

As Introduced

**126th General Assembly
Regular Session
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H. B. No. 206

**Representatives Martin, Gilb, Kilbane, Seitz, Daniels, Distel, Cassell, Collier,
T. Patton, Brinkman**

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A B I L L

To amend sections 317.08, 1501.01, 1504.02, 1506.01, 1
1506.02, 1506.06, 1506.08, 1506.10 to 1506.12, 2
1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 3
1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 4
1521.29, 1521.99, and 6121.04; to amend, for the 5
purpose of adopting new section numbers as 6
indicated in parentheses, sections 1521.20 7
(1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 8
1521.23 (1506.41), 1521.24 (1506.42), 1521.25 9
(1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 10
1521.28 (1506.46), 1521.29 (1506.47), and 1521.30 11
(1506.48); to enact section 1506.49; and to repeal 12
section 1506.37 of the Revised Code to revise the 13
law governing coastal management and the control 14
of erosion along Lake Erie. 15

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

Section 1. That sections 317.08, 1501.01, 1504.02, 1506.01, 16
1506.02, 1506.06, 1506.08, 1506.10, 1506.11, 1506.12, 1521.01, 17
1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 18
1521.27, 1521.28, 1521.29, 1521.99, and 6121.04 be amended, 19
sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 20

1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26 21
(1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29 22
(1506.47), and 1521.30 (1506.48) be amended for the purpose of 23
adopting new section numbers as indicated in parentheses, and 24
section 1506.49 of the Revised Code be enacted to read as follows: 25

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 26
of this section, the county recorder shall keep six separate sets 27
of records as follows: 28

(1) A record of deeds, in which shall be recorded all deeds 29
and other instruments of writing for the absolute and 30
unconditional sale or conveyance of lands, tenements, and 31
hereditaments; all notices as provided in sections 5301.47 to 32
5301.56 of the Revised Code; all judgments or decrees in actions 33
brought under section 5303.01 of the Revised Code; all 34
declarations and bylaws, and all amendments to declarations and 35
bylaws, as provided in Chapter 5311. of the Revised Code; 36
affidavits as provided in section 5301.252 of the Revised Code; 37
all certificates as provided in section 5311.17 of the Revised 38
Code; all articles dedicating archaeological preserves accepted by 39
the director of the Ohio historical society under section 149.52 40
of the Revised Code; all articles dedicating nature preserves 41
accepted by the director of natural resources under section 42
1517.05 of the Revised Code; all agreements for the registration 43
of lands as archaeological or historic landmarks under section 44
149.51 or 149.55 of the Revised Code; all conveyances of 45
conservation easements and agricultural easements under section 46
5301.68 of the Revised Code; all instruments extinguishing 47
agricultural easements under section 901.21 or 5301.691 of the 48
Revised Code or pursuant to terms of such an easement granted to a 49
charitable organization under section 5301.68 of the Revised Code; 50
all instruments or orders described in division (B)(1)(c)(ii) of 51

section 5301.56 of the Revised Code; all no further action letters 52
issued under section 122.654 or 3746.11 of the Revised Code; all 53
covenants not to sue issued under section 3746.12 of the Revised 54
Code, including all covenants not to sue issued pursuant to 55
section 122.654 of the Revised Code; any restrictions on the use 56
of property contained in a no further action letter issued under 57
section 122.654 of the Revised Code, any restrictions on the use 58
of property identified pursuant to division (C)(3)(a) of section 59
3746.10 of the Revised Code, and any restrictions on the use of 60
property contained in a deed or other instrument as provided in 61
division (E) or (F) of section 3737.882 of the Revised Code; any 62
easement executed or granted under section 3734.22, 3734.24, 63
3734.25, or 3734.26 of the Revised Code; any environmental 64
covenant entered into in accordance with sections 5301.80 to 65
5301.92 of the Revised Code; all memoranda of trust, as described 66
in division (A) of section 5301.255 of the Revised Code, that 67
describe specific real property; and all agreements entered into 68
under division (A) of section ~~1521.26~~ 1506.44 of the Revised Code; 69

(2) A record of mortgages, in which shall be recorded all of 70
the following: 71

(a) All mortgages, including amendments, supplements, 72
modifications, and extensions of mortgages, or other instruments 73
of writing by which lands, tenements, or hereditaments are or may 74
be mortgaged or otherwise conditionally sold, conveyed, affected, 75
or encumbered; 76

(b) All executory installment contracts for the sale of land 77
executed after September 29, 1961, that by their terms are not 78
required to be fully performed by one or more of the parties to 79
them within one year of the date of the contracts; 80

(c) All options to purchase real estate, including 81
supplements, modifications, and amendments of the options, but no 82

option of that nature shall be recorded if it does not state a	83
specific day and year of expiration of its validity;	84
(d) Any tax certificate sold under section 5721.33 of the	85
Revised Code, or memorandum of it, that is presented for filing of	86
record.	87
(3) A record of powers of attorney, including all memoranda	88
of trust, as described in division (A) of section 5301.255 of the	89
Revised Code, that do not describe specific real property;	90
(4) A record of plats, in which shall be recorded all plats	91
and maps of town lots, of the subdivision of town lots, and of	92
other divisions or surveys of lands, any center line survey of a	93
highway located within the county, the plat of which shall be	94
furnished by the director of transportation or county engineer,	95
and all drawings and amendments to drawings, as provided in	96
Chapter 5311. of the Revised Code;	97
(5) A record of leases, in which shall be recorded all	98
leases, memoranda of leases, and supplements, modifications, and	99
amendments of leases and memoranda of leases;	100
(6) A record of declarations executed pursuant to section	101
2133.02 of the Revised Code and durable powers of attorney for	102
health care executed pursuant to section 1337.12 of the Revised	103
Code.	104
(B) All instruments or memoranda of instruments entitled to	105
record shall be recorded in the proper record in the order in	106
which they are presented for record. The recorder may index, keep,	107
and record in one volume unemployment compensation liens, internal	108
revenue tax liens and other liens in favor of the United States as	109
described in division (A) of section 317.09 of the Revised Code,	110
personal tax liens, mechanic's liens, agricultural product liens,	111
notices of liens, certificates of satisfaction or partial release	112
of estate tax liens, discharges of recognizances, excise and	113

franchise tax liens on corporations, broker's liens, and liens 114
provided for in sections 1513.33, 1513.37, 3752.13, 5111.021, and 115
5311.18 of the Revised Code. 116

The recording of an option to purchase real estate, including 117
any supplement, modification, and amendment of the option, under 118
this section shall serve as notice to any purchaser of an interest 119
in the real estate covered by the option only during the period of 120
the validity of the option as stated in the option. 121

(C) In lieu of keeping the six separate sets of records 122
required in divisions (A)(1) to (6) of this section and the 123
records required in division (D) of this section, a county 124
recorder may record all the instruments required to be recorded by 125
this section in two separate sets of record books. One set shall 126
be called the "official records" and shall contain the instruments 127
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 128
section. The second set of records shall contain the instruments 129
listed in division (A)(4) of this section. 130

(D) Except as provided in division (C) of this section, the 131
county recorder shall keep a separate set of records containing 132
all corrupt activity lien notices filed with the recorder pursuant 133
to section 2923.36 of the Revised Code and a separate set of 134
records containing all medicaid fraud lien notices filed with the 135
recorder pursuant to section 2933.75 of the Revised Code. 136

Sec. 1501.01. Except where otherwise expressly provided, the 137
director of natural resources shall formulate and institute all 138
the policies and programs of the department of natural resources. 139
The chief of any division of the department shall not enter into 140
any contract, agreement, or understanding unless it is approved by 141
the director. No appointee or employee of the director, other than 142
the assistant director, may bind the director in a contract except 143
when given general or special authority to do so by the director. 144

The director shall correlate and coordinate the work and 145
activities of the divisions in the department to eliminate 146
unnecessary duplications of effort and overlapping of functions. 147
The chiefs of the various divisions of the department shall meet 148
with the director at least once each month at a time and place 149
designated by the director. 150

The director may create advisory boards to any of those 151
divisions in conformity with section 121.13 of the Revised Code. 152

The director may accept and expend gifts, devises, and 153
bequests of money, lands, and other properties on behalf of the 154
department or any division thereof under the terms set forth in 155
section 9.20 of the Revised Code. Any political subdivision of 156
this state may make contributions to the department for the use of 157
the department or any division therein according to the terms of 158
the contribution. 159

In administering the coastal management program, the director 160
shall consult with and provide coordination among state agencies, 161
political subdivisions, the United States and its agencies, and 162
interstate, regional, and areawide agencies. Such coordination may 163
include the development of consolidated permit processes regarding 164
applicable permits with state agencies, political subdivisions, 165
and the United States and its agencies. 166

The director may publish and sell or otherwise distribute 167
data, reports, and information. 168

The director shall adopt rules in accordance with Chapter 169
119. of the Revised Code to permit the department to accept by 170
means of a credit card the payment of fees, charges, and rentals 171
at those facilities described in section 1501.07 of the Revised 172
Code that are operated by the department, for any data, reports, 173
or information sold by the department, and for any other goods or 174
services provided by the department. 175

Whenever authorized by the governor to do so, the director 176
may appropriate property for the uses and purposes authorized to 177
be performed by the department and on behalf of any division 178
within the department. This authority shall be exercised in the 179
manner provided in sections 163.01 to 163.22 of the Revised Code 180
for the appropriation of property by the director of 181
administrative services. This authority to appropriate property is 182
in addition to the authority provided by law for the appropriation 183
of property by divisions of the department. The director of 184
natural resources also may acquire by purchase, lease, or 185
otherwise such real and personal property rights or privileges in 186
the name of the state as are necessary for the purposes of the 187
department or any division therein. The director, with the 188
approval of the governor and the attorney general, may sell, 189
lease, or exchange portions of lands or property, real or 190
personal, of any division of the department or grant easements or 191
licenses for the use thereof, or enter into agreements for the 192
sale of water from lands and waters under the administration or 193
care of the department or any of its divisions, when the sale, 194
lease, exchange, easement, agreement, or license for use is 195
advantageous to the state, provided that such approval is not 196
required for leases and contracts made under section 1501.07, 197
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 198
may be sold from a reservoir only to the extent that the reservoir 199
was designed to yield a supply of water for a purpose other than 200
recreation or wildlife, and the water sold is in excess of that 201
needed to maintain the reservoir for purposes of recreation or 202
wildlife. 203

Money received from such sales, leases, easements, exchanges, 204
agreements, or licenses for use, except revenues required to be 205
set aside or paid into depositories or trust funds for the payment 206
of bonds issued under sections 1501.12 to 1501.15 of the Revised 207

Code, and to maintain the required reserves therefor as provided 208
in the orders authorizing the issuance of such bonds or the trust 209
agreements securing such bonds, revenues required to be paid and 210
credited pursuant to the bond proceeding applicable to obligations 211
issued pursuant to section 154.22, and revenues generated under 212
section 1520.05 of the Revised Code, shall be deposited in the 213
state treasury to the credit of the fund of the division of the 214
department having prior jurisdiction over the lands or property. 215
If no such fund exists, the money shall be credited to the general 216
revenue fund. All such money received from lands or properties 217
administered by the division of wildlife shall be credited to the 218
wildlife fund. 219

The director shall provide for the custody, safekeeping, and 220
deposit of all moneys, checks, and drafts received by the 221
department or its employees prior to paying them to the treasurer 222
of state under section 113.08 of the Revised Code. 223

The director shall cooperate with the nature conservancy, 224
other nonprofit organizations, and the United States fish and 225
wildlife service in order to secure protection of islands in the 226
Ohio river and the wildlife and wildlife habitat of those islands. 227

Any instrument by which real property is acquired pursuant to 228
this section shall identify the agency of the state that has the 229
use and benefit of the real property as specified in section 230
5301.012 of the Revised Code. 231

Sec. 1504.02. (A) The division of real estate and land 232
management shall do all of the following: 233

(1) Except as otherwise provided in the Revised Code, 234
coordinate and conduct all real estate functions for the 235
department of natural resources, including at least acquisitions 236
by purchase, lease, gift, devise, bequest, appropriation, or 237

otherwise; grants through sales, leases, exchanges, easements, and 238
licenses; inventories of land; and other related general 239
management duties; 240

(2) Assist the department and its divisions by providing 241
department-wide planning, including at least master planning, 242
comprehensive planning, capital improvements planning, and special 243
purpose planning such as trails coordination and planning under 244
section 1519.03 of the Revised Code; 245

~~(3) On behalf of the director of natural resources, 246
administer the coastal management program established under 247
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 248
Code and consult with and provide coordination among state 249
agencies, political subdivisions, the United States and agencies 250
of it, and interstate, regional, and areawide agencies to assist 251
the director in executing the director's duties and 252
responsibilities under that program and to assist the department 253
as the lead agency for the development and implementation of the 254
program; 255~~

~~(4) On behalf of the director, administer sections 1506.10 256
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 257~~

~~(5) Cooperate with the United States and agencies of it and 258
with political subdivisions in administering federal recreation 259
moneys under the "Land and Water Conservation Fund Act of 1965," 260
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 261
distribute the statewide comprehensive outdoor recreation plan; 262
and administer the state recreational vehicle fund created in 263
section 4519.11 of the Revised Code; 264~~

~~(6)~~(4)(a) Support the geographic information system needs for 265
the department as requested by the director, which shall include, 266
but not be limited to, all of the following: 267

(i) Assisting in the training and education of department 268

resource managers, administrators, and other staff in the	269
application and use of geographic information system technology;	270
(ii) Providing technical support to the department in the	271
design, preparation of data, and use of appropriate geographic	272
information system applications in order to help solve resource	273
related problems and to improve the effectiveness and efficiency	274
of department delivered services;	275
(iii) Creating, maintaining, and documenting spatial digital	276
data bases for the division and for other divisions as assigned by	277
the director.	278
(b) Provide information to and otherwise assist government	279
officials, planners, and resource managers in understanding land	280
use planning and resource management;	281
(c) Provide continuing assistance to local government	282
officials and others in natural resource digital data base	283
development and in applying and utilizing the geographic	284
information system for land use planning, current agricultural use	285
value assessment, development reviews, coastal management, and	286
other resource management activities;	287
(d) Coordinate and administer the remote sensing needs of the	288
department, including the collection and analysis of aerial	289
photography, satellite data, and other data pertaining to land,	290
water, and other resources of the state;	291
(e) Prepare and publish maps and digital data relating to the	292
state's land use and land cover over time on a local, regional,	293
and statewide basis;	294
(f) Locate and distribute hard copy maps, digital data,	295
aerial photography, and other resource data and information to	296
government agencies and the public.	297
(7) (5) Prepare special studies and execute any other duties,	298

functions, and responsibilities requested by the director.	299
(B) The division may do any of the following:	300
(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 amended, and regulations adopted under those acts;	301 302 303 304 305 306 307
(2) On behalf of the director, administer Chapter 1520. of the Revised Code, except divisions (B) to (F) of section 1520.03 of the Revised Code, division (A) of section 1520.04 of the Revised Code as it pertains to those divisions, and section 1520.05 of the Revised Code;	308 309 310 311 312
(3) Administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director.	313 314 315
Sec. 1506.01. As used in this chapter:	316
(A) "Coastal area" means the waters of Lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands, and beaches. The coastal area extends in Lake Erie to the international boundary line between the United States and Canada and landward only to the extent necessary to include shorelands, the uses of which have a direct and significant impact on coastal waters as determined by the director of natural resources.	317 318 319 320 321 322 323 324
(B) "Coastal management program" means the comprehensive action of the state and its political subdivisions cooperatively to preserve, protect, develop, restore, or enhance the resources of the coastal area, <u>to prevent erosion</u> , and to ensure wise use of	325 326 327 328

the land and water resources of the coastal area, giving attention 329
to natural, cultural, historic, and aesthetic values; 330
agricultural, recreational, energy, and economic needs; the 331
interests and littoral rights of private property owners in the 332
coastal areas; and the national interest. "Coastal management 333
program" includes the establishment of objectives, policies, 334
standards, and criteria concerning, without limitation, protection 335
of air, water, wildlife, rare and endangered species, wetlands and 336
natural areas, and other natural resources in the coastal area; 337
management of coastal development and redevelopment; preservation 338
and restoration of historic, cultural, and aesthetic coastal 339
features; and public access to the coastal area for recreation 340
purposes. 341

(C) "Coastal management program document" means a 342
comprehensive statement consisting of, without limitation, text, 343
maps, and illustrations that is adopted by the director in 344
accordance with this chapter, describes the objectives, policies, 345
standards, and criteria of the coastal management program for 346
guiding public and private uses of lands and waters in the coastal 347
area, lists the governmental agencies, including, without 348
limitation, state agencies, involved in implementing the coastal 349
management program, describes their applicable policies and 350
programs, and cites the statutes and rules under which they may 351
adopt and implement those policies and programs. 352

(D) "Person" means any agency of this state, any political 353
subdivision of this state or of the United States, and any legal 354
entity defined as a person under section 1.59 of the Revised Code. 355

(E) "Director" means the director of natural resources or the 356
director's designee. 357

(F) "Permanent structure" means any residential, commercial, 358
industrial, institutional, or agricultural building, any mobile 359
home as defined in division (O) of section 4501.01 of the Revised 360

Code, any manufactured home as defined in division (C)(4) of 361
section 3781.06 of the Revised Code, and any septic system that 362
receives sewage from a single-family, two-family, or three-family 363
dwelling, but does not include any recreational vehicle as defined 364
in section 4501.01 of the Revised Code. 365

(G) "State agency" or "agency of the state" has the same 366
meaning as "agency" as defined in section 111.15 of the Revised 367
Code. 368

(H) "Coastal flood hazard area" means any territory within 369
the coastal area that has been identified as a flood hazard area 370
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 371
42 U.S.C.A. 4002, as amended. 372

(I) "Coastal erosion area" means any territory included in 373
Lake Erie coastal erosion areas identified by the director under 374
section 1506.06 of the Revised Code. 375

(J) "Southerly shore" and "natural shoreline" mean the line 376
at which the water usually stands when free from disturbing 377
causes. 378

(K) "Conservancy district" means a conservancy district that 379
is established under Chapter 6101. of the Revised Code. 380

(L) "Park board" means the board of park commissioners of a 381
park district that is created under Chapter 1545. of the Revised 382
Code. 383

(M) "Erosion control structure" means anything that is 384
designed primarily to reduce or control erosion of the shore along 385
or near Lake Erie, including, without limitation, revetments, 386
seawalls, bulkheads, groins or breakwaters, and similar 387
structures. "Erosion control structure" does not include wharves, 388
piers, docks, marinas, boat ramps, and other similar structures. 389

(N) "Littoral rights" means the rights of littoral owners to 390

make reasonable use of the submerged lands and waters fronting 391
their lands, including the construction of such things as piers, 392
fills, erosion control structures, or wharves, for the purpose of 393
accessing and using the waters of Lake Erie for navigation, 394
fishing, recreation, or other purposes, including, but not limited 395
to, protecting property from erosion, launching and storing 396
watercraft, and wharfing out to navigable waters. "Littoral 397
rights" includes the right to own additional lands created by 398
accretion or reliction and the right to restore lands lost by 399
avulsion or artificially induced erosion. 400

(O) "Accretion" means the accumulation of land that results 401
from the deposition of soil, sand, or sediment through the 402
operation of natural causes. 403

(P) "Reliction" means the gradual exposure of land by the 404
recession of a body of water. 405

(O) "Avulsion" means a sudden and perceptible loss of land by 406
the action of water or other natural causes. 407

Sec. 1506.02. (A) The department of natural resources is 408
hereby designated the lead agency for the development and 409
implementation of a coastal management program. The director of 410
natural resources: 411

(1) Shall develop and adopt the coastal management program 412
document. The director shall cooperate and coordinate with other 413
agencies of the state and its political subdivisions in the 414
development of the document. Before adopting the document, the 415
director shall hold four public hearings on it in the coastal 416
area, and may hold additional public meetings, to give the public 417
the opportunity to make comments and recommendations concerning 418
its terms. The director shall consider the public comments and 419
recommendations before adopting the document. The director may 420

amend the coastal management program document, provided that, 421
prior to making changes in it, the director notifies by mail those 422
persons who submitted comments and recommendations concerning the 423
original document, the members of the Lake Erie coastal advisory 424
council created in section 1506.12 of the Revised Code, and the 425
appropriate agencies of the state and its political subdivisions. 426
The director ~~may~~ shall hold at least one public hearing on the 427
proposed changes in a community that has Lake Erie shoreline 428
property within its geographical boundaries. In addition, the 429
director shall publish notice of the date, time, and location of 430
the hearing in newspapers of general circulation in the counties 431
having Lake Erie shoreline property within their geographical 432
boundaries. 433

(2) Shall administer the coastal management program in 434
accordance with the coastal management program document, this 435
chapter, and rules adopted under it; 436

(3) Shall adopt and may amend or rescind rules under Chapter 437
119. of the Revised Code for the implementation, administration, 438
and enforcement of the coastal management program and the other 439
provisions of this chapter. The rules shall establish a fee 440
schedule for permits issued under section 1506.40 of the Revised 441
Code, provided that no fee on the schedule shall exceed five 442
hundred dollars. The fee schedule shall be based on the total 443
square footage of the structure, development, or improvement for 444
which a permit is to be issued under that section. Before the 445
adoption, amendment, or rescission of rules under division (A)(3) 446
of this section, the director shall do all of the following: 447

(a) Maintain a list of interested public and private 448
organizations and mail notice to those organizations of any 449
proposed rule or amendment to or rescission of a rule at least 450
thirty days before any public hearing on the proposal; 451

(b) Mail a copy of each proposed rule, amendment, or 452
rescission to any person who requests a copy within five days 453
after receipt of the request; 454

(c) Consult with appropriate statewide organizations and 455
units of local government that would be affected by the proposed 456
rule, amendment, or rescission. 457

Although the director is expected to discharge ~~these~~ the 458
duties established in divisions (A)(3)(a) to (c) of this section 459
diligently, failure to mail any notice or copy or to so consult 460
with any person is not jurisdictional and shall not be construed 461
to invalidate any proceeding or action of the director. 462

In addition, the director shall consult with the Lake Erie 463
coastal advisory council before adopting, amending, or rescinding 464
rules under division (A)(3) of this section. 465

(4) Shall provide for consultation and coordination between 466
and among state agencies, political subdivisions of the state, and 467
interstate, regional, areawide, and federal agencies in carrying 468
out the purposes of the coastal management program and the other 469
provisions of this chapter; 470

(5) Shall, to the extent practicable and consistent with the 471
protection of coastal area resources, coordinate the rules and 472
policies of the department of natural resources with the rules and 473
policies of other state and federal agencies to simplify and 474
consolidate the regulation of activities along the Lake Erie 475
shoreline; 476

(6) May, to accomplish the purposes of the coastal management 477
program and the other provisions of this chapter, contract with 478
any person and may accept and expend gifts, bequests, and grants 479
of money or property from any person. 480

(B) Every agency of the state, upon request of the director, 481

shall cooperate with the department of natural resources in the 482
implementation of the coastal management program. 483

(C) The director shall establish a coastal management 484
assistance grant program. Grants may be awarded from federal funds 485
received for that purpose and from such other funds as may be 486
provided by law to any municipal corporation, county, township, 487
park district created under section 511.18 or 1545.04 of the 488
Revised Code, conservancy district established under Chapter 6101. 489
of the Revised Code, port authority, other political subdivision, 490
state agency, educational institution, or nonprofit corporation to 491
help implement, administer, or enforce any aspect of the coastal 492
management program. Grants may be used for any of the following 493
purposes: 494

(1) Feasibility studies and engineering reports for projects 495
that are consistent with the policies in the coastal management 496
program document; 497

(2) The protection and preservation of wetlands, beaches, 498
fish and wildlife habitats, minerals, natural areas, prime 499
agricultural land, endangered plant and animal species, or other 500
significant natural coastal resources; 501

(3) The management of shoreline development to prevent loss 502
of life and property in coastal flood hazard areas and coastal 503
erosion areas, to set ~~prioities~~ priorities for water-dependent 504
energy, commercial, industrial, agricultural, and recreational 505
uses, or to identify environmentally acceptable sites for dredge 506
spoil disposal; 507

(4) Increasing public access to Lake Erie and other public 508
places in the coastal area, provided that the land acquired for 509
that purpose is purchased from a willing seller; 510

(5) The protection and preservation of historical, cultural, 511
or aesthetic coastal resources; 512

- (6) Improving the predictability and efficiency of governmental decision making related to coastal area management; 513
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- (7) ~~Adopting~~ Developing, adopting, administering, and enforcing zoning ordinances or resolutions relating to coastal flood hazard areas or coastal erosion areas; 515
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- (8) The redevelopment of deteriorating and underutilized waterfronts and ports; 518
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- ~~(9) Other purposes approved by the director.~~ 520

Sec. 1506.06. (A) The director of natural resources, using the best available scientific records, data, and analyses of shoreline recession, shall make a preliminary identification of Lake Erie coastal erosion areas, which are the land areas anticipated to be lost by Lake Erie-related erosion within a thirty-year period if no additional approved erosion control measures are completed within that time. The preliminary identification shall state the bluff recession rates for the coastal erosion areas and shall take into account areas where substantial filling, protective measures, or naturally stable land has significantly reduced recession. Prior to making the preliminary identification, the director shall consult with the appropriate authority of each municipal corporation, county, and township having territory within an area that the director proposes to identify as a Lake Erie coastal erosion area. Upon making the preliminary identification, the director shall notify by certified mail the appropriate authority of each municipal corporation, county, and township having territory within a Lake Erie coastal erosion area of the preliminary identification. The notice shall delineate the portion of a Lake Erie coastal erosion area within the jurisdiction of, and shall be made available for public inspection by, the municipal corporation, county, or township. The director also shall publish a notice in a newspaper 521
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of general circulation in each affected locality stating that the 544
preliminary identification has been made and stating where 545
information delineating the Lake Erie coastal erosion areas may be 546
inspected by the public and shall notify each landowner of record 547
in a coastal erosion area of the preliminary identification. The 548
notification shall be sent by certified mail to the landowner at 549
the address indicated in the most recent tax duplicate. Within 550
sixty days after the notifications required by this division, the 551
director shall hold public hearings in each of the shoreline 552
counties on the preliminary identification of the Lake Erie 553
coastal erosion areas. Any affected municipal corporation, county, 554
township, or private landowner may file with the director a 555
written objection to the preliminary identification at any of 556
those hearings or at any other time within one hundred twenty days 557
from the date indicated in the certified mail notice, which date 558
shall be one week following the date of the notice. For any such 559
objection, verifiable evidence or documentation shall be submitted 560
indicating that some portion of a Lake Erie coastal erosion area 561
should not have been included in the areas defined by the 562
preliminary identification. A municipal corporation, county, or 563
township may object only with respect to territory within its 564
jurisdiction or other territory that it owns; a private landowner 565
may object only with respect to the landowner's land. 566

(B) The director shall review all objections filed under 567
division (A) of this section. The director may then modify the 568
preliminary identification of Lake Erie coastal erosion areas. 569
Within the next ninety days, the director shall notify each 570
objecting person of the director's decision regarding the 571
objection. The director also shall notify, within that ninety-day 572
period, any other owner for whom the director's decision results 573
in a modification on that other owner's property. 574

(C) Whenever the preliminary identification of a Lake Erie 575

coastal erosion area is modified as a result of an objection, the 576
director shall so notify the affected municipal corporation, 577
county, or township and shall publish a notice of the modification 578
in a newspaper of general circulation in the affected locality. 579
Objections to modifications may be filed within sixty days of the 580
newspaper notification required by this division or within sixty 581
days of the date of the property owner's notification required by 582
division (B) of this section, whichever is later, and shall be 583
filed in the same manner as objections to the original preliminary 584
identification. The director shall rule on each objection to a 585
modification within sixty days after receiving it. 586

(D) After the director has ruled on each objection filed 587
under division (B) or (C) of this section, the director shall make 588
a final identification of the Lake Erie coastal erosion areas and 589
shall notify by certified mail the appropriate authority of each 590
affected municipal corporation, county, and township of the final 591
identification. The final identification may be appealed under 592
section 1506.08 of the Revised Code. 593

(E) At least once every ten years, the director shall review 594
and may revise the identification of Lake Erie coastal erosion 595
areas, taking into account any recent natural or artificially 596
induced changes affecting anticipated recession. The review and 597
revision shall be done in the same manner as that provided for 598
original preliminary and final identification in this section. 599

(F) Any person who has received written notice under this 600
section or section 5302.30 of the Revised Code that a parcel or 601
any portion of a parcel of real property that the person owns has 602
been included in a Lake Erie coastal erosion area identified under 603
this section shall not sell or transfer any interest in that real 604
property unless the person first provides written notice to the 605
purchaser or grantee that the real property is included in a Lake 606
Erie coastal erosion area. The written notice shall be provided in 607

accordance with section 5302.30 of the Revised Code.

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(G) No state agency, county, township, or municipal corporation, or any other political subdivision or special district in this state established by law shall use the fact that property has been identified as a Lake Erie coastal erosion area as a basis for any of the following:

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(1) Failing to enter into or renew a lease under section 1506.11 of the Revised Code or to issue or renew a permit under section ~~1506.11~~ 1506.40 of the Revised Code;

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(2) Failing to issue or renew a permit required by law, other than a permit issued under section 1506.07 of the Revised Code;

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(3) Taking private property for public use in the exercise of the power of eminent domain;

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(4) Determining what constitutes just compensation for a taking of the property in the exercise of the power of eminent domain.

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Sec. 1506.08. Any person who is adversely affected by ~~the final identification of a Lake Erie coastal erosion area under division (D) of section 1506.06 of the Revised Code or any other final administrative act of the director of natural resources under this chapter or who receives denial of a permit application under rules adopted under division (A) of section 1506.07 of the Revised Code,~~ within thirty days after the ~~identification, act, or denial,~~ identification, act, or denial, may appeal it in accordance with Chapter 119. of the Revised Code, except that, notwithstanding any provisions to the contrary in that chapter, both of the following apply:

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(A) Any adjudication hearing shall be held in the county in which the property that is the subject of the final administrative act of the director is located.

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(B) An appeal brought pursuant to section 119.12 of the

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Revised Code shall be made to the court of common pleas of the 638
county in which the property that is the subject of the appeal is 639
located. 640

Sec. 1506.10. It is hereby declared that the waters of Lake 641
Erie consisting of the territory within the boundaries of the 642
state, extending from the southerly shore of Lake Erie to the 643
international boundary line between the United States and Canada, 644
together with the soil beneath and their contents, do now belong 645
and have always, since the organization of the state of Ohio, 646
belonged to the state as proprietor in trust for the people of the 647
state, for the public uses to which they may be adapted, subject 648
to the powers of the United States government, to the public 649
rights of navigation, water commerce, and fishery, and to the 650
property and littoral rights of littoral owners, including the 651
right to make reasonable use of the waters in front of or flowing 652
~~pass past~~ past their lands. Any artificial encroachments by public or 653
private littoral owners, ~~which~~ that interfere with the free flow 654
of commerce in navigable channels, whether in the form of wharves, 655
piers, fills, or otherwise, beyond the natural shoreline of those 656
waters, not expressly authorized by the general assembly, acting 657
within its powers, or pursuant to section 1506.11 of the Revised 658
Code, shall not be considered as having prejudiced the rights of 659
the public in such domain. This section does not limit the right 660
of the state to control, improve, or place aids to navigation in 661
the other navigable waters of the state or the territory formerly 662
covered thereby. 663

The department of natural resources is hereby designated as 664
the state agency in all matters pertaining to the care, 665
protection, and enforcement of the state's rights designated in 666
this section. 667

Any order of the director of natural resources in any matter 668

pertaining to the care, protection, and enforcement of the state's 669
rights in that territory is a rule or adjudication within the 670
meaning of ~~sections 119.01 to 119.13~~ Chapter 119. of the Revised 671
Code. 672

Sec. 1506.11. (A) "Territory," as used in this section, means 673
the waters and the lands presently underlying the waters of Lake 674
Erie and the lands formerly underlying the waters of Lake Erie and 675
now artificially filled, between the natural shoreline and the 676
international boundary line with Canada. 677

(B) Whenever the state, acting through the director of 678
natural resources, upon application of any person who wants to 679
develop or improve part of the territory primarily for purposes 680
other than the exercise of littoral rights, and after notice that 681
the director, at the director's discretion, may give as provided 682
in this section, determines that any part of the territory can be 683
developed and improved or the waters thereof used as specified in 684
the application without impairment of the public right of 685
navigation, water commerce, and fishery, a lease of all or any 686
part of the state's interest therein may be entered into with the 687
applicant, ~~or a permit may be issued for that purpose,~~ subject to 688
the powers of the United States government and in accordance with 689
rules adopted by the director in accordance with Chapter 119. of 690
the Revised Code, and without prejudice to the littoral rights of 691
any owner of land fronting on Lake Erie, provided that the 692
legislative authority of the municipal corporation within which 693
any such part of the territory is located, if the municipal 694
corporation is not within the jurisdiction of a port authority, or 695
the county commissioners of the county within which such part of 696
the territory is located, excluding any territory within a 697
municipal corporation or under the jurisdiction of a port 698
authority, or the board of directors of a port authority with 699

respect to such part of the territory included in the jurisdiction 700
of the port authority, has enacted an ordinance or adopted a 701
resolution finding and determining that such part of the 702
territory, described by metes and bounds or by an alternate 703
description referenced to the applicant's upland property 704
description that is considered adequate by the director, is not 705
necessary or required for the construction, maintenance, or 706
operation by the municipal corporation, county, or port authority 707
of breakwaters, piers, docks, wharves, bulkheads, connecting ways, 708
water terminal facilities, and improvements and marginal highways 709
in aid of navigation and water commerce and that the land uses 710
specified in the application comply with regulation of permissible 711
land use under a waterfront plan of the local authority. 712

(C) Upon the filing of the application with the director, the 713
director may hold a public hearing thereon and may cause written 714
notice of the filing to be given to any municipal corporation, 715
county, or port authority, as the case may be, in which such part 716
of the territory is located and also shall cause public notice of 717
the filing to be given by advertisement in a newspaper of general 718
circulation within the locality where such part of the territory 719
is located. If a hearing is to be held, public notice of the 720
filing may be combined with public notice of the hearing and shall 721
be given once a week for four consecutive weeks prior to the date 722
of the initial hearing. All hearings shall be before the director 723
and shall be open to the public, and a record shall be made of the 724
proceeding. Parties thereto are entitled to be heard and to be 725
represented by counsel. The findings and order of the director 726
shall be in writing. All costs of the hearings, including 727
publication costs, shall be paid by the applicant. The director 728
also may hold public meetings on the filing of an application. 729

If the director finds that a lease may properly be entered 730
into with the applicant ~~or a permit may properly be issued to the~~ 731

applicant, the director shall determine the consideration to be 732
paid by the applicant, which consideration shall exclude the value 733
of the littoral rights of the owner of land fronting on Lake Erie 734
and improvements made or paid for by the owner of land fronting on 735
Lake Erie or that owner's predecessors in title. ~~The lease or~~ 736
~~permit may be for such periods of time as the director determines~~ 737
On and after the effective date of this amendment, a lease entered 738
into under this section shall be for a period of time that is 739
equal to the life of the development or improvement for purposes 740
other than the exercise of littoral rights that is the subject of 741
the lease. The 742

The rentals received under the terms of such a lease ~~or~~ 743
~~permit~~ shall be paid into the state treasury to the credit of the 744
Lake Erie submerged lands fund, which is hereby created, and shall 745
be distributed from that fund as follows: 746

(1) Fifty per cent of each rental shall be paid to the 747
department of natural resources for the administration of this 748
section and section 1506.10 of the Revised Code and for the 749
coastal management assistance grant program required to be 750
established under division (C) of section 1506.02 of the Revised 751
Code; 752

(2) Fifty per cent of each rental shall be paid to the 753
municipal corporation, county, or port authority making the 754
finding provided for in this section. 755

All leases ~~and permits~~ shall be executed in the manner 756
provided by section ~~5501.01~~ 5301.01 of the Revised Code and shall 757
contain, in addition to the provisions required in this section, a 758
reservation to the state of all mineral rights and a provision 759
that the removal of any minerals shall be conducted in such manner 760
as not to damage any improvements placed by the littoral owner, or 761
~~lessee, or permit holder~~ on the lands. No lease ~~or permit~~ of the 762
lands defined in this section shall express or imply any control 763

of fisheries or aquatic wildlife now vested in the division of 764
wildlife of the department. 765

(D) Upland owners who, prior to October 13, 1955, have 766
erected, developed, or maintained structures, facilities, 767
buildings, or improvements or made use of waters primarily for 768
purposes other than the exercise of littoral rights in the part of 769
the territory in front of those uplands shall be granted a lease 770
~~or permit~~ under this section by the state upon the presentation of 771
a certification by the chief executive of a municipal corporation, 772
resolution of the board of county commissioners, or resolution of 773
the board of directors of the port authority establishing that the 774
structures, facilities, buildings, improvements, or uses do not 775
constitute an unlawful encroachment on navigation and water 776
commerce. The lease ~~or permit~~ shall specifically enumerate the 777
structures, facilities, buildings, improvements, or uses so 778
included. 779

(E) Persons having secured a lease ~~or permit~~ under this 780
section are entitled to just compensation for the taking, whether 781
for navigation, water commerce, or otherwise, by any governmental 782
authority having the power of eminent domain, of structures, 783
facilities, buildings, improvements, or uses erected or placed 784
upon the territory pursuant to the lease ~~or permit~~ or the littoral 785
rights of the person and for the taking of the leasehold and the 786
littoral rights of the person pursuant to the procedure provided 787
in Chapter 163. of the Revised Code. The compensation shall not 788
include any compensation for the site in the territory except to 789
the extent of any interest in the site theretofore acquired by the 790
person under this section or by prior acts of the general assembly 791
or grants from the United States government. The failure of any 792
person to apply for or obtain a lease ~~or permit~~ under this section 793
does not prejudice any right the person may have to compensation 794
for a taking of littoral rights or of improvements made in 795

accordance with a lease, ~~a permit~~, or littoral rights. 796

(F) If any taxes or assessments are levied or assessed upon 797
~~property~~ a structure that is the subject of a lease ~~or permit~~ 798
under this section, the taxes or assessments are the obligation of 799
the lessee ~~or permit holder~~. 800

(G) If a lease ~~or permit~~ secured under this section requires 801
the lessee ~~or permit holder~~ to obtain the approval of the 802
department ~~or any of its divisions~~ for any changes in structures, 803
facilities, or buildings, for any improvements, or for any changes 804
or expansion in uses, no lessee ~~or permit holder~~ shall change any 805
structures, facilities, or buildings, make any improvements, or 806
expand or change any uses unless the director first determines 807
that the proposed action will not adversely affect any current or 808
prospective exercise of the public right of recreation in the 809
territory and in the state's reversionary interest in any 810
territory leased ~~or permitted~~ under this section. 811

Proposed changes or improvements shall be deemed to 812
"adversely affect" the public right of recreation if the changes 813
or improvements cause or will cause any significant demonstrable 814
negative impact upon any present or prospective recreational use 815
of the territory by the public during the term of the lease ~~or~~ 816
~~permit~~ or any renewals of leases and of any public recreational 817
use of the leased ~~or permitted~~ premises in which the state has a 818
reversionary interest. 819

Sec. 1506.12. There is hereby created the Lake Erie coastal 820
~~resources~~ advisory council, which shall consist of ~~nineteen~~ the 821
director of natural resources or the director's designee and 822
fifteen members, ~~who shall be~~ appointed by the ~~director of natural~~ 823
~~resources~~, governor and who represent a broad range of interests, 824
experience, and knowledge relating to the management, use, 825
conservation, protection, preservation, and development of coastal 826

area resources. The ~~director~~ governor shall solicit names of 827
qualified persons to serve on the council from the legislative 828
authorities of counties, townships, municipal corporations, and 829
other political subdivisions and from interest groups located in 830
the coastal area. The ~~director~~ governor shall appoint to the 831
council at least one member from each shoreline county, which 832
members shall be selected from the names submitted to the ~~director~~ 833
governor as described above and at least one of which shall be a 834
public official of such a county; at least three individuals who 835
own private shoreline property in a shoreline county; at least one 836
public official of a municipal corporation that ~~is located in a~~ 837
has shoreline county property within its geographical boundaries; 838
at least two individuals who are members of the Ohio association 839
of realtors and whose places of business as specified in section 840
4735.16 of the Revised Code are located in the shoreline area; at 841
least three individuals who have an interest in or are 842
knowledgeable about the preservation of submerged resources, two 843
of whom shall be experienced in scuba diving; and at least two 844
individuals with experience in residential and commercial land 845
development in the shoreline area. Not fewer than seven members 846
shall be individuals who are year-round residents who live 847
adjacent to the shoreline. No more than ~~ten~~ eight members of the 848
council shall be from the same political party. The director may 849
participate in the deliberations of the council, but shall not 850
vote. 851

~~The members of the council first appointed by the director~~ 852
~~shall serve terms commencing no later than one hundred eighty days~~ 853
~~after March 15, 1989, and expiring on February 1, 1990. On~~ 854
~~February 2, 1990, the director shall appoint six members to serve~~ 855
~~for a term of one year and seven members to serve for a term of~~ 856
~~two years. The members first appointed by the director after the~~ 857
~~effective date of this amendment shall serve terms commencing no~~ 858
~~later than one hundred eighty days after that date. Three of those~~ 859

~~members shall serve terms expiring on February 1, 1997, and three
of those members shall serve terms expiring on February 1, 1998.
On February 2, 1997, the director shall appoint nine members to
serve for a term of three years to replace all members whose terms
of office expired on February 1, 1997. On February 2, 1998, the
director shall appoint ten members to serve for a term of four
years to replace all members whose terms of office expired on
February 1, 1998.~~

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On the effective date of this amendment, the governor shall
begin the process of appointing members to the council. Not later
than three months following that date, all of the governor's
appointments shall be completed, and the terms of the initial
members of the council shall commence. Seven of the initial
members shall be appointed for terms ending on the first day of
February of the year that is two years following the year in which
the effective date of this amendment occurs. Eight of the initial
members shall be appointed for terms ending on the first day of
February of the year that is four years following the year in
which the effective date of this amendment occurs. Thereafter,
terms of office for all appointed members shall be for four years
commencing on the second day of February and ending on the first
day of February. Members may be reappointed to the council.

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

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Membership on the council does not constitute holding a

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public office or position of employment under state law and is not 892
grounds for removal of public officers or employees from their 893
offices or positions of employment. 894

The council annually shall select from its members a 895
chairperson and a vice-chairperson. The council shall hold at 896
least one meeting every three months and shall keep a record of 897
its proceedings, which shall be open to the public for inspection. 898
Special meetings may be called by the chairperson and shall be 899
called upon the written request of two or more members. A majority 900
of the members constitutes a quorum. The department of natural 901
resources shall furnish clerical, technical, legal, and other 902
services required by the council in the performance of its duties. 903

Members shall receive no compensation, but shall be 904
reimbursed from appropriations to the department for the actual 905
and necessary expenses incurred by them in the performance of 906
their official duties. 907

The council shall do all of the following: 908

(A) Advise the director on carrying out the director's duties 909
under this chapter, including, without limitation, implementation 910
of the coastal management program; 911

(B) Recommend to the director such policies and legislation 912
as are necessary to preserve, protect, develop, and restore or 913
enhance the coastal resources of the state; 914

(C) Review and make recommendations to the director on the 915
development of policies, plans, and programs for long-term, 916
comprehensive coastal resource management, including, without 917
limitation, the coastal management program document adopted under 918
division (A)(1) of section 1506.02 of the Revised Code; 919

(D) Recommend to the director ways to enhance cooperation 920
among governmental agencies, including, without limitation, state 921

agencies, having an interest in coastal management and to 922
encourage wise use and protection of the state's coastal 923
resources. The council may request information and other 924
assistance from those governmental agencies for this purpose. 925

Sec. ~~1521.20~~ 1506.38. The ~~chief director~~ of the ~~division of~~ 926
~~water natural resources~~ shall act as the erosion agent of the 927
state for the purpose of cooperating with the secretary of the 928
army, acting through the chief of engineers of the United States 929
army corps of engineers in the department of defense. The ~~chief~~ 930
~~director~~ shall cooperate with the secretary in carrying out, and 931
may conduct, investigations and studies of conditions along the 932
shorelines of Lake Erie and of the bays and projections therefrom, 933
and of the islands therein, within the territorial waters of the 934
state, with a view to devising and perfecting economical and 935
effective methods and works for preventing, correcting, and 936
controlling shore erosion and damage therefrom and controlling the 937
inundation of improved property by the waters of Lake Erie, its 938
bays, and associated inlets. 939

Sec. ~~1521.21~~ 1506.39. The ~~chief director~~ of the ~~division of~~ 940
~~water natural resources~~, in the discharge of the ~~chief's~~ 941
~~director's~~ duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 942
1506.49 of the Revised Code, may call to the ~~chief's~~ ~~director's~~ 943
assistance, temporarily, any engineers or other employees in any 944
state department, or in the Ohio state university or other 945
educational institutions financed wholly or in part by the state, 946
for the purpose of devising the most effective and economical 947
methods of controlling shore erosion and ~~damage from it and~~ 948
~~controlling the inundation of improved property by~~ along the 949
~~waters shore~~ of Lake Erie and its bays and associated inlets. 950

Such engineers and employees shall not receive any additional 951

compensation over that which they receive from the departments or 952
institutions by which they are employed, but they shall be 953
reimbursed for their actual necessary expenses incurred while 954
working under the direction of the ~~chief~~ director on erosion and 955
inundation projects. 956

Sec. ~~1521.22~~ 1506.40. (A) As used in this section, "Ordinary 957
high water mark" means the ordinary high water mark of Lake Erie 958
that is established from time to time by the United States army 959
corp of engineers for regulatory purposes. 960

(B) The use of the ordinary high water mark shall be for the 961
administration of this section and shall not be construed to 962
determine any type of property boundary. 963

(C) No person shall construct a beach, groin, or other 964
structure to control erosion, wave action, or inundation along or 965
near the Ohio shoreline of Lake Erie, including related islands, 966
bays, and inlets, lakeward of the ordinary high water mark, 967
without first obtaining a ~~shore structure~~ permit from the ~~chief of~~ 968
~~the division~~ director of water natural resources. ~~The~~ 969

The application for a ~~shore structure~~ permit shall include 970
detailed plans and specifications as prescribed by the director. 971
The detailed plans and specifications shall be prepared by a 972
professional engineer registered under Chapter 4733. of the 973
Revised Code. ~~An~~ unless they pertain to a project that is or 974
solely involves any of the following: 975

(1) A project that is not an erosion control structure or the 976
rehabilitation of such a structure; 977

(2) The rehabilitation of a structure for which a permit 978
previously was issued under this section; 979

(3) A project or structure that does not require a 980
professional engineer to prepare the plans or specifications as 981

described in section 4733.18 of the Revised Code; 982

(4) Beach nourishment with natural sand. 983

An applicant for a permit under this section shall provide 984
appropriate evidence of compliance with any applicable provisions 985
of this chapter and Chapters 1505. and ~~1506.~~ 1521. of the Revised 986
Code, as determined by the ~~chief~~ director. A temporary ~~shore~~ 987
structure permit may be issued by the ~~chief or an authorized~~ 988
representative of the ~~chief~~ director if it is determined necessary 989
to safeguard life, health, or property. 990

Each application or reapplication for a permit under this 991
section shall be accompanied by a non-refundable fee ~~as the chief~~ 992
~~shall prescribe by rule~~ in an amount determined by the director 993
using the fee schedule established in rules adopted under section 994
1506.02 of the Revised Code. 995

~~If the application is approved, the chief shall issue a~~ 996
~~permit to the applicant authorizing construction of the project.~~ 997
~~If~~ 998

(D) Upon receipt of an application submitted under this 999
section, the director shall notify owners of littoral real 1000
property that is adjacent to the proposed area of construction, 1001
development, or improvement. The notice shall be in writing, state 1002
that an application for a permit has been filed, summarize the 1003
proposed construction, development, or improvement that is the 1004
subject of the application, and state that the recipient of the 1005
notice may submit comments to the director concerning the 1006
application not later than thirty days following receipt of the 1007
notice. 1008

(E) Not later than fifteen days after the director receives 1009
an application for a permit under this section, the director shall 1010
determine whether the application is complete and shall provide 1011
written notice to the applicant of the director's determination. 1012

If the application is not complete, the director shall include in the notice an itemized list of the information or materials that are necessary to complete the application. If the director notifies the applicant that information or materials are necessary to complete the application, the applicant shall provide the missing information or materials not later than thirty days after receipt of the notice. The applicant may resubmit the application with the necessary information or materials. If the director fails to make a completeness determination and provide notice to the applicant within fifteen days after receiving the application, the application shall be deemed complete.

If the project solely involves the exercise of littoral rights, the director shall issue or deny the permit not later than ninety days after receipt of a complete application. If the project is for a purpose other than the exercise of littoral rights, the director shall issue or deny the permit not later than one hundred twenty days after receipt of a complete application. If the director fails to issue or deny the permit within ninety or one hundred twenty days, as applicable, after receiving the complete application, the application shall be deemed approved, and the director shall issue the permit.

If requested in writing by the applicant within thirty days of issuance of a notice of disapproval of the application, the chief director shall conduct an adjudication hearing under Chapter 119. of the Revised Code, except sections 119.12 and 119.121 of the Revised Code. After reviewing the record of the hearing, the chief director shall issue a final order approving the application, disapproving it, or approving it conditioned on the making of specified revisions in the plans and specifications.

(F) The chief director, by rule, shall limit the period during which a ~~construction~~ permit issued under this section is valid and shall establish reapplication requirements governing a

~~construction~~ permit that expires before construction, development, 1045
or improvement is completed. 1046

~~In accordance with Chapter 119. of the Revised Code, the 1047
chief shall adopt, and may amend or rescind, such rules as are 1048
necessary for the administration, implementation, and enforcement 1049
of this section. 1050~~

(G) Nothing in this section shall be construed as determining 1051
the boundary of the state's ownership of the waters of Lake Erie 1052
as provided in section 1506.10 of the Revised Code. 1053

Sec. ~~1521.23~~ 1506.41. All moneys derived from the granting of 1054
permits and leases under section 1505.07 of the Revised Code for 1055
the removal of sand, gravel, stone, gas, oil, and other minerals 1056
and substances from and under the bed of Lake Erie and from 1057
applications for ~~shore structure~~ permits submitted under section 1058
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 1059
treasury to the credit of the permit and lease fund, which is 1060
hereby created. Notwithstanding any section of the Revised Code 1061
relating to the distribution or crediting of fines for violations 1062
of the Revised Code, all fines imposed under division (A) of 1063
section 1505.99 of the Revised Code and under division ~~(C)~~(A) of 1064
section ~~1521.99~~ 1506.99 of the Revised Code for violations of 1065
section 1506.40 of the Revised Code shall be paid into that fund. 1066
The fund shall be administered by the department of natural 1067
resources for the protection of Lake Erie shores and waters; 1068
investigation and control of erosion; the planning, development, 1069
and construction of facilities for recreational use of Lake Erie; 1070
implementation of section ~~1521.22~~ 1506.40 of the Revised Code; 1071
preparation of the state shore erosion plan under section ~~1521.29~~ 1072
1506.47 of the Revised Code; provision of technical assistance to 1073
shoreline property owners under that section; purchase of land for 1074
public access to Lake Erie; and state administration of Lake Erie 1075

coastal erosion areas under sections 1506.06 and 1506.07 of the 1076
Revised Code. Money in the fund also may be used for grants to a 1077
municipal corporation, county, or port authority having Lake Erie 1078
shoreline property within its geographical boundaries. 1079

Sec. ~~1521.24~~ 1506.42. The state, acting through the ~~chief~~ 1080
~~director~~ of the ~~division of water~~ natural resources, subject to 1081
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 1082
agreements with counties, townships, municipal corporations, park 1083
boards, and conservancy districts, other political subdivisions, 1084
or any state departments or divisions for the purpose of 1085
constructing and maintaining projects to control erosion along the 1086
Ohio shoreline of Lake Erie and in any rivers and bays that are 1087
connected with Lake Erie and any other watercourses that flow into 1088
Lake Erie. Such projects also may be constructed on any Lake Erie 1089
island that is situated within the boundaries of the state. 1090

The cost of such shore erosion projects that are for the 1091
benefit of public littoral property shall be prorated on the basis 1092
of two-thirds of the total cost to the state through 1093
appropriations made to the ~~division~~ department of ~~water~~ natural 1094
resources and one-third of the cost to the counties, townships, 1095
municipal corporations, park boards, conservancy districts, or 1096
other political subdivisions. 1097

If a shore erosion emergency is declared by the governor, the 1098
state, acting through the ~~chief~~ director, may spend whatever state 1099
funds are available to alleviate shore erosion, without 1100
participation by any political subdivision, regardless of whether 1101
the project will benefit public or private littoral property. 1102

A board of county commissioners, acting for the county over 1103
which it has jurisdiction, may enter into and carry out agreements 1104
with the ~~chief~~ director for the construction and maintenance of 1105
projects to control shore erosion. In providing the funds for the 1106

county's proportionate share of the cost of constructing and 1107
maintaining the projects referred to in this section, the board 1108
shall be governed by and may issue and refund bonds in accordance 1109
with Chapter 133. of the Revised Code. 1110

A municipal corporation or a township, acting through the 1111
legislative authority or the board of township trustees, may enter 1112
into and carry out agreements with the ~~chief~~ director for the 1113
purpose of constructing and maintaining projects to control shore 1114
erosion. In providing the funds for the municipal corporation's or 1115
township's proportionate share of the cost of constructing and 1116
maintaining the projects referred to in this section, a municipal 1117
corporation or township may issue and refund bonds in accordance 1118
with Chapter 133. of the Revised Code. The contract shall be 1119
executed on behalf of the municipal corporation or township by the 1120
mayor, city manager, or other chief executive officer who has the 1121
authority to act for the municipal corporation or township. 1122

Conservancy districts may enter into and carry out agreements 1123
with the ~~chief~~ director, in accordance with the intent of this 1124
section, under the powers conferred upon conservancy districts 1125
under Chapter 6101. of the Revised Code. 1126

Park boards may enter into and carry out agreements with the 1127
~~chief~~ director, in accordance with the intent of this section, and 1128
issue bonds for that purpose under the powers conferred upon park 1129
districts under Chapter 1545. of the Revised Code. 1130

The ~~chief~~ director shall approve and supervise all projects 1131
that are to be constructed in accordance with this section. The 1132
~~chief~~ director shall not proceed with the construction of any 1133
project until all funds that are to be paid by the county, 1134
township, municipal corporation, park board, or conservancy 1135
district, in accordance with the terms of the agreement entered 1136
into between the ~~chief~~ director and the county, township, 1137
municipal corporation, park board, or conservancy district, are in 1138

the ~~chief's~~ director's possession and deposited in the shore 1139
erosion fund, which is hereby created in the state treasury. If 1140
the ~~chief~~ director finds it to be in the best interests of the 1141
state to construct projects as set forth in this section by the 1142
state itself, without the financial contribution of counties, 1143
townships, municipal corporations, park boards, or conservancy 1144
districts, the ~~chief~~ director may construct the projects. 1145

In deciding whether to assist a county or municipal 1146
corporation in constructing and maintaining a project under this 1147
section, the state, acting through the chief, shall consider, 1148
among other factors, whether the county or municipal corporation 1149
has adopted or is in the process of adopting a Lake Erie coastal 1150
erosion area resolution or ordinance under division (D) of section 1151
1506.07 of the Revised Code. 1152

All projects constructed by the state in conformity with 1153
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 1154
shall be constructed subject to sections 153.01 to 153.20 of the 1155
Revised Code, except that the state architect and engineer is not 1156
required to prepare the plans and specifications for those 1157
projects. 1158

Sec. ~~1521.25~~ 1506.43. The ~~chief~~ director of the ~~division of~~ 1159
~~water~~ natural resources may enter into a contract with any county, 1160
township, municipal corporation, conservancy district, or park 1161
board that has an agreement with the state in accordance with 1162
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 1163
of a shore erosion project. No contract shall be let until all 1164
money that is to be paid by the political subdivision entering 1165
into the agreement has been deposited in the shore erosion fund 1166
created in that section ~~1521.24~~ of the Revised Code, and no 1167
~~contract shall be valid until approved by the director of natural~~ 1168
~~resources.~~ 1169

Sec. ~~1521.26~~ 1506.44. (A) A board of county commissioners may 1170
use a loan obtained under division (C) of this section to provide 1171
financial assistance to any person who owns real property in a 1172
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 1173
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 1174
of the Revised Code to construct an erosion control structure in 1175
that coastal erosion area. The board shall enter into an agreement 1176
with the person that complies with all of the following 1177
requirements: 1178

(1) The agreement shall identify the person's real property 1179
for which the erosion control structure is being constructed and 1180
shall include a legal description of that property and a reference 1181
to the volume and page of the deed record in which the title of 1182
that person to that property is recorded. 1183

(2) In accordance with rules adopted by the Ohio water 1184
development authority under division (V) of section 6121.04 of the 1185
Revised Code for the purposes of division (C) of this section and 1186
pursuant to an agreement between the board and the authority under 1187
that division, the board shall agree to cause payments to be made 1188
by the authority to the contractor hired by the person to 1189
construct an erosion control structure in amounts not to exceed 1190
the total amount specified in the agreement between the board and 1191
the person. 1192

(3) The person shall agree to pay to the board, or to the 1193
authority as the assignee pursuant to division (C) of this 1194
section, the total amount of the payments plus administrative or 1195
other costs of the board or the authority at times, in 1196
installments, and bearing interest as specified in the agreement. 1197

The agreement may contain additional provisions that the 1198
board determines necessary to safeguard the interests of the 1199
county or to comply with an agreement entered into under division 1200

(C) of this section. 1201

(B) Upon entering into an agreement under division (A) of 1202
this section, the board shall do all of the following: 1203

(1) Cause the agreement to be recorded in the county deed 1204
records in the office of the county recorder of the county in 1205
which the real property is situated. Failure to record the 1206
agreement does not affect the validity of the agreement or the 1207
collection of any amounts due under the agreement. 1208

(2) Establish by resolution an erosion control repayment fund 1209
into which shall be deposited all amounts collected under division 1210
(B)(3) of this section. Moneys in that fund shall be used by the 1211
board for the repayment of the loan and for administrative or 1212
other costs of the board or the authority as specified in an 1213
agreement entered into under division (C) of this section. If the 1214
amount of money in the fund is inadequate to repay the loan when 1215
due, the board of county commissioners, by resolution, may advance 1216
money from any other fund in order to repay the loan if that use 1217
of the money from the other fund is not in conflict with law. If 1218
the board so advances money in order to repay the loan, the board 1219
subsequently shall reimburse each fund from which the board 1220
advances money with moneys from the erosion control repayment 1221
fund. 1222

(3) Bill and collect all amounts when due under the agreement 1223
entered into under division (A) of this section. The board shall 1224
certify amounts not paid when due to the county auditor, who shall 1225
enter the amounts on the real property tax list and duplicate 1226
against the property identified under division (A)(1) of this 1227
section. The amounts not paid when due shall be a lien on that 1228
property from the date on which the amounts are placed on the tax 1229
list and duplicate and shall be collected in the same manner as 1230
other taxes. 1231

(C) A board may apply to the authority for a loan for the purpose of entering into agreements under division (A) of this section. The loan shall be for an amount and on the terms established in an agreement between the board and the authority. The board may assign any agreements entered into under division (A) of this section to the authority in order to provide for the repayment of the loan and may pledge any lawfully available revenues to the repayment of the loan, provided that no moneys raised by taxation shall be obligated or pledged by the board for the repayment of the loan. Any agreement with the authority pursuant to this division is not subject to Chapter 133. of the Revised Code or any requirements or limitations established in that chapter.

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

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

Sec. ~~1521.27~~ 1506.45. The state, or any county, township, municipal corporation, conservancy district, or park board that has entered into a contract under section ~~1521.25~~ 1506.43 of the Revised Code, may acquire lands by gift or devise, purchase, or appropriation. In case of appropriation, the proceedings shall be instituted in the name of the state or the political subdivision

and shall be conducted in the manner provided for the 1263
appropriation of private property by the state or the political 1264
subdivision insofar as those proceedings are applicable. Either 1265
the fee or any lesser interest may be acquired as the state or the 1266
political subdivision considers advisable. 1267

Sec. ~~1521.28~~ 1506.46. Any action taken by the ~~chief~~ director 1268
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 1269
~~1506.38~~ to ~~1521.30~~ 1506.49 of the Revised Code shall not be deemed 1270
in conflict with certain powers and duties conferred upon and 1271
delegated to federal agencies and to municipal corporations under 1272
Section 7 of Article XVIII, Ohio Constitution, or as provided by 1273
sections 721.04 to 721.11 of the Revised Code. 1274

Sec. ~~1521.29~~ 1506.47. The ~~chief~~ director of the ~~division of~~ 1275
~~water, in cooperation with the division of geological survey,~~ 1276
natural resources may prepare a plan for the management of shore 1277
erosion in the state along Lake Erie, its bays, and associated 1278
inlets, revise the plan whenever it can be made more effective, 1279
and make the plan available for public inspection. In the 1280
preparation of the plan, the ~~chief~~ director may employ such 1281
existing plans as are available. 1282

The ~~chief~~ director also may establish a program to provide 1283
technical assistance on shore erosion control measures to 1284
municipal corporations, counties, townships, conservancy 1285
districts, park boards, and shoreline property owners. 1286

Sec. ~~1521.30~~ 1506.48. Upon application of any owner of real 1287
property damaged or destroyed by shore erosion, the county auditor 1288
of the county in which the real property is situated shall cause a 1289
reappraisal to be made and shall place the property on the tax 1290
list at its true value in money. 1291

Whenever the county auditor finds that ninety per cent or 1292

more of the area of any littoral parcel of land appearing upon the tax duplicate has been eroded and lies within the natural boundaries of Lake Erie and that the remainder of the parcel, if any, has no taxable value, the auditor may certify that finding to the county board of revision. Upon consideration thereof, the board may authorize removal of the parcel from the tax duplicate and cancellation of all current and delinquent taxes, assessments, interest, and penalties charged against the parcel.

Sec. 1506.49. The director of natural resources or any employee in the service of the department of natural resources may enter on lands to conduct surveys and inspections during the time when the director is reviewing an application for a permit under this chapter and during the construction of a structure or project under such a permit, provided that at least five business days prior to entry, the director or the employee sends notice by certified mail to the owner of the property that is to be surveyed or inspected. The director or an employee may enter on the land during the period starting on the sixth business day following the mailing of the notice and ending on the fifteenth business day following the mailing of the notice. Such an entry does not constitute a civil or criminal trespass when necessary in the discharge of the duties specified in this chapter.

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

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

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

(1) Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape management or to control seepage in dams, dikes, and levees;	1323 1324 1325 1326 1327
(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, dikes, levees, or highway embankments;	1328 1329 1330 1331
(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.	1332 1333 1334
(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.	1335 1336 1337 1338
(D) "Ground water" means all water occurring in an aquifer.	1339
(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.	1340 1341 1342 1343
(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.	1344 1345 1346 1347 1348
(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.	1349 1350
(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings	1351 1352

and other structures, any substantial improvement of a structure, 1353
and mining, dredging, filling, grading, paving, excavating, and 1354
drilling operations. 1355

(I) "Floodplain" means the area adjoining any river, stream, 1356
watercourse, or lake that has been or may be covered by flood 1357
water. 1358

(J) "Floodplain management" means the implementation of an 1359
overall program of corrective and preventive measures for reducing 1360
flood damage, including the collection and dissemination of flood 1361
information, construction of flood control works, nonstructural 1362
flood damage reduction techniques, and adoption of rules, 1363
ordinances, or resolutions governing development in floodplains. 1364

(K) "One-hundred-year flood" means a flood having a one per 1365
cent chance of being equaled or exceeded in any given year. 1366

(L) "One-hundred-year floodplain" means that portion of a 1367
floodplain inundated by a one-hundred-year flood. 1368

(M) "Structure" means a walled and roofed building, 1369
including, without limitation, gas or liquid storage tanks, mobile 1370
homes, and manufactured homes. 1371

(N) "Substantial improvement" means any reconstruction, 1372
rehabilitation, addition, or other improvement of a structure, the 1373
cost of which equals or exceeds fifty per cent of the market value 1374
of the structure before the start of construction of the 1375
improvement. "Substantial improvement" includes repairs to 1376
structures that have incurred substantial damage regardless of the 1377
actual repair work performed. "Substantial improvement" does not 1378
include either of the following: 1379

(1) Any project for the improvement of a structure to correct 1380
existing violations of state or local health, sanitary, or safety 1381
code specifications that have been identified by the state or 1382

local code enforcement official having jurisdiction and that are 1383
the minimum necessary to ensure safe living conditions; 1384

(2) Any alteration of an historic structure designated or 1385
listed pursuant to federal or state law, provided that the 1386
alteration will not preclude the structure's continued listing or 1387
designation as an historic structure. 1388

~~(O) "Shore structure" includes, but is not limited to:~~ 1389
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 1390
~~certain dikes designated by the chief of the division of water;~~ 1391
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 1392
~~associated fill or debris used as part of the construction of~~ 1393
~~shore structures that may affect shore erosion, wave action, or~~ 1394
~~inundation; and fill or debris placed along or near the shore,~~ 1395
~~including bluffs, banks, or beach ridges, for the purpose of~~ 1396
~~stabilizing slopes.~~ 1397

~~(P) "Conservancy district" means a conservancy district~~ 1398
~~established under Chapter 6101. of the Revised Code.~~ 1399

~~(Q) "Park board" means the board of park commissioners of a~~ 1400
~~park district created under Chapter 1545. of the Revised Code.~~ 1401

~~(R) "Erosion control structure" means anything that is~~ 1402
~~designed primarily to reduce or control erosion of the shore along~~ 1403
~~or near lake erie, including, but not limited to, revetments,~~ 1404
~~seawalls, bulkheads, certain breakwaters designated by the chief,~~ 1405
~~and similar structures. "Erosion control structure" does not~~ 1406
~~include wharves, piers, docks, marinas, boat ramps, and other~~ 1407
~~similar structures.~~ 1408

Sec. 1521.99. (A) Whoever violates division (C)(1) of section 1409
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 1410
is guilty of a misdemeanor of the fourth degree. 1411

(B) Whoever violates section 1521.06 or 1521.062 of the 1412

Revised Code shall be fined not less than one hundred dollars nor
more than one thousand dollars for each offense. Each day of
violation constitutes a separate offense.

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

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

(A) Adopt bylaws for the regulation of its affairs and the
conduct of its business;

(B) Adopt an official seal;

(C) Maintain a principal office and suboffices at places
within the state that it designates;

(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.

(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;	1443
(F) Acquire, construct, reconstruct, enlarge, improve,	1444
furnish, equip, maintain, repair, operate, or lease or rent to, or	1445
contract for operation by, a governmental agency or person, water	1446
development projects, and establish rules for the use of those	1447
projects;	1448
(G) Make available the use or services of any water	1449
development project to one or more persons, one or more	1450
governmental agencies, or any combination thereof;	1451
(H) Issue water development revenue bonds and notes and water	1452
development revenue refunding bonds of the state, payable solely	1453
from revenues as provided in section 6121.06 of the Revised Code,	1454
unless the bonds are refunded by refunding bonds, for the purpose	1455
of paying any part of the cost of one or more water development	1456
projects or parts thereof;	1457
(I) Acquire by gift or purchase, hold, and dispose of real	1458
and personal property in the exercise of its powers and the	1459
performance of its duties under this chapter;	1460
(J) Acquire, in the name of the state, by purchase or	1461
otherwise, on terms and in the manner that it considers proper, or	1462
by the exercise of the right of condemnation in the manner	1463
provided by section 6121.18 of the Revised Code, public or private	1464
lands, including public parks, playgrounds, or reservations, or	1465
parts thereof or rights therein, rights-of-way, property, rights,	1466
easements, and interests that it considers necessary for carrying	1467
out this chapter, but excluding the acquisition by the exercise of	1468
the right of condemnation of any waste water facility or water	1469
management facility owned by any person or governmental agency,	1470
and compensation shall be paid for public or private lands so	1471
taken, except that a government-owned waste water facility may be	1472
appropriated in accordance with section 6121.041 of the Revised	1473

Code; 1474

(K) Adopt rules to protect augmented flow in waters of the 1475
state, to the extent augmented by a water development project, 1476
from depletion so it will be available for beneficial use, and to 1477
provide standards for the withdrawal from waters of the state of 1478
the augmented flow created by a water development project that is 1479
not returned to the waters of the state so augmented and to 1480
establish reasonable charges therefor if considered necessary by 1481
the authority; 1482

(L) Make and enter into all contracts and agreements and 1483
execute all instruments necessary or incidental to the performance 1484
of its duties and the execution of its powers under this chapter 1485
in accordance with the following requirements: 1486

(1) When the cost under any such contract or agreement, other 1487
than compensation for personal services, involves an expenditure 1488
of more than ten thousand dollars, the authority shall make a 1489
written contract with the lowest responsive and responsible 1490
bidder, in accordance with section 9.312 of the Revised Code, 1491
after advertisement for not less than two consecutive weeks in a 1492
newspaper of general circulation in Franklin county, and in other 1493
publications that the authority determines, which shall state the 1494
general character of the work and the general character of the 1495
materials to be furnished, the place where plans and 1496
specifications therefor may be examined, and the time and place of 1497
receiving bids, provided that a contract or lease for the 1498
operation of a water development project constructed and owned by 1499
the authority or an agreement for cooperation in the acquisition 1500
or construction of a water development project pursuant to section 1501
6121.13 of the Revised Code or any contract for the construction 1502
of a water development project that is to be leased by the 1503
authority to, and operated by, persons who are not governmental 1504
agencies and the cost of the project is to be amortized 1505

exclusively from rentals or other charges paid to the authority by 1506
persons who are not governmental agencies is not subject to the 1507
foregoing requirements and the authority may enter into such a 1508
contract or lease or such an agreement pursuant to negotiation and 1509
upon terms and conditions and for the period that it finds to be 1510
reasonable and proper in the circumstances and in the best 1511
interests of proper operation or of efficient acquisition or 1512
construction of the project. 1513

(2) Each bid for a contract for the construction, demolition, 1514
alteration, repair, or reconstruction of an improvement shall 1515
contain the full name of every person interested in it and shall 1516
meet the requirements of section 153.54 of the Revised Code. 1517

(3) Each bid for a contract except as provided in division 1518
(L)(2) of this section shall contain the full name of every person 1519
or company interested in it and shall be accompanied by a 1520
sufficient bond or certified check on a solvent bank that if the 1521
bid is accepted, a contract will be entered into and the 1522
performance thereof secured. 1523

(4) The authority may reject any and all bids. 1524

(5) A bond with good and sufficient surety, approved by the 1525
authority, shall be required of every contractor awarded a 1526
contract except as provided in division (L)(2) of this section, in 1527
an amount equal to at least fifty per cent of the contract price, 1528
conditioned upon the faithful performance of the contract. 1529

(M) Employ managers, superintendents, and other employees and 1530
retain or contract with consulting engineers, financial 1531
consultants, accounting experts, architects, attorneys, and other 1532
consultants and independent contractors that are necessary in its 1533
judgment to carry out this chapter, and fix the compensation 1534
thereof. All expenses thereof shall be payable solely from the 1535
proceeds of water development revenue bonds or notes issued under 1536

this chapter, from revenues, or from funds appropriated for that purpose by the general assembly.

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

(O) Engage in research and development with respect to waste water or water management facilities;

(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;

(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;

(R) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(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 1568
with the director of environmental protection for those purposes; 1569

(T) Issue water development revenue bonds and notes of the 1570
state in principal amounts that are necessary for the purpose of 1571
raising moneys for the sole benefit of the water pollution control 1572
loan fund created in section 6111.036 of the Revised Code, 1573
including moneys to meet the requirement for providing matching 1574
moneys under division (D) of that section. The bonds and notes may 1575
be secured by appropriate trust agreements and repaid from moneys 1576
credited to the fund from payments of principal and interest on 1577
loans made from the fund, as provided in division (F) of section 1578
6111.036 of the Revised Code. 1579

(U) Issue water development revenue bonds and notes of the 1580
state in principal amounts that are necessary for the purpose of 1581
raising moneys for the sole benefit of the drinking water 1582
assistance fund created in section 6109.22 of the Revised Code, 1583
including moneys to meet the requirement for providing matching 1584
moneys under divisions (B) and (F) of that section. The bonds and 1585
notes may be secured by appropriate trust agreements and repaid 1586
from moneys credited to the fund from payments of principal and 1587
interest on loans made from the fund, as provided in division (F) 1588
of section 6109.22 of the Revised Code. 1589

(V) Make loans to and enter into agreements with boards of 1590
county commissioners for the purposes of section ~~1521.26~~ 1506.44 1591
of the Revised Code and adopt rules establishing requirements and 1592
procedures for making the loans and entering into the agreements; 1593

(W) Do all acts necessary or proper to carry out the powers 1594
expressly granted in this chapter. 1595

Any instrument by which real property is acquired pursuant to 1596
this section shall identify the agency of the state that has the 1597
use and benefit of the real property as specified in section 1598

5301.012 of the Revised Code.

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Section 2. That existing sections 317.08, 1501.01, 1504.02, 1506.01, 1506.02, 1506.06, 1506.08, 1506.10, 1506.11, 1506.12, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.30, 1521.99, and 6121.04 and section 1506.37 of the Revised Code are hereby repealed.

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Section 3. (A) As used in this section, "territory" has the same meaning as in section 1506.11 of the Revised Code, as amended by this act.

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(B) Section 1506.11 of the Revised Code, as amended by this act, requires a lease for the development or improvement of a part of the territory primarily for purposes other than the exercise of littoral rights. Not later than sixty days after the effective date of this act, the Director of Natural Resources shall provide notice by certified mail of the right to make a request to terminate a lease to all persons who have entered into a lease with the state under section 1506.11 of the Revised Code, as it existed prior to its amendment by this act, if the development or improvement for which the lease was entered into was primarily for the exercise of littoral rights. Beginning one hundred twenty days after receipt of the notification, a littoral owner may request the state to terminate any such lease. On the date of the termination request, the lease is terminated, and the lessee is released from all obligations under it.

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On and after the effective date of this act, a littoral owner may request the state to amend a lease that was entered into with the state under section 1506.11 of the Revised Code, as it existed prior to its amendment by this act, and any associated fees to include only territory that was developed or improved primarily for purposes other than the exercise of littoral rights.

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Upon receipt of a request to terminate or amend a lease under 1629
this section, the state, acting through the Director, promptly 1630
shall comply with and take all steps that are necessary to 1631
implement the request in a timely manner. 1632

Section 4. On the effective date of this section, the Coastal 1633
Resources Advisory Council created in section 1506.12 of the 1634
Revised Code, as that section existed prior to its amendment by 1635
this act, is abolished, and all of its assets, liabilities, 1636
equipment, and records, irrespective of form or medium, are 1637
transferred to the Lake Erie Coastal Advisory Council that is 1638
created in section 1506.12 of the Revised Code as amended by this 1639
act. Former members of the Coastal Resources Advisory Council may 1640
be appointed to the Lake Erie Coastal Advisory Council if the 1641
Governor so chooses. 1642

Section 5. Section 6121.04 of the Revised Code is presented 1643
in this act as a composite of the section as amended by both Sub. 1644
H.B. 601 and Am. Sub. H.B. 628 of the 123rd General Assembly. The 1645
General Assembly, applying the principle stated in division (B) of 1646
section 1.52 of the Revised Code that amendments are to be 1647
harmonized if reasonably capable of simultaneous operation, finds 1648
that the composite is the resulting version of the section in 1649
effect prior to the effective date of the section as presented in 1650
this act. 1651