships, 964
municipal corporations, park boards, conservancy districts, or 965
other political subdivisions. 966

If a shore erosion emergency is declared by the governor, the 967
state, acting through the ~~chief~~ director, may spend whatever state 968
funds are available to alleviate shore erosion, without 969
participation by any political subdivision, regardless of whether 970
the project will benefit public or private littoral property. 971

A board of county commissioners, acting for the county over 972
which it has jurisdiction, may enter into and carry out agreements 973
with the ~~chief~~ director for the construction and maintenance of 974
projects to control shore erosion. In providing the funds for the 975
county's proportionate share of the cost of constructing and 976
maintaining the projects referred to in this section, the board 977
shall be governed by and may issue and refund bonds in accordance 978
with Chapter 133. of the Revised Code. 979

A municipal corporation or a township, acting through the 980
legislative authority or the board of township trustees, may enter 981
into and carry out agreements with the ~~chief~~ director for the 982
purpose of constructing and maintaining projects to control shore 983
erosion. In providing the funds for the municipal corporation's or 984

township's proportionate share of the cost of constructing and 985
maintaining the projects referred to in this section, a municipal 986
corporation or township may issue and refund bonds in accordance 987
with Chapter 133. of the Revised Code. The contract shall be 988
executed on behalf of the municipal corporation or township by the 989
mayor, city manager, or other chief executive officer who has the 990
authority to act for the municipal corporation or township. 991

Conservancy districts may enter into and carry out agreements 992
with the ~~ehief~~ chief director, in accordance with the intent of this 993
section, under the powers conferred upon conservancy districts 994
under Chapter 6101. of the Revised Code. 995

Park boards may enter into and carry out agreements with the 996
~~ehief~~ chief director, in accordance with the intent of this section, and 997
issue bonds for that purpose under the powers conferred upon park 998
districts under Chapter 1545. of the Revised Code. 999

The ~~ehief~~ chief director shall approve and supervise all projects 1000
that are to be constructed in accordance with this section. The 1001
~~ehief~~ chief director shall not proceed with the construction of any 1002
project until all funds that are to be paid by the county, 1003
township, municipal corporation, park board, or conservancy 1004
district, in accordance with the terms of the agreement entered 1005
into between the ~~ehief~~ chief director and the county, township, 1006
municipal corporation, park board, or conservancy district, are in 1007
the ~~ehief's~~ chief director's possession and deposited in the shore 1008
erosion fund, which is hereby created in the state treasury. If 1009
the ~~ehief~~ chief director finds it to be in the best interests of the 1010
state to construct projects as set forth in this section by the 1011
state itself, without the financial contribution of counties, 1012
townships, municipal corporations, park boards, or conservancy 1013
districts, the ~~ehief~~ chief director may construct the projects. 1014

In deciding whether to assist a county or municipal 1015
corporation in constructing and maintaining a project under this 1016

section, the state, acting through the ~~chief~~ director, shall 1017
consider, among other factors, whether the county or municipal 1018
corporation has adopted or is in the process of adopting a Lake 1019
Erie coastal erosion area resolution or ordinance under division 1020
(D) of section 1506.07 of the Revised Code. 1021

All projects constructed by the state in conformity with 1022
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 1023
shall be constructed subject to sections 153.01 to 153.20 of the 1024
Revised Code, except that the state architect and engineer is not 1025
required to prepare the plans and specifications for those 1026
projects. 1027

Sec. ~~1521.25~~ 1506.43. The ~~chief~~ director of the ~~division of~~ 1028
~~water~~ natural resources may enter into a contract with any county, 1029
township, municipal corporation, conservancy district, or park 1030
board that has an agreement with the state in accordance with 1031
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 1032
of a shore erosion project. No contract shall be let until all 1033
money that is to be paid by the political subdivision entering 1034
into the agreement has been deposited in the shore erosion fund 1035
created in that section ~~1521.24~~ of the Revised Code, and no 1036
~~contract shall be valid until approved by the director of natural~~ 1037
~~resources.~~ 1038

Sec. ~~1521.26~~ 1506.44. (A) A board of county commissioners may 1039
use a loan obtained under division (C) of this section to provide 1040
financial assistance to any person who owns real property in a 1041
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 1042
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 1043
of the Revised Code to construct an erosion control structure in 1044
that coastal erosion area. The board shall enter into an agreement 1045
with the person that complies with all of the following 1046
requirements: 1047

(1) The agreement shall identify the person's real property 1048
for which the erosion control structure is being constructed and 1049
shall include a legal description of that property and a reference 1050
to the volume and page of the deed record in which the title of 1051
that person to that property is recorded. 1052

(2) In accordance with rules adopted by the Ohio water 1053
development authority under division (V) of section 6121.04 of the 1054
Revised Code for the purposes of division (C) of this section and 1055
pursuant to an agreement between the board and the authority under 1056
that division, the board shall agree to cause payments to be made 1057
by the authority to the contractor hired by the person to 1058
construct an erosion control structure in amounts not to exceed 1059
the total amount specified in the agreement between the board and 1060
the person. 1061

(3) The person shall agree to pay to the board, or to the 1062
authority as the assignee pursuant to division (C) of this 1063
section, the total amount of the payments plus administrative or 1064
other costs of the board or the authority at times, in 1065
installments, and bearing interest as specified in the agreement. 1066

The agreement may contain additional provisions that the 1067
board determines necessary to safeguard the interests of the 1068
county or to comply with an agreement entered into under division 1069
(C) of this section. 1070

(B) Upon entering into an agreement under division (A) of 1071
this section, the board shall do all of the following: 1072

(1) Cause the agreement to be recorded in the county deed 1073
records in the office of the county recorder of the county in 1074
which the real property is situated. Failure to record the 1075
agreement does not affect the validity of the agreement or the 1076
collection of any amounts due under the agreement. 1077

(2) Establish by resolution an erosion control repayment fund 1078

into which shall be deposited all amounts collected under division 1079
(B)(3) of this section. Moneys in that fund shall be used by the 1080
board for the repayment of the loan and for administrative or 1081
other costs of the board or the authority as specified in an 1082
agreement entered into under division (C) of this section. If the 1083
amount of money in the fund is inadequate to repay the loan when 1084
due, the board of county commissioners, by resolution, may advance 1085
money from any other fund in order to repay the loan if that use 1086
of the money from the other fund is not in conflict with law. If 1087
the board so advances money in order to repay the loan, the board 1088
subsequently shall reimburse each fund from which the board 1089
advances money with moneys from the erosion control repayment 1090
fund. 1091

(3) Bill and collect all amounts when due under the agreement 1092
entered into under division (A) of this section. The board shall 1093
certify amounts not paid when due to the county auditor, who shall 1094
enter the amounts on the real property tax list and duplicate 1095
against the property identified under division (A)(1) of this 1096
section. The amounts not paid when due shall be a lien on that 1097
property from the date on which the amounts are placed on the tax 1098
list and duplicate and shall be collected in the same manner as 1099
other taxes. 1100

(C) A board may apply to the authority for a loan for the 1101
purpose of entering into agreements under division (A) of this 1102
section. The loan shall be for an amount and on the terms 1103
established in an agreement between the board and the authority. 1104
The board may assign any agreements entered into under division 1105
(A) of this section to the authority in order to provide for the 1106
repayment of the loan and may pledge any lawfully available 1107
revenues to the repayment of the loan, provided that no moneys 1108
raised by taxation shall be obligated or pledged by the board for 1109
the repayment of the loan. Any agreement with the authority 1110

pursuant to this division is not subject to Chapter 133. of the 1111
Revised Code or any requirements or limitations established in 1112
that chapter. 1113

(D) The authority, as assignee of any agreement pursuant to 1114
division (C) of this section, may enforce and compel the board and 1115
the county auditor by mandamus pursuant to Chapter 2731. of the 1116
Revised Code to comply with division (B) of this section in a 1117
timely manner. 1118

(E) The construction of an erosion control structure by a 1119
contractor hired by an individual homeowner, group of individual 1120
homeowners, or homeowners association that enters into an 1121
agreement with a board under division (A) of this section is not a 1122
public improvement, as defined in section 4115.03 of the Revised 1123
Code, and is not subject to competitive bidding or public bond 1124
laws. 1125

Sec. ~~1521.27~~ 1506.45. The state, or any county, township, 1126
municipal corporation, conservancy district, or park board that 1127
has entered into a contract under section ~~1521.25~~ 1506.43 of the 1128
Revised Code, may acquire lands by gift or devise, purchase, or 1129
appropriation. In case of appropriation, the proceedings shall be 1130
instituted in the name of the state or the political subdivision 1131
and shall be conducted in the manner provided for the 1132
appropriation of private property by the state or the political 1133
subdivision insofar as those proceedings are applicable. Either 1134
the fee or any lesser interest may be acquired as the state or the 1135
political subdivision considers advisable. 1136

Sec. ~~1521.28~~ 1506.46. Any action taken by the ~~chief director~~ 1137
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 1138
1506.38 to ~~1521.30~~ 1506.49 of the Revised Code shall not be deemed 1139
in conflict with certain powers and duties conferred upon and 1140

delegated to federal agencies and to municipal corporations under 1141
Section 7 of Article XVIII, Ohio Constitution, or as provided by 1142
sections 721.04 to 721.11 of the Revised Code. 1143

Sec. ~~1521.29~~ 1506.47. The ~~chief director~~ of the ~~division of~~ 1144
~~water, in cooperation with the division of geological survey,~~ 1145
natural resources may prepare a plan for the management of shore 1146
erosion in the state along Lake Erie, its bays, and associated 1147
inlets, revise the plan whenever it can be made more effective, 1148
and make the plan available for public inspection. In the 1149
preparation of the plan, the ~~chief director~~ may employ such 1150
existing plans as are available. 1151

The ~~chief director~~ also may establish a program to provide 1152
technical assistance on shore erosion control measures to 1153
municipal corporations, counties, townships, conservancy 1154
districts, park boards, and shoreline property owners. 1155

Sec. ~~1521.30~~ 1506.48. Upon application of any owner of real 1156
property damaged or destroyed by shore erosion, the county auditor 1157
of the county in which the real property is situated shall cause a 1158
reappraisal to be made and shall place the property on the tax 1159
list at its true value in money. 1160

Whenever the county auditor finds that ninety per cent or 1161
more of the area of any littoral parcel of land appearing upon the 1162
tax duplicate has been eroded and lies within the natural 1163
boundaries of Lake Erie and that the remainder of the parcel, if 1164
any, has no taxable value, the auditor may certify that finding to 1165
the county board of revision. Upon consideration thereof, the 1166
board may authorize removal of the parcel from the tax duplicate 1167
and cancellation of all current and delinquent taxes, assessments, 1168
interest, and penalties charged against the parcel. 1169

Sec. 1506.49. The director of natural resources or any 1170
employee in the service of the department of natural resources may 1171
enter on lands to conduct surveys and inspections for the purposes 1172
of this chapter. Such an entry does not constitute a civil or 1173
criminal trespass when necessary in the discharge of the duties 1174
specified in this chapter. 1175

Sec. 1506.99. (A) Whoever violates division (A) of section 1176
1506.09 of the Revised Code shall be fined not less than one 1177
hundred nor more than five hundred dollars for each offense. Each 1178
day of violation constitutes a separate offense. 1179

(B) Whoever violates division (K) of section 1506.32 of the 1180
Revised Code is guilty of a misdemeanor of the third degree. 1181

Sec. 1521.01. As used in sections 1521.01 to 1521.05, and 1182
1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code: 1183

(A) "Consumptive use," "diversion," "Lake Erie drainage 1184
basin," "other great lakes states and provinces," "water 1185
resources," and "waters of the state" have the same meanings as in 1186
section 1501.30 of the Revised Code. 1187

(B) "Well" means any excavation, regardless of design or 1188
method of construction, created for any of the following purposes: 1189

(1) Removing ground water from or recharging water into an 1190
aquifer, excluding subsurface drainage systems installed to 1191
enhance agricultural crop production or urban or suburban 1192
landscape management or to control seepage in dams, dikes, and 1193
levees; 1194

(2) Determining the quantity, quality, level, or movement of 1195
ground water in or the stratigraphy of an aquifer, excluding 1196
borings for instrumentation in dams, dikes, levees, or highway 1197
embankments; 1198

(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.	1199 1200 1201
(C) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.	1202 1203 1204 1205
(D) "Ground water" means all water occurring in an aquifer.	1206
(E) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.	1207 1208 1209 1210
(F) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.	1211 1212 1213 1214 1215
(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.	1216 1217
(H) "Development" means 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.	1218 1219 1220 1221 1222
(I) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.	1223 1224 1225
(J) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood	1226 1227 1228

information, construction of flood control works, nonstructural 1229
flood damage reduction techniques, and adoption of rules, 1230
ordinances, or resolutions governing development in floodplains. 1231

(K) "One-hundred-year flood" means a flood having a one per 1232
cent chance of being equaled or exceeded in any given year. 1233

(L) "One-hundred-year floodplain" means that portion of a 1234
floodplain inundated by a one-hundred-year flood. 1235

(M) "Structure" means a walled and roofed building, 1236
including, without limitation, gas or liquid storage tanks, mobile 1237
homes, and manufactured homes. 1238

(N) "Substantial improvement" means any reconstruction, 1239
rehabilitation, addition, or other improvement of a structure, the 1240
cost of which equals or exceeds fifty per cent of the market value 1241
of the structure before the start of construction of the 1242
improvement. "Substantial improvement" includes repairs to 1243
structures that have incurred substantial damage regardless of the 1244
actual repair work performed. "Substantial improvement" does not 1245
include either of the following: 1246

(1) Any project for the improvement of a structure to correct 1247
existing violations of state or local health, sanitary, or safety 1248
code specifications that have been identified by the state or 1249
local code enforcement official having jurisdiction and that are 1250
the minimum necessary to ensure safe living conditions; 1251

(2) Any alteration of an historic structure designated or 1252
listed pursuant to federal or state law, provided that the 1253
alteration will not preclude the structure's continued listing or 1254
designation as an historic structure. 1255

(O) ~~"Shore structure" includes, but is not limited to:~~ 1256
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 1257
~~certain dikes designated by the chief of the division of water;~~ 1258
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 1259

~~associated fill or debris used as part of the construction of 1260
shore structures that may affect shore erosion, wave action, or 1261
inundation; and fill or debris placed along or near the shore, 1262
including bluffs, banks, or beach ridges, for the purpose of 1263
stabilizing slopes. 1264~~

~~(P) "Conservancy district" means a conservancy district 1265
established under Chapter 6101. of the Revised Code. 1266~~

~~(Q) "Park board" means the board of park commissioners of a 1267
park district created under Chapter 1545. of the Revised Code. 1268~~

~~(R) "Erosion control structure" means anything that is 1269
designed primarily to reduce or control erosion of the shore along 1270
or near lake erie, including, but not limited to, revetments, 1271
seawalls, bulkheads, certain breakwaters designated by the chief, 1272
and similar structures. "Erosion control structure" does not 1273
include wharves, piers, docks, marinas, boat ramps, and other 1274
similar structures. 1275~~

Sec. 1521.99. (A) Whoever violates division (C)(1) of section 1276
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 1277
is guilty of a misdemeanor of the fourth degree. 1278

(B) Whoever violates section 1521.06 or 1521.062 of the 1279
Revised Code shall be fined not less than one hundred dollars nor 1280
more than one thousand dollars for each offense. Each day of 1281
violation constitutes a separate offense. 1282

~~(C) Whoever violates sections 1521.20 to 1521.30 of the 1283
Revised Code shall be fined not less than one hundred dollars nor 1284
more than one thousand dollars for each offense. Each day of 1285
violation constitutes a separate offense. 1286~~

Sec. 6121.04. The Ohio water development authority may do any 1287
or all of the following: 1288

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;	1289 1290
(B) Adopt an official seal;	1291
(C) Maintain a principal office and suboffices at places within the state that it designates;	1292 1293
(D) Sue and plead in its own name and be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any such actions against the authority shall be brought in the court of common pleas of the county in which the principal office of the authority is located or in the court of common pleas of the county in which the cause of action arose, provided that the county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the authority by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary-treasurer of the authority.	1294 1295 1296 1297 1298 1299 1300 1301 1302 1303 1304 1305 1306
(E) Make loans and grants to governmental agencies for the acquisition or construction of water development projects by any such governmental agency and adopt rules and procedures for making such <u>the</u> loans and grants;	1307 1308 1309 1310
(F) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, or lease or rent to, or contract for operation by, a governmental agency or person, water development projects, and establish rules for the use of those projects;	1311 1312 1313 1314 1315
(G) Make available the use or services of any water development project to one or more persons, one or more governmental agencies, or any combination thereof;	1316 1317 1318

(H) Issue water development revenue bonds and notes and water development revenue refunding bonds of the state, payable solely from revenues as provided in section 6121.06 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost of one or more water development projects or parts thereof;

(I) Acquire by gift or purchase, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter;

(J) Acquire, in the name of the state, by purchase or otherwise, on terms and in the manner that it considers proper, or by the exercise of the right of condemnation in the manner provided by section 6121.18 of the Revised Code, public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests that it considers necessary for carrying out this chapter, but excluding the acquisition by the exercise of the right of condemnation of any waste water facility or water management facility owned by any person or governmental agency, and compensation shall be paid for public or private lands so taken, except that a government-owned waste water facility may be appropriated in accordance with section 6121.041 of the Revised Code;

(K) Adopt rules to protect augmented flow in waters of the state, to the extent augmented by a water development project, from depletion so it will be available for beneficial use, and to provide standards for the withdrawal from waters of the state of the augmented flow created by a water development project that is not returned to the waters of the state so augmented and to establish reasonable charges therefor if considered necessary by the authority;

(L) Make and enter into all contracts and agreements and 1350
execute all instruments necessary or incidental to the performance 1351
of its duties and the execution of its powers under this chapter 1352
in accordance with the following requirements: 1353

(1) When the cost under any such contract or agreement, other 1354
than compensation for personal services, involves an expenditure 1355
of more than ten thousand dollars, the authority shall make a 1356
written contract with the lowest responsive and responsible 1357
bidder, in accordance with section 9.312 of the Revised Code, 1358
after advertisement for not less than two consecutive weeks in a 1359
newspaper of general circulation in Franklin county, and in other 1360
publications that the authority determines, which shall state the 1361
general character of the work and the general character of the 1362
materials to be furnished, the place where plans and 1363
specifications therefor may be examined, and the time and place of 1364
receiving bids, provided that a contract or lease for the 1365
operation of a water development project constructed and owned by 1366
the authority or an agreement for cooperation in the acquisition 1367
or construction of a water development project pursuant to section 1368
6121.13 of the Revised Code or any contract for the construction 1369
of a water development project that is to be leased by the 1370
authority to, and operated by, persons who are not governmental 1371
agencies and the cost of the project is to be amortized 1372
exclusively from rentals or other charges paid to the authority by 1373
persons who are not governmental agencies is not subject to the 1374
foregoing requirements and the authority may enter into such a 1375
contract or lease or such an agreement pursuant to negotiation and 1376
upon terms and conditions and for the period that it finds to be 1377
reasonable and proper in the circumstances and in the best 1378
interests of proper operation or of efficient acquisition or 1379
construction of the project. 1380

(2) Each bid for a contract for the construction, demolition, 1381

alteration, repair, or reconstruction of an improvement shall 1382
contain the full name of every person interested in it and shall 1383
meet the requirements of section 153.54 of the Revised Code. 1384

(3) Each bid for a contract except as provided in division 1385
(L)(2) of this section shall contain the full name of every person 1386
or company interested in it and shall be accompanied by a 1387
sufficient bond or certified check on a solvent bank that if the 1388
bid is accepted, a contract will be entered into and the 1389
performance thereof secured. 1390

(4) The authority may reject any and all bids. 1391

(5) A bond with good and sufficient surety, approved by the 1392
authority, shall be required of every contractor awarded a 1393
contract except as provided in division (L)(2) of this section, in 1394
an amount equal to at least fifty per cent of the contract price, 1395
conditioned upon the faithful performance of the contract. 1396

(M) Employ managers, superintendents, and other employees and 1397
retain or contract with consulting engineers, financial 1398
consultants, accounting experts, architects, attorneys, and other 1399
consultants and independent contractors that are necessary in its 1400
judgment to carry out this chapter, and fix the compensation 1401
thereof. All expenses thereof shall be payable solely from the 1402
proceeds of water development revenue bonds or notes issued under 1403
this chapter, from revenues, or from funds appropriated for that 1404
purpose by the general assembly. 1405

(N) Receive and accept from any federal agency, subject to 1406
the approval of the governor, grants for or in aid of the 1407
construction of any water development project or for research and 1408
development with respect to waste water or water management 1409
facilities, and receive and accept aid or contributions from any 1410
source of money, property, labor, or other things of value, to be 1411
held, used, and applied only for the purposes for which the grants 1412

and contributions are made;	1413
(O) Engage in research and development with respect to waste water or water management facilities;	1414 1415
(P) Purchase fire and extended coverage and liability insurance for any water development project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its water development revenue bonds or in any trust agreement securing the same;	1416 1417 1418 1419 1420 1421 1422 1423
(Q) Charge, alter, and collect rentals and other charges for the use or services of any water development project as provided in section 6121.13 of the Revised Code;	1424 1425 1426
(R) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;	1427 1428
(S) Assist in the implementation and administration of the drinking water assistance fund and program created in section 6109.22 of the Revised Code and the water pollution control loan fund and program created in section 6111.036 of the Revised Code, including, without limitation, performing or providing fiscal management for the funds and investing and disbursing moneys in the funds, and enter into all necessary and appropriate agreements with the director of environmental protection for those purposes;	1429 1430 1431 1432 1433 1434 1435 1436
(T) Issue water development revenue bonds and notes of the state in principal amounts that are necessary for the purpose of raising moneys for the sole benefit of the water pollution control loan fund created in section 6111.036 of the Revised Code, including moneys to meet the requirement for providing matching moneys under division (D) of that section. The bonds and notes may be secured by appropriate trust agreements and repaid from moneys	1437 1438 1439 1440 1441 1442 1443

credited to the fund from payments of principal and interest on 1444
loans made from the fund, as provided in division (F) of section 1445
6111.036 of the Revised Code. 1446

(U) Issue water development revenue bonds and notes of the 1447
state in principal amounts that are necessary for the purpose of 1448
raising moneys for the sole benefit of the drinking water 1449
assistance fund created in section 6109.22 of the Revised Code, 1450
including moneys to meet the requirement for providing matching 1451
moneys under divisions (B) and (F) of that section. The bonds and 1452
notes may be secured by appropriate trust agreements and repaid 1453
from moneys credited to the fund from payments of principal and 1454
interest on loans made from the fund, as provided in division (F) 1455
of section 6109.22 of the Revised Code. 1456

(V) Make loans to and enter into agreements with boards of 1457
county commissioners for the purposes of section ~~1521.26~~ 1506.44 1458
of the Revised Code and adopt rules establishing requirements and 1459
procedures for making the loans and entering into the agreements; 1460

(W) Do all acts necessary or proper to carry out the powers 1461
expressly granted in this chapter. 1462

Any instrument by which real property is acquired pursuant to 1463
this section shall identify the agency of the state that has the 1464
use and benefit of the real property as specified in section 1465
5301.012 of the Revised Code. 1466

Section 2. That existing sections 149.56, 317.08, 1501.01, 1467
1504.02, 1506.01, 1506.11, 1506.12, 1506.30, 1506.34, 1506.35, 1468
1506.99, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1469
1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.99, and 6121.04 1470
and section 1506.37 of the Revised Code are hereby repealed. 1471

Section 3. On the effective date of this section, the Coastal 1472
Resources Advisory Council created in section 1506.12 of the 1473

Revised Code, as that section existed prior to its amendment by 1474
this act, is abolished, and all of its assets, liabilities, 1475
equipment, and records, irrespective of form or medium, are 1476
transferred to the Lake Erie Coastal Advisory Council that is 1477
created in section 1506.12 of the Revised Code as amended by this 1478
act. Former members of the Coastal Resources Advisory Council may 1479
be appointed to the Lake Erie Coastal Advisory Council if the 1480
Governor so chooses. 1481

Section 4. On the effective date of this section, the 1482
Submerged Lands Advisory Council created in former section 1506.37 1483
of the Revised Code is abolished, and all of its assets, 1484
liabilities, equipment, and records, irrespective of form or 1485
medium, are transferred to the Lake Erie Coastal Advisory Council 1486
that is created in section 1506.12 of the Revised Code, as amended 1487
by this act. Former members of the Submerged Lands Advisory 1488
Council who satisfy the appointment criteria established in 1489
section 1506.12 of the Revised Code as amended by this act for 1490
members of the Lake Erie Coastal Advisory Council may be appointed 1491
to the Lake Erie Coastal Advisory Council if the Governor so 1492
chooses. 1493

Section 5. Section 6121.04 of the Revised Code is presented 1494
in this act as a composite of the section as amended by both Sub. 1495
H.B. 601 and Am. Sub. H.B. 628 of the 123rd General Assembly, with 1496
the new language of neither of the acts shown in capital letters. 1497
This is in recognition of the principle stated in division (B) of 1498
section 1.52 of the Revised Code that such amendments are to be 1499
harmonized where not substantively irreconcilable and constitutes 1500
a legislative finding that such is the resulting version in effect 1501
prior to the effective date of this act. 1502