

As Introduced

**126th General Assembly
Regular Session
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H. B. No. 443

Representative Uecker

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A B I L L

To amend sections 123.01, 123.04, 307.37, 1501.011, 1
1501.07, 1501.32, 1502.01, 1502.03, 1502.12, 2
1503.23, 1504.02, 1506.04, 1507.01, 1515.10, 3
1517.02, 1517.11, 1517.14, 1517.15, 1520.02, 4
1520.03, 1520.05, 1520.07, 1521.01, 1521.04, 5
1521.05, 1521.13, 1521.14, 1521.18, 1521.19, 6
1521.99, 1525.11, 1525.12, 1531.01, 1531.02, 7
1531.04, 1531.06, 1531.17, 1531.20, 1531.99, 8
1533.08, 1533.09, 1533.10, 1533.11, 1533.12, 9
1533.131, 1533.171, 1533.68, 1533.86, 1541.03, 10
1541.05, 1541.22, 1547.08, 1547.51, 1547.54, 11
1547.541, 1547.75, 1547.99, 1548.02, 2923.35, 12
2933.43, 4115.04, and 6111.034; to enact sections 13
1515.093 and 1517.052; and to repeal sections 14
1502.11 and 1521.08 of the Revised Code to revise 15
the statutes governing the Department of Natural 16
Resources. 17

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

Section 1. That sections 123.01, 123.04, 307.37, 1501.011, 18
1501.07, 1501.32, 1502.01, 1502.03, 1502.12, 1503.23, 1504.02, 19
1506.04, 1507.01, 1515.10, 1517.02, 1517.11, 1517.14, 1517.15, 20
1520.02, 1520.03, 1520.05, 1520.07, 1521.01, 1521.04, 1521.05, 21

1521.13, 1521.14, 1521.18, 1521.19, 1521.99, 1525.11, 1525.12, 22
1531.01, 1531.02, 1531.04, 1531.06, 1531.17, 1531.20, 1531.99, 23
1533.08, 1533.09, 1533.10, 1533.11, 1533.12, 1533.131, 1533.171, 24
1533.68, 1533.86, 1541.03, 1541.05, 1541.22, 1547.08, 1547.51, 25
1547.54, 1547.541, 1547.75, 1547.99, 1548.02, 2923.35, 2933.43, 26
4115.04, and 6111.034 be amended and sections 1515.093 and 27
1517.052 of the Revised Code be enacted to read as follows: 28

Sec. 123.01. (A) The department of administrative services, 29
in addition to those powers enumerated in Chapters 124. and 125. 30
of the Revised Code and provided elsewhere by law, shall exercise 31
the following powers: 32

(1) To prepare, or contract to be prepared, by licensed 33
engineers or architects, surveys, general and detailed plans, 34
specifications, bills of materials, and estimates of cost for any 35
projects, improvements, or public buildings to be constructed by 36
state agencies that may be authorized by legislative 37
appropriations or any other funds made available therefor, 38
provided that the construction of the projects, improvements, or 39
public buildings is a statutory duty of the department. This 40
section does not require the independent employment of an 41
architect or engineer as provided by section 153.01 of the Revised 42
Code in the cases to which that section applies nor affect or 43
alter the existing powers of the director of transportation. 44

(2) To have general supervision over the construction of any 45
projects, improvements, or public buildings constructed for a 46
state agency and over the inspection of materials previous to 47
their incorporation into those projects, improvements, or 48
buildings; 49

(3) To make contracts for and supervise the construction of 50
any projects and improvements or the construction and repair of 51

buildings under the control of a state agency, except contracts 52
for the repair of buildings under the management and control of 53
the departments of public safety, job and family services, mental 54
health, mental retardation and developmental disabilities, 55
rehabilitation and correction, and youth services, the bureau of 56
workers' compensation, the rehabilitation services commission, and 57
boards of trustees of educational and benevolent institutions and 58
except contracts for the construction of projects that do not 59
require the issuance of a building permit or the issuance of a 60
certificate of occupancy and that are necessary to remediate 61
conditions at a hazardous waste facility, solid waste facility, or 62
other location at which the director of environmental protection 63
has reason to believe there is a substantial threat to public 64
health or safety or the environment. These contracts shall be made 65
and entered into by the directors of public safety, job and family 66
services, mental health, mental retardation and developmental 67
disabilities, rehabilitation and correction, and youth services, 68
the administrator of workers' compensation, the rehabilitation 69
services commission, the boards of trustees of such institutions, 70
and the director of environmental protection, respectively. All 71
such contracts may be in whole or in part on unit price basis of 72
maximum estimated cost, with payment computed and made upon actual 73
quantities or units. 74

(4) To prepare and suggest comprehensive plans for the 75
development of grounds and buildings under the control of a state 76
agency; 77

(5) To acquire, by purchase, gift, devise, lease, or grant, 78
all real estate required by a state agency, in the exercise of 79
which power the department may exercise the power of eminent 80
domain, in the manner provided by sections 163.01 to 163.22 of the 81
Revised Code; 82

(6) To make and provide all plans, specifications, and models 83

for the construction and perfection of all systems of sewerage, 84
drainage, and plumbing for the state in connection with buildings 85
and grounds under the control of a state agency; 86

(7) To erect, supervise, and maintain all public monuments 87
and memorials erected by the state, except where the supervision 88
and maintenance is otherwise provided by law; 89

(8) To procure, by lease, storage accommodations for a state 90
agency; 91

(9) To lease or grant easements or licenses for unproductive 92
and unused lands or other property under the control of a state 93
agency. Such leases, easements, or licenses shall be granted for a 94
period not to exceed fifteen years and shall be executed for the 95
state by the director of administrative services and the governor 96
and shall be approved as to form by the attorney general, provided 97
that leases, easements, or licenses may be granted to any county, 98
township, municipal corporation, port authority, water or sewer 99
district, school district, library district, health district, park 100
district, soil and water conservation district, conservancy 101
district, or other political subdivision or taxing district, or 102
any agency of the United States government, for the exclusive use 103
of that agency, political subdivision, or taxing district, without 104
any right of sublease or assignment, for a period not to exceed 105
fifteen years, and provided that the director shall grant leases, 106
easements, or licenses of university land for periods not to 107
exceed twenty-five years for purposes approved by the respective 108
university's board of trustees wherein the uses are compatible 109
with the uses and needs of the university and may grant leases of 110
university land for periods not to exceed forty years for purposes 111
approved by the respective university's board of trustees pursuant 112
to section 123.77 of the Revised Code. 113

(10) To lease office space in buildings for the use of a 114

state agency;	115
(11) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;	116 117
(12) To exercise general custodial care of all real property of the state;	118 119
(13) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	120 121 122 123
(14) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.	124 125 126 127 128 129 130 131 132 133
(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:	134 135 136 137 138 139
(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;	140 141
(ii) Details to scale and full sized, so drawn and represented as to be easily understood;	142 143
(iii) Accurate bills showing the exact quantity of different	144

kinds of material necessary to the construction; 145

(iv) Definite and complete specifications of the work to be 146
performed, together with such directions as will enable a 147
competent mechanic or other builder to carry them out and afford 148
bidders all needed information; 149

(v) A full and accurate estimate of each item of expense and 150
of the aggregate cost thereof. 151

(b) The department shall give public notice, in such 152
newspaper, in such form, and with such phraseology as the director 153
of administrative services prescribes, published once each week 154
for four consecutive weeks, of the time when and place where bids 155
will be received for entering into an agreement to lease to a 156
state agency a building, structure, or other improvement. The last 157
publication shall be at least eight days preceding the day for 158
opening the bids. The bids shall contain the terms upon which the 159
builder would propose to lease the building, structure, or other 160
improvement to the state agency. The form of the bid approved by 161
the department shall be used, and a bid is invalid and shall not 162
be considered unless that form is used without change, alteration, 163
or addition. Before submitting bids pursuant to this section, any 164
builder shall comply with Chapter 153. of the Revised Code. 165

(c) On the day and at the place named for receiving bids for 166
entering into lease agreements with a state agency, the director 167
of administrative services shall open the bids and shall publicly 168
proceed immediately to tabulate the bids upon duplicate sheets. No 169
lease agreement shall be entered into until the bureau of workers' 170
compensation has certified that the person to be awarded the lease 171
agreement has complied with Chapter 4123. of the Revised Code, 172
until, if the builder submitting the lowest and best bid is a 173
foreign corporation, the secretary of state has certified that the 174
corporation is authorized to do business in this state, until, if 175

the builder submitting the lowest and best bid is a person 176
nonresident of this state, the person has filed with the secretary 177
of state a power of attorney designating the secretary of state as 178
its agent for the purpose of accepting service of summons in any 179
action brought under Chapter 4123. of the Revised Code, and until 180
the agreement is submitted to the attorney general and the 181
attorney general's approval is certified thereon. Within thirty 182
days after the day on which the bids are received, the department 183
shall investigate the bids received and shall determine that the 184
bureau and the secretary of state have made the certifications 185
required by this section of the builder who has submitted the 186
lowest and best bid. Within ten days of the completion of the 187
investigation of the bids, the department shall award the lease 188
agreement to the builder who has submitted the lowest and best bid 189
and who has been certified by the bureau and secretary of state as 190
required by this section. If bidding for the lease agreement has 191
been conducted upon the basis of basic plans, specifications, 192
bills of materials, and estimates of costs, upon the award to the 193
builder the department, or the builder with the approval of the 194
department, shall appoint an architect or engineer licensed in 195
this state to prepare such further detailed plans, specifications, 196
and bills of materials as are required to construct the building, 197
structure, or improvement. The department shall adopt such rules 198
as are necessary to give effect to this section. The department 199
may reject any bid. Where there is reason to believe there is 200
collusion or combination among bidders, the bids of those 201
concerned therein shall be rejected. 202

(15) To acquire by purchase, gift, devise, or grant and to 203
transfer, lease, or otherwise dispose of all real property 204
required to assist in the development of a conversion facility as 205
defined in section 5709.30 of the Revised Code as that section 206
existed before its repeal by Amended Substitute House Bill 95 of 207

the 125th general assembly;

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(16) To lease for a period not to exceed forty years,
notwithstanding any other division of this section, the
state-owned property located at 408-450 East Town Street,
Columbus, Ohio, formerly the state school for the deaf, to a
developer in accordance with this section. "Developer," as used in
this section, has the same meaning as in section 123.77 of the
Revised Code.

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Such a lease shall be for the purpose of development of the
land for use by senior citizens by constructing, altering,
renovating, repairing, expanding, and improving the site as it
existed on June 25, 1982. A developer desiring to lease the land
shall prepare for submission to the department a plan for
development. Plans shall include provisions for roads, sewers,
water lines, waste disposal, water supply, and similar matters to
meet the requirements of state and local laws. The plans shall
also include provision for protection of the property by insurance
or otherwise, and plans for financing the development, and shall
set forth details of the developer's financial responsibility.

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The department may employ, as employees or consultants,
persons needed to assist in reviewing the development plans. Those
persons may include attorneys, financial experts, engineers, and
other necessary experts. The department shall review the
development plans and may enter into a lease if it finds all of
the following:

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(a) The best interests of the state will be promoted by
entering into a lease with the developer;

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(b) The development plans are satisfactory;

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(c) The developer has established the developer's financial
responsibility and satisfactory plans for financing the
development.

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The lease shall contain a provision that construction or 239
renovation of the buildings, roads, structures, and other 240
necessary facilities shall begin within one year after the date of 241
the lease and shall proceed according to a schedule agreed to 242
between the department and the developer or the lease will be 243
terminated. The lease shall contain such conditions and 244
stipulations as the director considers necessary to preserve the 245
best interest of the state. Moneys received by the state pursuant 246
to this lease shall be paid into the general revenue fund. The 247
lease shall provide that at the end of the lease period the 248
buildings, structures, and related improvements shall become the 249
property of the state without cost. 250

(17) To lease to any person any tract of land owned by the 251
state and under the control of the department, or any part of such 252
a tract, for the purpose of drilling for or the pooling of oil or 253
gas. Such a lease shall be granted for a period not exceeding 254
forty years, with the full power to contract for, determine the 255
conditions governing, and specify the amount the state shall 256
receive for the purposes specified in the lease, and shall be 257
prepared as in other cases. 258

(18) To manage the use of space owned and controlled by the 259
department, including space in property under the jurisdiction of 260
the Ohio building authority, by doing all of the following: 261

(a) Biennially implementing, by state agency location, a 262
census of agency employees assigned space; 263

(b) Periodically in the discretion of the director of 264
administrative services: 265

(i) Requiring each state agency to categorize the use of 266
space allotted to the agency between office space, common areas, 267
storage space, and other uses, and to report its findings to the 268
department; 269

(ii) Creating and updating a master space utilization plan	270
for all space allotted to state agencies. The plan shall	271
incorporate space utilization metrics.	272
(iii) Conducting a cost-benefit analysis to determine the	273
effectiveness of state-owned buildings;	274
(iv) Assessing the alternatives associated with consolidating	275
the commercial leases for buildings located in Columbus.	276
(c) Commissioning a comprehensive space utilization and	277
capacity study in order to determine the feasibility of	278
consolidating existing commercially leased space used by state	279
agencies into a new state-owned facility.	280
(B) This section and section 125.02 of the Revised Code shall	281
not interfere with any of the following:	282
(1) The power of the adjutant general to purchase military	283
supplies, or with the custody of the adjutant general of property	284
leased, purchased, or constructed by the state and used for	285
military purposes, or with the functions of the adjutant general	286
as director of state armories;	287
(2) The power of the director of transportation in acquiring	288
rights-of-way for the state highway system, or the leasing of	289
lands for division or resident district offices, or the leasing of	290
lands or buildings required in the maintenance operations of the	291
department of transportation, or the purchase of real property for	292
garage sites or division or resident district offices, or in	293
preparing plans and specifications for and constructing such	294
buildings as the director may require in the administration of the	295
department;	296
(3) The power of the director of public safety and the	297
registrar of motor vehicles to purchase or lease real property and	298
buildings to be used solely as locations to which a deputy	299

registrar is assigned pursuant to division (B) of section 4507.011 300
of the Revised Code and from which the deputy registrar is to 301
conduct the deputy registrar's business, the power of the director 302
of public safety to purchase or lease real property and buildings 303
to be used as locations for division or district offices as 304
required in the maintenance of operations of the department of 305
public safety, and the power of the superintendent of the state 306
highway patrol in the purchase or leasing of real property and 307
buildings needed by the patrol, to negotiate the sale of real 308
property owned by the patrol, to rent or lease real property owned 309
or leased by the patrol, and to make or cause to be made repairs 310
to all property owned or under the control of the patrol; 311

(4) The power of the division of liquor control in the 312
leasing or purchasing of retail outlets and warehouse facilities 313
for the use of the division; 314

(5) The power of the director of development to enter into 315
leases of real property, buildings, and office space to be used 316
solely as locations for the state's foreign offices to carry out 317
the purposes of section 122.05 of the Revised Code; 318

(6) The power of the director of environmental protection to 319
enter into environmental covenants, to grant and accept easements, 320
or to sell property pursuant to division (G) of section 3745.01 of 321
the Revised Code; 322

(7) The power of the director of natural resources, pursuant 323
to section 1501.01 of the Revised Code, to enter into leases of 324
real property, buildings, and office space for the use of the 325
department of natural resources, to purchase real property for 326
division or district offices, or to prepare plans and 327
specifications for and construct any buildings or other facilities 328
that the director may require for the administration of the 329
department. 330

(C) Purchases for, and the custody and repair of, buildings 331
under the management and control of the capitol square review and 332
advisory board, the rehabilitation services commission, the bureau 333
of workers' compensation, or the departments of public safety, job 334
and family services, mental health, mental retardation and 335
developmental disabilities, and rehabilitation and correction, and 336
buildings of educational and benevolent institutions under the 337
management and control of boards of trustees, are not subject to 338
the control and jurisdiction of the department of administrative 339
services. 340

(D) Any instrument by which real property is acquired 341
pursuant to this section shall identify the agency of the state 342
that has the use and benefit of the real property as specified in 343
section 5301.012 of the Revised Code. 344

Sec. 123.04. The director of administrative services shall be 345
appointed superintendent of public works and shall have the care 346
and control of the public works of the state ~~except as provided in~~ 347
~~section 1521.08 of the Revised Code~~ and shall protect, maintain, 348
and keep them in repair. 349

Subject to the approval of the governor, the director may 350
purchase on behalf of the state such real or personal property, 351
rights, or privileges as are necessary, in the director's 352
judgment, to acquire in the maintenance of the public works or 353
their improvement. 354

Any instrument by which the state or an agency of the state 355
acquires real property pursuant to this section shall identify the 356
agency of the state that has the use and benefit of the real 357
property as specified in section 5301.012 of the Revised Code. 358

Sec. 307.37. (A) As used in division (B)(3) of this section, 359
"proposed new construction" means a proposal to erect, construct, 360

repair, alter, redevelop, or maintain a single-family, two-family, 361
or three-family dwelling or any structure that is regulated by the 362
Ohio building code. 363

(B)(1)(a) The board of county commissioners may adopt local 364
residential building regulations governing residential buildings 365
as defined in section 3781.06 of the Revised Code, to be enforced 366
within the unincorporated area of the county or within districts 367
the board establishes in any part of the unincorporated area. No 368
local residential building regulation shall differ from the state 369
residential building code the board of building standards 370
establishes pursuant to Chapter 3781. of the Revised Code unless 371
the regulation addresses subject matter not addressed by the state 372
residential building code or is adopted pursuant to section 373
3781.01 of the Revised Code. 374

(b) The board of county commissioners may, by resolution, 375
adopt, administer, and enforce within the unincorporated area of 376
the county, or within districts the board establishes in the 377
unincorporated area, an existing structures code pertaining to the 378
repair and continued maintenance of structures and the premises of 379
those structures provided that the existing structures code 380
governs subject matter not addressed by, and is not in conflict 381
with, the state residential building code adopted pursuant to 382
Chapter 3781. of the Revised Code. The board may adopt by 383
incorporation by reference a model or standard code prepared and 384
promulgated by the state, any agency of this state, or any private 385
organization that publishes a recognized or standard existing 386
structures code. 387

(c) The board shall assign the duties of administering and 388
enforcing any local residential building regulations or existing 389
structures code to a county officer or employee who is trained and 390
qualified for those duties and shall establish by resolution the 391
minimum qualifications necessary to perform those duties. 392

(2) The board may adopt regulations for participation in the national flood insurance program ~~established in the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002,~~ as ~~amended,~~ defined in section 1521.01 of the Revised Code and regulations ~~adopted~~ for the purposes of section 1506.04 or 1506.07 of the Revised Code governing the prohibition, location, erection, construction, redevelopment, or floodproofing of new buildings or structures, substantial improvements to existing buildings or structures, or other development in unincorporated territory within flood hazard areas identified under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion areas identified under section 1506.06 of the Revised Code, including, but not limited to, residential, commercial, institutional, or industrial buildings or structures or other permanent structures, as defined in section 1506.01 of the Revised Code. Rules adopted under division (B)(2) of this section shall not conflict with the state residential and nonresidential building codes adopted pursuant to section 3781.10 of the Revised Code.

(3)(a) A board may adopt regulations that provide for a review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The regulations may require reasonable drainage mitigation and reasonable alteration of a proposed new construction before a building permit is issued in order to prevent or correct any adverse effects that the proposed new construction may have on existing surface or subsurface drainage. The regulations shall not be inconsistent with, more stringent than, or broader in scope than standards adopted by the natural resource conservation service in the United States department of agriculture concerning drainage or rules adopted by the environmental protection agency for reducing, controlling, or mitigating storm water runoff from construction

sites, where applicable. The regulations shall allow a person who
is registered under Chapter 4703. or 4733. of the Revised Code to
prepare and submit relevant plans and other documents for review,
provided that the person is authorized to prepare the plans and
other documents pursuant to the person's registration.

(b) If regulations are adopted under division (B)(3) of this
section, the board shall specify in the regulations a procedure
for the review of the specific effects of a proposed new
construction on existing surface or subsurface drainage. The
procedure shall include at a minimum all of the following:

(i) A meeting at which the proposed new construction shall be
examined for those specific effects. The meeting shall be held
within thirty days after an application for a building permit is
filed or a review is requested unless the applicant agrees in
writing to extend that time period or to postpone the meeting to
another date, time, or place. The meeting shall be scheduled
within five days after an application for a building permit is
filed or a review is requested.

(ii) Written notice of the date, time, and place of that
meeting, sent by regular mail to the applicant. The written notice
shall be mailed at least seven days before the scheduled meeting
date.

(iii) Completion of the review by the board of county
commissioners not later than thirty days after the application for
a building permit is filed or a review is requested unless the
applicant has agreed in writing to extend that time period or
postpone the meeting to a later time, in which case the review
shall be completed not later than two days after the date of the
meeting. A complete review shall include the issuance of any order
of the board of county commissioners regarding necessary
reasonable drainage mitigation and necessary reasonable

alterations to the proposed new construction to prevent or correct 456
any adverse effects on existing surface or subsurface drainage so 457
long as those alterations comply with the state residential and 458
nonresidential building codes adopted pursuant to section 3781.10 459
of the Revised Code. If the review is not completed within the 460
thirty-day period or an extended or postponed period that the 461
applicant has agreed to, the proposed new construction shall be 462
deemed to have no adverse effects on existing surface or 463
subsurface drainage, and those effects shall not be a valid basis 464
for the denial of a building permit. 465

(iv) A written statement, provided to the applicant at the 466
meeting or in an order for alterations to a proposed new 467
construction, informing the applicant of the right to seek 468
appellate review of the denial of a building permit under division 469
(B)(3)(b)(iii) of this section by filing a petition in accordance 470
with Chapter 2506. of the Revised Code. 471

(c) The regulations may authorize the board, after obtaining 472
the advice of the county engineer, to enter into an agreement with 473
the county engineer or another qualified person or entity to carry 474
out any necessary inspections and make evaluations about what, if 475
any, alterations are necessary to prevent or correct any adverse 476
effects that a proposed new construction may have on existing 477
surface or subsurface drainage. 478

(d) Regulations adopted pursuant to division (B)(3) of this 479
section shall not apply to any property that a platting authority 480
has approved under section 711.05, 711.09, or 711.10 of the 481
Revised Code and shall not govern the same subject matter as the 482
state residential or nonresidential building codes adopted 483
pursuant to section 3781.10 of the Revised Code. 484

(e) As used in division (B)(3) of this section, "subsurface 485
drainage" does not include a household sewage treatment system as 486

defined in section 3709.091 of the Revised Code. 487

(C)(1) Any regulation, code, or amendment may be adopted 488
under this section only after a public hearing at not fewer than 489
two regular or special sessions of the board. The board shall 490
cause notice of any public hearing to be published in a newspaper 491
of general circulation in the county once a week for the two 492
consecutive weeks immediately preceding the hearing, except that 493
if the board posts the hearing notice on the board's internet site 494
on the world wide web, the board need publish only one notice of 495
the hearing in a newspaper of general circulation if that 496
newspaper notice includes the board's internet site and a 497
statement that the notice is also posted on the internet site. Any 498
notice of a public hearing shall include the time, date, and place 499
of the hearing. 500

(2) Any proposed regulation, code, or amendment shall be made 501
available to the public at the board office. The regulations or 502
amendments shall take effect on the thirty-first day following the 503
date of their adoption. 504

(D)(1) No person shall violate any regulation, code, or 505
amendment the board adopts under sections 307.37 to 307.40 of the 506
Revised Code. 507

(2) Each day during which an illegal location, erection, 508
construction, floodproofing, repair, alteration, development, 509
redevelopment, or maintenance continues may be considered a 510
separate offense. 511

(E) Regulations or amendments the board adopts pursuant to 512
this section, with the exception of an existing structures code, 513
do not affect buildings or structures that exist or on which 514
construction has begun on or before the date the board adopts the 515
regulation or amendment. 516

(F)(1) The board may create a building department and employ 517

the personnel it determines necessary to administer and enforce 518
any local residential building regulations or existing structures 519
code the board adopts pursuant to this section. The building 520
department may enforce the state residential and nonresidential 521
building codes adopted pursuant to Chapter 3781. of the Revised 522
Code if the building department is certified pursuant to section 523
3781.10 of the Revised Code to enforce those codes. 524

(2) The board may direct the building department, upon 525
certification, to exercise enforcement authority and to accept and 526
approve plans pursuant to sections 3781.03 and 3791.04 of the 527
Revised Code for the class of building for which the department 528
and personnel are certified. 529

Sec. 1501.011. (A) The department of natural resources has 530
the following powers in addition to its other powers: to prepare, 531
or contract to be prepared, surveys, general and detailed plans, 532
specifications, bills of materials, and estimates of cost for, to 533
enter into contracts for, and to supervise the performance of 534
labor, the furnishing of materials, or the construction, repair, 535
or maintenance of any projects, improvements, or buildings, on 536
lands and waters under the control of the department, as may be 537
authorized by legislative appropriations or any other funds 538
available therefor. 539

(B) ~~Except in cases of extreme public exigency or emergency~~ 540
~~as provided in division (E) of this section,~~ the director of 541
natural resources shall publish notice in a newspaper of general 542
circulation in the county region where the ~~contract~~ activity for 543
which bids are submitted is to ~~be let~~ occur and in any other 544
newspapers that the director determines are appropriate, at least 545
once each week for four consecutive weeks, the last publication to 546
be at least eight days preceding the day for opening bids, seeking 547
proposals on each contract for the performance of labor, the 548

furnishing of materials, or the construction, repair, or 549
maintenance of projects, improvements, or buildings, as necessary 550
for compliance with provisions of the act to make appropriations 551
for capital improvements or the act to make general 552
appropriations, and ~~he~~ the director may also advertise in such 553
trade journals as will afford adequate information to the public 554
of the terms of the contract and the nature of the work to be 555
performed, together with the time of the letting and place and 556
manner of receiving proposals, and the places where plans and 557
specifications are on file. A proposal is invalid and shall not be 558
considered by the department unless the form for proposals 559
specified by the department is used without change, alteration, or 560
addition. 561

(C) Each bidder for a contract for the performance of labor, 562
the furnishing of materials, or the maintenance, construction, 563
demolition, alteration, repair, or reconstruction of an 564
improvement shall meet the requirements of section 153.54 of the 565
Revised Code. The director may require each bidder to furnish ~~him~~ 566
under oath, upon such printed forms as ~~he~~ the director may 567
prescribe, detailed information with respect to ~~his~~ the bidder's 568
financial resources, equipment, past performance record, 569
organization personnel, and experience, together with such other 570
information as the director considers necessary. 571

(D) The director shall award the contract to the lowest 572
responsive and responsible bidder in accordance with section 9.312 573
of the Revised Code. The award shall be made within a reasonable 574
time after the date on which the bids were opened, and the 575
successful bidder shall enter into a contract within ten days from 576
the date ~~he~~ the successful bidder is notified that ~~he~~ the contract 577
has been awarded ~~the contract~~, or within any longer period ~~which~~ 578
that the director considers necessary. ~~When an exigency occurs, or~~ 579
~~there is immediate danger of such occurrence, which would~~ 580

~~materially impair the construction or completion of any project, improvement, or building, the director may make necessary plan and specification change orders.~~ Nothing in this section shall preclude the rejection of any bid the acceptance of which is not in the best interests of the state. No contract shall be entered into until the bureau of workers' compensation has certified that the corporation, partnership, or person awarded the contract has complied with Chapter 4123. of the Revised Code and until, if the bidder awarded the contract is a foreign corporation, the secretary of state has certified that ~~such~~ the corporation is authorized to do business in this state, and until, if the bidder so awarded the contract is a person or partnership nonresident of this state, ~~such~~ the person or partnership has filed with the secretary of state a power of attorney designating the secretary of state as its agency for the purpose of accepting service of process.

~~The director may enter~~ (E) With respect to the director's entering into a contract without advertising for and receiving bids for the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings on lands and waters under the control of the department, both of the following apply:

(1) The director is not required to advertise for and receive bids if the total estimated cost of which the contract is less than ~~ten~~ twenty-five thousand dollars.

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

where the contract is to be let or by any other means that the
director considers appropriate.

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(F) The director may insert in any contract awarded under
this section a clause providing for value engineering change
proposals, under which a contractor who has been awarded a
contract may propose a change in the plans and specifications of
the project that saves the department time or money on the project
without impairing any of the essential functions and
characteristics of the project such as service life, reliability,
economy of operation, ease of maintenance, safety, and necessary
standardized features. If the director adopts the value
engineering proposal, the savings from the proposal shall be
divided between the department and the contractor according to
guidelines established by the director, provided that the
contractor shall receive at least fifty per cent of the savings
from the proposal. The adoption of a value engineering proposal
does not invalidate the award of the contract or require the
director to rebid the project.

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(G) When in the opinion of the department the work under any
contract made under this section or any law of the state is
neglected by the contractor, the work completed is deficient in
quality or materials, or ~~such~~ the work is not prosecuted with the
diligence and force specified or intended in the contract, the
department may ~~make requisition upon~~ require the contractor ~~for~~
~~such additional specific force or materials to be brought into the~~
~~work under such contract or to remove improper materials from the~~
~~grounds as in their judgment the contract and its faithful~~
~~fulfillment requires. Not less than five days' notice in writing~~
~~of such action shall be served upon the contractor or his agent in~~
~~charge of the work~~ to provide, at no additional expense to the
department, any additional labor and materials that are necessary
to complete the improvements at the level of quality and within

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the time of performance specified in the contract. Procedures 645
concerning such a requirement together with its format shall be 646
specified in the contract. If the contractor fails to comply with 647
~~such requisition~~ the requirement within ~~fifteen days~~ the period 648
specified in the contract, the department may ~~employ upon take~~ 649
action to complete the work ~~the additional force, or supply the~~ 650
~~special materials or such part of either as it considers proper,~~ 651
~~and may remove improper materials from the grounds~~ through other 652
means, up to and including termination of the contract. 653

(H) When an exigency occurs or there is immediate danger of 654
an exigency that would materially impair the successful bidding, 655
construction, or completion of a project, improvement, or 656
building, the director may revise related plans and specifications 657
as necessary to address the exigency through the issuance of an 658
addendum prior to the opening of bids or, in accordance with 659
procedures established in section 153.62 of the Revised Code, 660
through the issuance of a change order after the contract has been 661
awarded. 662

Sec. 1501.07. The department of natural resources through the 663
division of parks and recreation may plan, supervise, acquire, 664
construct, enlarge, improve, erect, equip, and furnish public 665
service facilities such as inns, lodges, hotels, ~~cabins~~ cottages, 666
camping sites, scenic trails, picnic sites, restaurants, 667
commissaries, golf courses, boating and bathing facilities, and 668
other similar facilities in state parks reasonably necessary and 669
useful in promoting the public use of state parks under its 670
control and may purchase lands or interests in lands in the name 671
of the state necessary for ~~such~~ those purposes. 672

The chief of the division of parks and recreation shall 673
administer state parks, establish rules, fix fees and charges for 674
admission to parks and for the use of public service facilities 675

therein, establish rentals for the lease of lands or interests 676
therein within a state park the chief is authorized by law to 677
lease, and exercise all powers of the chief, in conformity with 678
all covenants of the director of natural resources in or with 679
respect to state park revenue bonds and trust agreements securing 680
such bonds and all terms, provisions, and conditions of such bonds 681
and trust agreements. In the administration of state parks with 682
respect to which state park revenue bonds are issued and 683
outstanding, or any part of the moneys received from fees and 684
charges for admission to or the use of facilities, from rentals 685
for the lease of lands or interests or facilities therein, or for 686
the lease of public service facilities are pledged for any such 687
bonds, the chief shall exercise the powers and perform the duties 688
of the chief subject to the control and approval of the director. 689
The acquisition of such lands or interests therein and facilities 690
shall be planned with regard to the needs of the people of the 691
state and with regard to the purposes and uses of such state parks 692
and, except for facilities constructed in consideration of a lease 693
under section 1501.012 of the Revised Code, shall be paid for from 694
the state park fund created in section 1541.22 of the Revised Code 695
or from the proceeds of the sale of bonds issued under sections 696
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04 697
of the Revised Code, insofar as they require a certification by 698
the chief of the division of capital planning and improvement, do 699
not apply to the acquisition of lands or interests therein and 700
public service facilities to be paid for from the proceeds of 701
bonds issued under sections 1501.12 to 1501.15 of the Revised 702
Code. 703

As used in sections 1501.07 to 1501.14 of the Revised Code, 704
state parks are all of the following: 705

(A) State reservoirs described and identified in section 706
1541.06 of the Revised Code; 707

(B) All lands or interests therein ~~which~~ that are denominated 708
as state parks ~~in division (B) of section 1531.12 and~~ in section 709
1541.083 of the Revised Code; 710

(C) All lands or interests therein of the state identified as 711
administered by the division of parks and recreation in the 712
"inventory of state owned lands administered by department of 713
natural resources as of June 1, 1963," as recorded in the journal 714
of the director, which inventory was prepared by the real estate 715
section of the department and is supported by maps on file in the 716
division of real estate and land management; 717

(D) All lands or interests in lands of the state hereafter 718
designated as state parks in the journal of the director with the 719
approval of the recreation and resources council. 720

All such state parks shall be exclusively under the control 721
and administration of the division of parks and recreation. With 722
the approval of the council, the director by order may remove from 723
the classification as state parks any of the lands or interests 724
therein so classified by divisions (C) and (D) of this section, 725
subject to the limitations, provisions, and conditions in any 726
order authorizing state park revenue bonds or in any trust 727
agreement securing such bonds. Lands or interests therein so 728
removed shall be transferred to other divisions of the department 729
for administration or may be sold as provided by law. Proceeds of 730
any sale shall be used or transferred as provided in the order 731
authorizing state park revenue bonds or in the trust agreement 732
and, if no such provision is made, shall be transferred to the 733
state park fund. State parks do not include any lands or interest 734
in lands of the state administered jointly by two or more 735
divisions of the department. The designation of lands as state 736
parks under divisions (A) to (D) of this section shall be 737
conclusive, and those lands shall be under the control of and 738
administered by the division of parks and recreation. No order or 739

proceeding designating lands as state parks or park purchase areas 740
shall be subject to any appeal or review by any officer, board, 741
commission, or court. 742

Sec. 1501.32. (A) No person shall divert more than one 743
hundred thousand gallons per day of any waters of the state out of 744
the Lake Erie or Ohio river drainage basins to another basin 745
without having a permit to do so issued by the director of natural 746
resources. An application for such a permit shall be filed with 747
the director upon such forms as ~~he~~ the director prescribes. The 748
application shall state the quantity of water to be diverted, the 749
purpose of the diversion, the life of the project for which the 750
water is to be diverted, and such other information as the 751
director may require by rule. Each application shall be 752
accompanied by a nonrefundable fee of one thousand dollars, which 753
shall be credited to the water management fund, which is hereby 754
created. 755

(B) The director shall not approve a permit application filed 756
under this section if ~~he~~ the director determines that any of the 757
following ~~apply~~ applies: 758

(1) During the life of the project for which the water is to 759
be diverted, some or all of the water to be diverted will be 760
needed for use within the basin~~+~~. 761

(2) The proposed diversion would endanger the public health, 762
safety, or welfare~~+~~. 763

(3) The applicant has not demonstrated that the proposed 764
diversion is a reasonable and beneficial use and is necessary to 765
serve the applicant's present and future needs~~+~~. 766

(4) The applicant has not demonstrated that reasonable 767
efforts have been made to develop and conserve water resources in 768
the importing basin and that further development of those 769

resources would engender overriding, adverse economic, social, or 770
environmental impacts. 771

(5) The proposed diversion is inconsistent with regional or 772
state water resources plans. 773

(6) The proposed diversion, alone or in combination with 774
other diversions and water losses, will have a significant adverse 775
impact on in-stream uses or on economic or ecological aspects of 776
water levels. 777

The director may hold public hearings upon any application 778
for a permit. 779

(C) Whenever the director receives an application under this 780
section to divert water out of the Lake Erie drainage basin, ~~he~~ 781
the director shall notify the governors and premiers of the other 782
great lakes states and provinces, the appropriate water management 783
agencies of those states and provinces, and, when appropriate, the 784
international joint commission and shall solicit their comments 785
and concerns regarding the application. In the event of an 786
objection to the proposed diversion, the director shall consult 787
with the affected great lakes states and provinces to consider the 788
issues involved and seek mutually agreeable recommendations. 789
Before rendering a decision on the permit application, the 790
director shall consider the concerns, comments, and 791
recommendations of the other great lakes states and provinces and 792
the international joint commission, and, in accordance with 793
section 1109 of the "Water Resources Development Act of 1986," 100 794
Stat. 4230, 42 U.S.C.A. 1962d-20, the director shall not approve a 795
permit application for any diversion to which that section 796
pertains unless that diversion is approved by the governor of each 797
great lakes state as defined in section 1109(c) of that act. 798

(D) The director shall determine the period for which each 799
permit approved under this section will be valid and specify the 800

expiration date, but in no case shall a permit be valid beyond the 801
life of the project as stated in the application. 802

The director shall establish rules providing for the transfer 803
of permits. A permit may be transferred on the conditions that the 804
quantity of water diverted not be increased and that the purpose 805
of the diversion not be changed. 806

(E)(1) Within a time established by rule, the director shall 807
do one of the following: 808

(a) Notify the applicant that an application ~~he~~ the applicant 809
filed under this section is approved or denied and, if denied, the 810
reason for denial; 811

(b) Notify the applicant of any modification necessary to 812
qualify the application for approval. 813

(2) Any person who receives notice of a denial or 814
modification under division (E)(1) of this section is entitled to 815
a hearing under Chapter 119. of the Revised Code if the person 816
sends a written request for a hearing to the director within 817
thirty days after the date on which the notice is mailed or 818
otherwise provided to the applicant. 819

(F) The director shall revoke a permit under this section 820
without a prior hearing if ~~he~~ the director determines that the 821
quantity of water being diverted exceeds the quantity stated in 822
the permit application. 823

The director may suspend a permit if ~~he~~ the director 824
determines that the continued diversion of water will endanger the 825
public health, safety, or welfare. Before suspending a permit, the 826
director shall make a reasonable attempt to notify the permittee 827
that ~~he~~ the director intends to suspend the permit. If the attempt 828
fails, notification shall be given as soon as practicable 829
following the suspension. Within five days after the suspension, 830

the director shall provide the permittee an opportunity to be 831
heard and to present evidence that the continued diversion of 832
water will not endanger the public health, safety, or welfare. 833

If the director determines before the expiration date of a 834
suspended permit that the diversion of water can be resumed 835
without danger to the public health, safety, or welfare, ~~he~~ the 836
director shall, upon request of the permittee, reinstate the 837
permit. 838

(G) Any six or more residents of this state may petition the 839
director for an investigation of a withdrawal of water resources 840
that they allege is in violation of a permit issued under this 841
section. 842

The petition shall identify the permittee and detail the 843
reasons why the petitioners believe that grounds exist for the 844
revocation or suspension of the permit under this section. 845

Upon receipt of the petition, the director shall send a copy 846
to the permittee and, within sixty days, make a determination 847
whether grounds exist for revocation or suspension of the permit 848
under this section. 849

(H) Each permittee shall submit to the director an annual 850
report containing such information as the director may require by 851
rule. 852

(I) The director shall issue a permit under division (A) of 853
this section to any person who lawfully diverted more than one 854
hundred thousand gallons per day of any waters of the state out of 855
the Ohio river drainage basin during the calendar year ending 856
October 14, 1984. A person who is eligible for a permit under this 857
division shall file an application under division (A) of this 858
section not later than one hundred eighty days after the effective 859
date of this amendment. 860

A person who applies for a permit under this division need 861

not pay the application fee that is otherwise required under 862
division (A) of this section. In addition, divisions (B) to (H) of 863
this section and rules adopted under section 1501.31 of the 864
Revised Code do not apply to an application that is filed or a 865
permit that is issued under this division. 866

Sec. 1502.01. As used in this chapter: 867

(A) "Litter" means garbage, trash, waste, rubbish, ashes, 868
cans, bottles, wire, paper, cartons, boxes, automobile parts, 869
furniture, glass, or anything else of an unsightly or unsanitary 870
nature thrown, dropped, discarded, placed, or deposited by a 871
person on public property, on private property not owned by the 872
person, or in or on waters of the state unless one of the 873
following applies: 874

(1) The person has been directed to do so by a public 875
official as part of a litter collection drive. 876

(2) The person has thrown, dropped, discarded, placed, or 877
deposited the material in a receptacle in a manner that prevented 878
its being carried away by the elements. 879

(3) The person has been issued a permit or license covering 880
the material pursuant to Chapter 3734. or 6111. of the Revised 881
Code. 882

(B) "Recycling" means the process of collecting, sorting, 883
cleansing, treating, and reconstituting waste or other discarded 884
materials for the purpose of recovering and reusing the materials. 885

(C) "Agency of the state" includes, but is not limited to, an 886
"agency" subject to Chapter 119. of the Revised Code and a "state 887
university or college" as defined in section 3345.12 of the 888
Revised Code. 889

(D) "~~Waste~~ Source reduction" means activities that decrease 890
the initial production of waste materials at their point of 891

origin. 892

(E) "Enterprise" means a business with its principal place of 893
business in this state and that proposes to engage in research and 894
development or recycling in this state. 895

(F) "Research and development" means inquiry, 896
experimentation, or demonstration to advance basic scientific or 897
technical knowledge or the application, adaptation, or use of 898
existing or newly discovered scientific or technical knowledge 899
regarding recycling, ~~waste~~ source reduction, or litter prevention. 900

(G) "Recyclables" means waste materials that are collected, 901
separated, or processed and used as raw materials or products. 902

(H) "Recycling market development" means activities that 903
stimulate the demand for recycled products, provide for a 904
consistent supply of recyclables to meet the needs of recycling 905
industries, or both. 906

(I) "Solid waste management districts" means solid waste 907
management districts established under Chapter 343. of the Revised 908
Code. 909

(J) "Synthetic rubber" means produced or extended rubber and 910
products made from a synthetic rubber base material originating 911
from petrochemical feedstocks, including scrap tires, tire molds, 912
automobile engine belts, brake pads and hoses, weather stripping, 913
fittings, electrical insulation, and other molded objects and 914
parts. 915

Sec. 1502.03. (A) The chief of the division of recycling and 916
litter prevention shall establish and implement statewide ~~waste~~ 917
source reduction, recycling, recycling market development, and 918
litter prevention programs that include all of the following: 919

(1) The assessment of waste generation within the state and 920
implementation of ~~waste~~ source reduction practices; 921

(2) The implementation of recycling and recycling market development activities and projects, including all of the following:	922
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(a) Collection of recyclables;	925
(b) Separation of recyclables;	926
(c) Processing of recyclables;	927
(d) Facilitation and encouragement of the use of recyclables and products made with recyclables;	928
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(e) Education and training concerning recycling and products manufactured with recyclables;	930
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(f) Public awareness campaigns to promote recycling;	932
(g) Other activities and projects that promote recycling and recycling market development.	933
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(3) Litter prevention assistance to enforce antilitter laws, educate the public, and stimulate collection and containment of litter;	935
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(4) Research and development regarding waste <u>source</u> reduction, recycling, and litter prevention, including, without limitation, research and development regarding materials or products manufactured with recyclables.	938
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(B) The chief, with the approval of the director of natural resources, may enter into contracts or other agreements and may execute any instruments necessary or incidental to the discharge of the chief's responsibilities under this chapter.	942
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Sec. 1502.12. (A) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The chief of the division of recycling and litter prevention, with the approval of the director of natural resources, may make grants	946
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from the fund for the purpose of supporting market development 951
activities for scrap tires and synthetic rubber from tire 952
manufacturing processes and tire recycling processes. The grants 953
may be awarded to individuals, businesses, and entities certified 954
under division (A) of section 1502.04 of the Revised Code. 955

(B) Projects and activities that are eligible for grants 956
under this section shall be evaluated for funding using, at a 957
minimum, the following criteria: 958

(1) The degree to which a proposed project contributes to the 959
increased use of scrap tires generated in this state; 960

(2) The degree of local financial support for a proposed 961
project; 962

(3) The technical merit and quality of a proposed project. 963

Sec. 1503.23. Notwithstanding any other section of the 964
Revised Code relating to the distribution or crediting of fines 965
for violations of the Revised Code, all fines ~~imposed under~~ 966
~~section 1503.99 of the Revised Code, penalties, and forfeitures~~ 967
arising from prosecutions, convictions, confiscations, or other 968
actions commenced under this chapter shall be paid to the 969
treasurer of state and deposited in the state treasury to the 970
credit of the state forest fund created in section 1503.05 of the 971
Revised Code. 972

Sec. 1504.02. (A) The division of real estate and land 973
management shall do all of the following: 974

(1) Except as otherwise provided in the Revised Code, 975
coordinate and conduct all real estate functions for the 976
department of natural resources, including at least acquisitions 977
by purchase, lease, gift, devise, bequest, appropriation, or 978
otherwise; grants through sales, leases, exchanges, easements, and 979

licenses; inventories of land; and other related general	980
management duties;	981
(2) Assist the department and its divisions by providing	982
department-wide planning, including at least master planning,	983
comprehensive planning, capital improvements planning, and special	984
purpose planning such as trails coordination and planning under	985
section 1519.03 of the Revised Code;	986
(3) On behalf of the director of natural resources,	987
administer the coastal management program established under	988
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised	989
Code and consult with and provide coordination among state	990
agencies, political subdivisions, the United States and agencies	991
of it, and interstate, regional, and areawide agencies to assist	992
the director in executing the director's duties and	993
responsibilities under that program and to assist the department	994
as the lead agency for the development and implementation of the	995
program;	996
(4) On behalf of the director, administer sections 1506.10	997
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code;	998
(5) Cooperate with the United States and agencies of it and	999
with political subdivisions in administering federal recreation	1000
moneys under the "Land and Water Conservation Fund Act of 1965,"	1001
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and	1002
distribute the statewide comprehensive outdoor recreation plan;	1003
and administer the state recreational vehicle fund created in	1004
section 4519.11 of the Revised Code;	1005
(6)(a) Support the geographic information system needs for	1006
the department as requested by the director, which shall include,	1007
but not be limited to, all of the following:	1008
(i) Assisting in the training and education of department	1009
resource managers, administrators, and other staff in the	1010

application and use of geographic information system technology;	1011
(ii) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services;	1012 1013 1014 1015 1016
(iii) Creating, maintaining, and documenting spatial digital data bases for the division and for other divisions as assigned by the director.	1017 1018 1019
(b) Provide information to and otherwise assist government officials, planners, and resource managers in understanding land use planning and resource management;	1020 1021 1022
(c) Provide continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;	1023 1024 1025 1026 1027 1028
(d) Coordinate and administer the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;	1029 1030 1031 1032
(e) Prepare and publish maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	1033 1034 1035
(f) Locate and distribute hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public.	1036 1037 1038
(7) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director.	1039 1040

(B) The division may do any of the following: 1041

(1) Coordinate such environmental matters concerning the 1042
department and the state as are necessary to comply with the 1043
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 1044
U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act 1045
of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water 1046
Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as 1047
amended, and regulations adopted under those acts; 1048

(2) With the approval of the director, coordinate and 1049
administer compensatory mitigation grant programs and other 1050
programs for streams and wetlands as approved in accordance with 1051
certifications and permits issued under sections 401 and 404 of 1052
the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33 1053
U.S.C.A. 1251, as amended, by the environmental protection agency 1054
and the United States army corps of engineers; 1055

(3) On behalf of the director, administer Chapter 1520. of 1056
the Revised Code, except divisions (B) to (F) of section 1520.03 1057
of the Revised Code, division (A) of section 1520.04 of the 1058
Revised Code as it pertains to those divisions, and section 1059
1520.05 of the Revised Code; 1060

~~(3)~~(4) Administer any state or federally funded grant program 1061
that is related to natural resources and recreation as considered 1062
necessary by the director. 1063

Sec. 1506.04. (A) No later than ~~six months after the~~ 1064
~~effective date of this section~~ September 15, 1989, each county or 1065
municipal corporation within whose jurisdiction is a coastal flood 1066
hazard area shall either participate in and remain in compliance 1067
with the national flood insurance program ~~established in the~~ 1068
~~"Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A.~~ 1069
~~4002, as amended,~~ or shall adopt resolutions or ordinances 1070

governing the coastal flood hazard area that meet or exceed the 1071
standards required for participation in the regular phase of the 1072
national flood insurance program. 1073

(B) If the director of natural resources determines at any 1074
time that a county or municipal corporation that is participating 1075
in the national flood insurance program ~~as described in division~~ 1076
~~(A) of this section~~ or has adopted resolutions or ordinances under 1077
~~that~~ division (A) of this section is not in compliance with that 1078
program or those resolutions or ordinances, as applicable, ~~he~~ the 1079
director shall so notify the legislative authority of the county 1080
or municipal corporation and shall also notify the legislative 1081
authority that it may respond to ~~his~~ the determination in 1082
accordance with the procedure for doing so established by rules 1083
adopted under section 1506.02 of the Revised Code. If after 1084
considering the legislative authority's response the director 1085
determines that the county or municipal corporation is still not 1086
in compliance with the national flood insurance program or 1087
resolutions or ordinances adopted under division (A) of this 1088
section, as applicable, ~~he~~ the director may request the attorney 1089
general in writing to, and the attorney general shall, bring an 1090
action for appropriate relief in a court of competent jurisdiction 1091
against the county or municipal corporation. 1092

(C) The attorney general, upon the written request of the 1093
director, shall bring an action for appropriate relief in a court 1094
of competent jurisdiction against any development that meets both 1095
of the following criteria: 1096

(1) Is located in a county or municipal corporation that is 1097
not in compliance with division (A) of this section; 1098

(2) Is not in compliance with the standards of the national 1099
flood insurance program ~~established in the "Flood Disaster~~ 1100
~~Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as~~ 1101
~~amended.~~ 1102

~~As used in this division, "development" means any artificial 1103
change to improved or unimproved real estate, including, without 1104
limitation, the construction of buildings and other structures and 1105
mining, dredging, filling, grading, paving, excavation, and 1106
drilling operations. 1107~~

(D) This section does not apply to any permits or approvals 1108
issued by any state agency prior to the effective date of rules 1109
adopted under section 1506.02 of the Revised Code for the 1110
implementation of this section. 1111

(E) As used in this section, "national flood insurance 1112
program" and "development" have the same meanings as in section 1113
1521.01 of the Revised Code. 1114

Sec. 1507.01. There is hereby created in the department of 1115
natural resources the division of engineering to be administered 1116
by the chief engineer of the department, who shall be a 1117
professional engineer registered under Chapter 4733. or a 1118
professional architect certified under Chapter 4703. of the 1119
Revised Code. The chief engineer shall do all of the following: 1120

(A) Administer this chapter; 1121

(B) Provide engineering, architectural, land surveying, and 1122
related administrative and maintenance support services to the 1123
other divisions in the department; 1124

(C) Upon request of the director of natural resources, 1125
implement the department's capital improvement program and 1126
facility maintenance projects, including all associated 1127
engineering, architectural, design, contracting, surveying, 1128
inspection, and management responsibilities and requirements; 1129

(D) With the approval of the director, act as contracting 1130
officer in departmental engineering, architectural, surveying, and 1131
construction matters regarding capital improvements except for 1132

those matters otherwise specifically provided for in law; 1133

(E) Provide engineering support for the coastal management 1134
program established under Chapter 1506. of the Revised Code; 1135

(F) Coordinate the department's roadway maintenance program 1136
with the department of transportation pursuant to section 5511.05 1137
of the Revised Code and maintain the roadway inventory of the 1138
department of natural resources; 1139

(G) Coordinate the department's projects, programs, policies, 1140
procedures, and activities with the United States army corps of 1141
engineers; 1142

(H) Subject to the approval of the director, employ 1143
professional and technical assistants and such other employees as 1144
are necessary for the performance of the activities required or 1145
authorized under this chapter, other work of the division, and any 1146
other work agreed to under working agreements or contractual 1147
arrangements; prescribe their duties; and fix their compensation 1148
in accordance with such schedules as are provided by law for the 1149
compensation of state employees. 1150

Sec. 1515.093. The supervisors of a soil and water 1151
conservation district may hold one or more credit cards on behalf 1152
of the district and may authorize any supervisor or employee of 1153
the district to use such a credit card to pay for expenses related 1154
to the purposes of the district. The supervisors shall pay the 1155
debt incurred as a result of the use of such a credit card from 1156
the special fund established for the district under section 1157
1515.10 of the Revised Code. 1158

The misuse of a credit card held on behalf of a soil and 1159
water conservation district is a violation of section 2913.21 of 1160
the Revised Code. In addition, a supervisor or employee of a 1161
district who makes unauthorized use of such a credit card may be 1162

held personally liable to the district for the unauthorized use. 1163
This section does not limit any other liability of a supervisor or 1164
employee of a district for the unauthorized use of such a credit 1165
card. 1166

A supervisor or employee of a soil and water conservation 1167
district who is authorized to use a credit card that is held on 1168
behalf of the district and who suspects the loss, theft, or 1169
possibility of another person's unauthorized use of the credit 1170
card immediately shall notify the supervisors in writing of the 1171
suspected loss, theft, or possible unauthorized use. 1172

Sec. 1515.10. The board of county commissioners of each 1173
county in which there is a soil and water conservation district 1174
may levy a tax within the ten-mill limitation and may appropriate 1175
money from the proceeds of ~~such~~ the levy or from the general fund 1176
of the county, ~~which.~~ The money shall be held in a special fund 1177
for the credit of the district, to be expended for the purposes 1178
prescribed in ~~section~~ sections 1515.09 and 1515.093 of the Revised 1179
Code, for construction and maintenance of improvements by the 1180
district, and for other expenses incurred in carrying out the 1181
program of the district upon the written order of the fiscal agent 1182
for the district after authorization by a majority of the 1183
supervisors of the district. 1184

Sec. 1517.02. There is hereby created in the department of 1185
natural resources the division of natural areas and preserves, 1186
which shall be administered by the chief of natural areas and 1187
preserves. The chief shall take an oath of office and shall file 1188
in the office of the secretary of state a bond signed by the chief 1189
and by a surety approved by the governor for a sum fixed pursuant 1190
to section 121.11 of the Revised Code. 1191

The chief shall administer a system of nature preserves and 1192

wild, scenic, and recreational river areas. The chief shall 1193
establish a system of nature preserves through acquisition and 1194
dedication of natural areas of state or national significance, 1195
which shall include, but not be limited to, areas that represent 1196
characteristic examples of Ohio's natural landscape types and its 1197
natural vegetation and geological history. The chief shall 1198
encourage landowners to dedicate areas of unusual significance as 1199
nature preserves, and shall establish and maintain a registry of 1200
natural areas of unusual significance. 1201

The chief may supervise, operate, protect, and maintain wild, 1202
scenic, and recreational river areas, as designated by the 1203
director of natural resources. The chief may cooperate with 1204
federal agencies administering any federal program concerning 1205
wild, scenic, or recreational river areas. 1206

The chief shall do the following: 1207

(A) Formulate policies and plans for the acquisition, use, 1208
management, and protection of nature preserves; 1209

(B) Formulate policies for the selection of areas suitable 1210
for registration; 1211

(C) Formulate policies for the dedication of areas as nature 1212
preserves; 1213

(D) Prepare and maintain surveys and inventories of natural 1214
areas ~~and habitats of~~, rare and endangered species of plants and 1215
animals~~+~~, and other unique natural features. The information shall 1216
be stored in the Ohio natural heritage database, established 1217
pursuant to this division, and may be made available to any 1218
individual or private or public agency for research, educational, 1219
environmental, land management, or other similar purposes that are 1220
not detrimental to the conservation of a species or feature. 1221
Information regarding sensitive site locations of species that are 1222
listed pursuant to section 1518.01 of the Revised Code and of 1223

unique natural features that are included in the Ohio natural 1224
heritage database is not subject to section 149.43 of the Revised 1225
Code if the chief determines that the release of the information 1226
could be detrimental to the conservation of a species or unique 1227
natural feature. 1228

(E) Adopt rules for the use, visitation, and protection of 1229
nature preserves, natural areas owned or managed through easement, 1230
license, or lease by the department and administered by the 1231
division, and lands owned or managed through easement, license, or 1232
lease by the department and administered by the division that are 1233
within or adjacent to any wild, scenic, or recreational river 1234
area, in accordance with Chapter 119. of the Revised Code; 1235

(F) Provide facilities and improvements within the state 1236
system of nature preserves that are necessary for their 1237
visitation, use, restoration, and protection and do not impair 1238
their natural character; 1239

(G) Provide interpretive programs and publish and disseminate 1240
information pertaining to nature preserves and natural areas for 1241
their visitation and use; 1242

(H) Conduct and grant permits to qualified persons for the 1243
conduct of scientific research and investigations within nature 1244
preserves; 1245

(I) Establish an appropriate system for marking nature 1246
preserves; 1247

(J) Publish and submit to the governor and the general 1248
assembly a biennial report of the status and condition of each 1249
nature preserve, activities conducted within each preserve, and 1250
plans and recommendations for natural area preservation. 1251

Sec. 1517.052. (A)(1) No public entity with authority to levy 1252
special assessments on real property shall collect an assessment 1253

<u>for purposes of sewer, water, or electrical service on real</u>	1254
<u>property that is within a nature preserve as described in division</u>	1255
<u>(A)(2) of this section without the permission of the owner.</u>	1256
<u>(2) For purposes of division (A)(1) of this section, a nature</u>	1257
<u>preserve is an area that is established:</u>	1258
<u>(a) In the case of counties, prior to the adoption of a</u>	1259
<u>resolution of necessity by a board of county commissioners</u>	1260
<u>pursuant to section 6103.05 or 6117.06 of the Revised Code;</u>	1261
<u>(b) In the case of municipal corporations, prior to whichever</u>	1262
<u>of the following occurs first:</u>	1263
<u>(i) The adoption of the resolution of necessity by the</u>	1264
<u>municipal legislative authority pursuant to section 727.12 or</u>	1265
<u>729.02 of the Revised Code;</u>	1266
<u>(ii) The service of notice on all or some of the owners to be</u>	1267
<u>assessed pursuant to section 729.06 of the Revised Code;</u>	1268
<u>(iii) The adoption of the ordinance or resolution by the</u>	1269
<u>municipal legislative authority declaring the necessity for the</u>	1270
<u>improvement, the costs of which are to be assessed under</u>	1271
<u>procedures authorized by a municipal charter adopted pursuant to</u>	1272
<u>Section 7 of Article XVIII, Ohio Constitution, or, if no such</u>	1273
<u>ordinance or resolution is required under the charter, the service</u>	1274
<u>of the first notice on all or some of the owners of lands to be</u>	1275
<u>assessed, or the adoption of the first ordinance or resolution by</u>	1276
<u>the municipal legislative authority pertaining to the assessment</u>	1277
<u>proceedings under the charter.</u>	1278
<u>(c) In the case of a regional water and sewer district</u>	1279
<u>established under Chapter 6119. of the Revised Code, prior to the</u>	1280
<u>adoption of a resolution of necessity by the board of trustees of</u>	1281
<u>the district under section 6119.25 of the Revised Code.</u>	1282
<u>(B) For each special assessment levied by a public entity on</u>	1283

real property within a nature preserve for purposes of sewer, 1284
water, or electrical service, the county auditor shall make and 1285
maintain a list showing all of the following: 1286

(1) The name of the owner of each lot, tract, or parcel of 1287
land that is exempt from the collection of the special assessment 1288
under this section; 1289

(2) A description of the exempt land; 1290

(3) The purpose of the special assessment; 1291

(4) The amount of the uncollected assessment on the exempt 1292
land. 1293

In the case of a county project that is constructed under 1294
Chapter 6103. or 6117. of the Revised Code, the county auditor may 1295
use a list provided for in those chapters in lieu of the list 1296
required by division (B) of this section. The auditor also shall 1297
record in the water works record that is required by section 1298
6103.16 of the Revised Code or the sewer improvement record that 1299
is required by section 6117.33 of the Revised Code those 1300
assessments that are not collected under this section. The 1301
recording of the assessments does not permit the collection of the 1302
assessments until the time that exempt lands are withdrawn from 1303
dedication as a nature preserve. 1304

(C) A board of county commissioners, legislative authority of 1305
a municipal corporation, or other governing board of any other 1306
public entity may apply to the water and sewer commission created 1307
in division (C) of section 1525.11 of the Revised Code for an 1308
advance of money from the water and sewer fund created in division 1309
(A) of that section in an amount equal to that portion of the 1310
costs of a water or sewer improvement authorized by law that is to 1311
be financed by assessments whose collection is prohibited under 1312
division (A) of this section. The application for such an advance 1313
of money shall be made in the manner prescribed by rules of the 1314

commission. Upon collection of any assessment whose collection was 1315
prohibited under division (A) of this section, the board of county 1316
commissioners, legislative authority, or other governing board 1317
shall repay the commission the amount of any money advanced by it 1318
in regard to the assessments. 1319

Sec. 1517.11. There is hereby created in the state treasury 1320
the natural areas and preserves fund, which shall consist of 1321
moneys transferred into it under section 5747.113 of the Revised 1322
Code and, of contributions made directly to it, and of all fines, 1323
penalties, and forfeitures arising from prosecutions, convictions, 1324
confiscations, or other actions commenced under this chapter. Any 1325
person may contribute directly to the fund in addition to or 1326
independently of the income tax refund contribution system 1327
established in that section. 1328

Moneys in the fund shall be disbursed pursuant to vouchers 1329
approved by the director of natural resources for use by the 1330
division of natural areas and preserves solely for the following 1331
purposes: 1332

(A) The acquisition of new or expanded natural areas, nature 1333
preserves, and wild, scenic, and recreational river areas; 1334

(B) Facility development in natural areas, nature preserves, 1335
and wild, scenic, and recreational river areas; 1336

(C) Special projects, including, but not limited to, 1337
biological inventories, research grants, and the production of 1338
interpretive material related to natural areas, nature preserves, 1339
and wild, scenic, and recreational river areas; 1340

(D) Routine maintenance for health and safety purposes. 1341

Moneys Except as provided in division (D) of this section, 1342
money appropriated from the fund shall not be used to fund 1343
salaries of permanent employees, administrative costs, or routine 1344

maintenance. 1345

All investment earnings of the fund shall be credited to the 1346
fund. 1347

Sec. 1517.14. (A) As used in sections 1517.14 to 1517.18 of 1348
the Revised Code, ~~"watercourse"~~: 1349

(1) "Watercourse" means a substantially natural channel with 1350
recognized banks and bottom, in which a perennial flow of water 1351
occurs, ~~with an average of at least ten feet mean surface water~~ 1352
~~width and that is~~ at least five miles ~~of~~ in length. ~~The~~ 1353

(2) "Wild, scenic, or recreational river area" means a 1354
watercourse, all lands within one thousand feet of the top of 1355
either bank of the watercourse, and any additional lands that are 1356
necessary to preserve, protect, and restore the natural character 1357
of the watercourse and adjacent lands or to preserve water quality 1358
or scenic, fish, wildlife, aesthetic, or outdoor recreational 1359
value. 1360

(B) The director of natural resources or the director's 1361
representative may create, supervise, operate, protect, and 1362
maintain wild, scenic, and recreational river areas under the 1363
classifications established in section 1517.15 of the Revised 1364
Code. The director or the director's representative may prepare 1365
and maintain a plan for the establishment, development, use, and 1366
administration of those areas as a part of the comprehensive state 1367
plans for water management and outdoor recreation. The director or 1368
the director's representative may cooperate with federal agencies 1369
administering any federal program concerning wild, scenic, or 1370
recreational river areas. 1371

(C) The director may propose for ~~establishment~~ declaration as 1372
a wild, scenic, or recreational river area a part or parts of any 1373
watercourse in this state, together with ~~adjacent~~ any lands 1374

~~described in division (A)(2) of this section, that in the~~ 1375
~~director's judgment possesses water conservation, scenic, fish,~~ 1376
~~wildlife, historic, or outdoor recreation values that should be~~ 1377
~~preserved,~~ using the classifications established in section 1378
1517.15 of the Revised Code. ~~The area shall include lands adjacent~~ 1379
~~to the watercourse in sufficient width to preserve, protect, and~~ 1380
~~develop the natural character of the watercourse, but shall not~~ 1381
~~include any lands more than one thousand feet from the normal~~ 1382
~~waterlines of the watercourse unless an additional width is~~ 1383
~~necessary to preserve water conservation, scenic, fish, wildlife,~~ 1384
~~historic, or outdoor recreation values~~ The director may include 1385
in, or add to, the declaration of a watercourse as a wild or 1386
scenic river any upstream segments or headwaters of that 1387
watercourse even if the upstream segments or headwaters do not 1388
independently meet the wild or scenic river area classifications 1389
established in section 1517.15 of the Revised Code. 1390

The director shall publish the intention to declare an area a 1391
wild, scenic, or recreational river area at least once in a 1392
newspaper of general circulation in each county, any part of which 1393
is within the area, and shall send written notice of the intention 1394
to the legislative authority of each county, township, and 1395
municipal corporation and to each conservancy district established 1396
under Chapter 6101. of the Revised Code, any part of which is 1397
within the area, and to the director of transportation, the 1398
director of development, the director of administrative services, 1399
and the director of environmental protection. The notices shall 1400
include a copy of a map and description of the area. 1401

(D) After thirty days from the last date of publication or 1402
dispatch of written notice as required in this section, the 1403
director shall enter a declaration in the director's journal that 1404
the area is a wild, scenic, or recreational river area. When so 1405
entered, the area is a wild, scenic, or recreational river area. 1406

The director, after thirty days' notice as prescribed in this 1407
section and upon the approval of the recreation and resources 1408
commission created in section 1501.04 of the Revised Code, may 1409
terminate the status of an area as a wild, scenic, or recreational 1410
river area by an entry in the director's journal. 1411

(E) Declaration by the director that an area is a wild, 1412
scenic, or recreational river area does not authorize the director 1413
or any governmental agency or political subdivision to restrict 1414
the use of land by the owner thereof or any person acting under 1415
the landowner's authority or to enter upon the land and does not 1416
expand or abridge the regulatory authority of any governmental 1417
agency or political subdivision over the area. 1418

(F) The chief of the division of natural areas and preserves 1419
or the chief's representative may participate in watershed-wide 1420
planning with federal, state, and local agencies in order to 1421
protect the values of wild, scenic, and recreational river areas. 1422

Sec. 1517.15. As used in this section, "impoundment" means 1423
the reservoir created by a dam or other artificial barrier across 1424
a watercourse that causes water to be stored deeper than and 1425
generally beyond the banks of the natural channel of the 1426
watercourse during periods of normal flow, but does not include 1427
water stored behind rock piles, rock riffle dams, and low channel 1428
dams where the depth of water is less than ten feet above the 1429
channel bottom and is essentially confined within the banks of the 1430
natural channel during periods of normal stream flow. 1431

In creating wild, scenic, or recreational river areas, the 1432
director of natural resources shall use the following 1433
classifications: 1434

(A) "Wild river areas" to include those rivers or sections of 1435
rivers that are free of impoundments and generally inaccessible 1436
except by trail or unpaved road, with watersheds, floodplains, or 1437

shorelines essentially primitive and waters unpolluted, 1438
representing vestiges of primitive America; 1439

(B) "Scenic river areas" to include those rivers or sections 1440
of rivers that are free of impoundments, with shorelines, 1441
floodplains, or watersheds still largely primitive and shorelines 1442
largely undeveloped, but accessible in places by roads; 1443

(C) "Recreational river areas" to include those rivers or 1444
sections of rivers that are readily accessible by road or 1445
railroad, that may have some development along their shorelines, 1446
and that may have undergone some impoundment ~~or,~~ diversion, or 1447
other degradation in the past, but still possess generally good 1448
in-stream habitat or recreational value. 1449

Sec. 1520.02. (A) The director of natural resources has 1450
exclusive authority to administer, manage, and establish policies 1451
governing canal lands. 1452

(B)(1) ~~Except as provided in division (C) of this section,~~ 1453
~~the~~ The director may sell, lease, exchange, give, or grant all or 1454
part of the state's interest in any canal lands in accordance with 1455
section 1501.01 of the Revised Code. The director may stipulate 1456
that an appraisal or survey need not be conducted for, and may 1457
establish any terms or conditions that the director determines 1458
appropriate for, any such conveyance. 1459

(2) With regard to canal lands, the chief of the division of 1460
water, with the approval of the director, may sell, lease, or 1461
transfer minerals or mineral rights when the chief ~~and,~~ with the 1462
approval of the director ~~determine,~~ determines that the sale, 1463
lease, or transfer is in the best interest of the state. 1464
Consideration for minerals and mineral rights shall be by rental 1465
or on a royalty basis as prescribed by the chief, with the 1466
approval of the director, and payable as prescribed by contract. 1467
Moneys collected under division (B)(2) of this section shall be 1468

paid into the state treasury to the credit of the canal lands fund 1469
created in section 1520.05 of the Revised Code. 1470

~~(C)(1) Not later than one year after July 1, 1989, the 1471
director of transportation and the director of the Ohio historical 1472
society shall identify all canal lands that are or may be of use 1473
to any program operated by the department of transportation or the 1474
Ohio historical society, respectively, and shall notify the 1475
director of natural resources of those lands. The director of 1476
natural resources may transfer any canal lands so identified to 1477
the exclusive care, custody, and control of the department of 1478
transportation or the Ohio historical society, as applicable, by 1479
means of a departmental transfer not later than six months after 1480
receiving notification under division (C)(1) of this section. 1481~~

~~(2) The director of natural resources may transfer to the 1482
Ohio historical society any equipment, maps, and records used on 1483
or related to canal lands that are of historical interest and that 1484
are not needed by the director to administer this chapter. 1485~~

~~(D) If the director of natural resources determines that any 1486
canal lands are a necessary part of a county's drainage or ditch 1487
system and are not needed for any purpose of the department of 1488
natural resources, the director may sell, grant, or otherwise 1489
convey those canal lands to that county in accordance with 1490
division (B) of this section. The board of county commissioners 1491
shall accept the transfer of canal lands. 1492~~

~~(E) Notwithstanding any other section of the Revised Code, 1493
the county auditor shall transfer any canal lands conveyed under 1494
this section, and the county recorder shall record the deed for 1495
those lands in accordance with section 317.12 of the Revised Code. 1496
This division does not apply to canal lands transferred under 1497
division (C)(1) of this section. 1498~~

Sec. 1520.03. (A) The director of natural resources may 1499

appropriate real property in accordance with Chapter 163. of the 1500
Revised Code for the purpose of administering this chapter. 1501

(B)(1) The director shall operate and maintain all canals and 1502
canal reservoirs owned by the state except those canals that are 1503
operated by the Ohio historical society on July 1, 1989. 1504

(2) On behalf of the director, the division of water shall 1505
have the care and control of all canals and canal reservoirs owned 1506
by the state, the water in them, and canal lands and shall 1507
protect, operate, and maintain them and keep them in repair. The 1508
chief of the division of water may remove obstructions from or on 1509
them and shall make any alterations or changes in or to them and 1510
construct any feeders, dikes, reservoirs, dams, locks, or other 1511
works, devices, or improvements in or on them that are necessary 1512
in the discharge of the chief's duties. 1513

In accordance with Chapter 119. of the Revised Code, the 1514
chief may adopt, amend, and rescind rules that are necessary for 1515
the administration of this division. 1516

(C) The director may sell or lease water from any canal or 1517
canal reservoir that the director operates and maintains only to 1518
the extent that the water is in excess of the quantity that is 1519
required for navigation, recreation, and wildlife purposes. The 1520
director may adopt, amend, and rescind rules in accordance with 1521
Chapter 119. of the Revised Code necessary to administer this 1522
division. 1523

The withdrawal of water from any canal or canal reservoir for 1524
domestic use is exempt from this division. However, the director 1525
may require water conservation measures for water that is 1526
withdrawn from any canal or canal reservoir for domestic use 1527
during drought conditions or other emergencies declared by the 1528
governor. 1529

(D) No person shall take or divert water from any canal or 1530

canal reservoir operated and maintained by the director except in 1531
accordance with division (C) of this section. 1532

(E) At the request of the director, the attorney general may 1533
commence a civil action for civil penalties and injunctions, in a 1534
court of common pleas, against any person who has violated or is 1535
violating division (D) of this section. The court of common pleas 1536
in which an action for injunctive relief is filed has jurisdiction 1537
to and shall grant preliminary and permanent injunctive relief 1538
upon a showing that the person against whom the action is brought 1539
has violated or is violating that division. 1540

Upon a finding of a violation, the court shall assess a civil 1541
penalty of not more than one thousand dollars for each day of each 1542
violation if the violator is an individual who took or diverted 1543
the water in question for residential or agricultural use. The 1544
court shall assess a civil penalty of not more than five thousand 1545
dollars for each day of each violation if the violator is any 1546
other person who took or diverted the water in question for 1547
industrial or commercial use excluding agricultural use. Moneys 1548
from civil penalties assessed under this division shall be paid 1549
into the state treasury to the credit of the canal lands fund 1550
created in section 1520.05 of the Revised Code. 1551

Any action under this division is a civil action, governed by 1552
the rules of civil procedure and other rules of practice and 1553
procedure applicable to civil actions. 1554

(F) As used in this section, "person" means any agency of 1555
this state, any political subdivision of this state or of the 1556
United States, or any legal entity defined as a person under 1557
section 1.59 of the Revised Code. 1558

Sec. 1520.05. There is hereby created in the state treasury 1559
the canal lands fund, which shall be composed of all moneys 1560

received by the director of natural resources under sections 1561
1520.02 and 1520.03 of the Revised Code, all civil penalties 1562
assessed under section 1520.03 of the Revised Code, and any moneys 1563
appropriated to it. The fund shall be administered by the 1564
director, who shall spend moneys in the fund for the purposes of 1565
administering and enforcing this chapter ~~and section 1521.08 of~~ 1566
~~the Revised Code.~~ The director may spend any surplus moneys in the 1567
fund, as determined by ~~him~~ the director, for any other programs 1568
operated by the department of natural resources. 1569

Sec. 1520.07. (A) The director of natural resources may give 1570
away or sell timber that has fallen on or been removed for 1571
maintenance reasons from canal lands. 1572

(B) The director may give away or sell the spoils of a 1573
dredging operation conducted by the department of natural 1574
resources in waters under the control and management of the 1575
~~division of water~~ department. Prior to giving away or selling any 1576
spoils under this division, the director shall notify the director 1577
of environmental protection of ~~his~~ that intent so that the 1578
director of environmental protection may determine whether the 1579
spoils constitute solid wastes or hazardous waste, as those terms 1580
are defined in section 3734.01 of the Revised Code, that shall be 1581
disposed of in accordance with Chapter 3734. of the Revised Code. 1582
If the director of environmental protection does not notify the 1583
director of natural resources within thirty days after receiving 1584
notice of the gift or sale that the spoils shall be disposed of in 1585
accordance with Chapter 3734. of the Revised Code, the director of 1586
natural resources may proceed with the gift or sale. 1587

(C) Proceeds from the sale of timber or dredge spoils under 1588
this section shall be deposited into the state treasury to the 1589
credit of the canal lands fund created in section 1520.05 of the 1590
Revised Code. 1591

Sec. 1521.01. As used in sections 1521.01 to 1521.05, 1521.13	1592
to 1521.18, and 1521.20 to 1521.30 of the Revised Code:	1593
(A) "Consumptive use," "diversion," "Lake Erie drainage	1594
basin," "other great lakes states and provinces," "water	1595
resources," and "waters of the state" have the same meanings as in	1596
section 1501.30 of the Revised Code.	1597
(B) "Well" means any excavation, regardless of design or	1598
method of construction, created for any of the following purposes:	1599
(1) Removing ground water from or recharging water into an	1600
aquifer, excluding subsurface drainage systems installed to	1601
enhance agricultural crop production or urban or suburban	1602
landscape management or to control seepage in dams, dikes, and	1603
levees;	1604
(2) Determining the quantity, quality, level, or movement of	1605
ground water in or the stratigraphy of an aquifer, excluding	1606
borings for instrumentation in dams, dikes, levees, or highway	1607
embankments;	1608
(3) Removing or exchanging heat from ground water, excluding	1609
horizontal trenches that are installed for water source heat pump	1610
systems.	1611
(C) "Aquifer" means a consolidated or unconsolidated geologic	1612
formation or series of formations that are hydraulically	1613
interconnected and that have the ability to receive, store, or	1614
transmit water.	1615
(D) "Ground water" means all water occurring in an aquifer.	1616
(E) "Ground water stress area" means a definable geographic	1617
area in which ground water quantity is being affected by human	1618
activity or natural forces to the extent that continuous	1619
availability of supply is jeopardized by withdrawals.	1620

(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.

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

(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, ~~and~~ mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.

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

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

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

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

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

(N) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the

cost of which equals or exceeds fifty per cent of the market value 1651
of the structure before the start of construction of the 1652
improvement. "Substantial improvement" includes repairs to 1653
structures that have incurred substantial damage regardless of the 1654
actual repair work performed. "Substantial improvement" does not 1655
include either of the following: 1656

(1) Any project for the improvement of a structure to correct 1657
existing violations of state or local health, sanitary, or safety 1658
code specifications that have been identified by the state or 1659
local code enforcement official having jurisdiction and that are 1660
the minimum necessary to ensure safe living conditions; 1661

(2) Any alteration of an historic structure designated or 1662
listed pursuant to federal or state law, provided that the 1663
alteration will not preclude the structure's continued listing or 1664
designation as an historic structure. 1665

(O) "Shore structure" includes, but is not limited to: 1666
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 1667
certain dikes designated by the chief of the division of water; 1668
piers; docks; jetties; wharves; marinas; boat ramps; any 1669
associated fill or debris used as part of the construction of 1670
shore structures that may affect shore erosion, wave action, or 1671
inundation; and fill or debris placed along or near the shore, 1672
including bluffs, banks, or beach ridges, for the purpose of 1673
stabilizing slopes. 1674

(P) "Substantial damage" means damage of any origin that is 1675
sustained by a structure if the cost of restoring the structure to 1676
its condition prior to the damage would equal or exceed fifty per 1677
cent of the market value of the structure before the damage 1678
occurred. 1679

(Q) "National flood insurance program" means the national 1680
flood insurance program established in the "National Flood 1681

Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 1682
and regulations adopted under it. 1683

(R) "Conservancy district" means a conservancy district 1684
established under Chapter 6101. of the Revised Code. 1685

~~(Q)~~(S) "Park board" means the board of park commissioners of 1686
a park district created under Chapter 1545. of the Revised Code. 1687

~~(R)~~(T) "Erosion control structure" means anything that is 1688
designed primarily to reduce or control erosion of the shore along 1689
or near lake erie, including, but not limited to, revetments, 1690
seawalls, bulkheads, certain breakwaters designated by the chief, 1691
and similar structures. "Erosion control structure" does not 1692
include wharves, piers, docks, marinas, boat ramps, and other 1693
similar structures. 1694

Sec. 1521.04. The chief of the division of water, with the 1695
approval of the director of natural resources, may make loans and 1696
grants from the water management fund created in section 1501.32 1697
of the Revised Code to governmental agencies for water management, 1698
water supply improvements, and planning and may administer grants 1699
from the federal government and from other public or private 1700
sources for carrying out those functions and for the performance 1701
of any acts that may be required by the United States or by any 1702
agency or department thereof as a condition for the participation 1703
by any governmental agency in any federal financial or technical 1704
assistance program. Direct and indirect costs of administration 1705
may be paid from the ~~water management~~ fund. 1706

The chief may use the water management fund for the purposes 1707
of administering the water diversion and consumptive use permit 1708
programs established in sections 1501.30 to 1501.35 of the Revised 1709
Code; to perform watershed and water resources studies for the 1710
purposes of water management planning; and to acquire, construct, 1711

reconstruct, improve, equip, maintain, operate, and dispose of 1712
water management improvements. The chief may fix, alter, charge, 1713
and collect rates, fees, rentals, and other charges to be paid 1714
into the ~~water management~~ fund by governmental agencies and 1715
persons who are supplied with water by facilities constructed or 1716
operated by the department of natural resources in order to 1717
amortize and defray the cost of the construction, maintenance, and 1718
operation of those facilities. 1719

Sec. 1521.05. (A) As used in this section: 1720

(1) "Construct" or "construction" includes drilling, boring, 1721
digging, deepening, altering, and logging. 1722

(2) "Altering" means changing the configuration of a well, 1723
including, without limitation, deepening a well, extending or 1724
replacing any portion of the inside or outside casing or wall of a 1725
well that extends below ground level, plugging a portion of a well 1726
back to a certain depth, and reaming out a well to enlarge its 1727
original diameter. 1728

(3) "Logging" means describing the lithology, grain size, 1729
color, and texture of the formations encountered during the 1730
drilling, boring, digging, deepening, or altering of a well. 1731

(4) "Grouting" means neat cement; bentonite products in 1732
slurry, granular, or pelletized form, excluding drilling mud or 1733
fluids; or any combination of neat cement and bentonite products 1734
that is placed within a well to seal the annular space or to seal 1735
an abandoned well and that is impervious to and capable of 1736
preventing the movement of water. 1737

(5) "Abandoned well" means a well whose use has been 1738
permanently discontinued and that poses potential health and 1739
safety hazards or that has the potential to transmit surface 1740
contaminants into the aquifer in which the well has been 1741

constructed. 1742

(6) "Sealing" means the complete filling of an abandoned well 1743
with grouting or other approved materials in order to permanently 1744
prevent the vertical movement of water in the well and thus 1745
prevent the contamination of ground water or the intermixing of 1746
water between aquifers. 1747

(B) Any person that constructs a well shall keep a careful 1748
and accurate log of the construction of the well. The log shall 1749
show all of the following: 1750

(1) The character, including, without limitation, the 1751
lithology, color, texture, and grain size, the name, if known, and 1752
the depth of all formations passed through or encountered; 1753

(2) The depths at which water is encountered; 1754

(3) The static water level of the completed well; 1755

(4) A copy of the record of all pumping tests and analyses 1756
related to those tests, if any; 1757

(5) Construction details, including lengths, diameters, and 1758
thicknesses of casing and screening and the volume, type of 1759
material, and method of introducing gravel packing and grouting 1760
into the well; 1761

(6) The type of pumping equipment installed, if any; 1762

(7) The name of the owner of the well, the address of the 1763
location where the well was constructed, and ~~a description of the~~ 1764
~~location of~~ either the property where state plane coordinates or 1765
the latitude and longitude of the well was constructed; 1766

(8) The signature of the individual who constructed the well 1767
and filed the well log; 1768

(9) Any other information required by the chief of the 1769
division of water. 1770

The log shall be furnished to the division of water within 1771
thirty days after the completion of construction of the well on 1772
forms prescribed and prepared by the division. The log shall be 1773
kept on file by the division. 1774

(C) Any person that seals a well shall keep a careful and 1775
accurate report of the sealing of the well. The sealing report 1776
shall show all of the following: 1777

(1) The name of the owner of the well, the address of the 1778
location where the well was constructed, and either the state 1779
plane coordinates or the latitude and longitude of the well; 1780

(2) The depth of the well, the size and length of its casing, 1781
and the static water level of the well; 1782

(3) The sealing procedures, including the volume and type of 1783
sealing material or materials and the method and depth of 1784
placement of each material; 1785

(4) The date on which the sealing was performed; 1786

(5) The signature of the individual who sealed the well and 1787
filed the sealing report; 1788

(6) Any other information required by the chief. 1789

The sealing report shall be furnished to the division within 1790
thirty days after the completion of the sealing of the well on 1791
forms prescribed and prepared by the division. 1792

(D) In accordance with Chapter 119. of the Revised Code, the 1793
chief may adopt, amend, and rescind rules requiring other persons 1794
that are involved in the construction or subsequent development of 1795
a well to submit well logs under ~~this~~ division (B) of this section 1796
containing any or all of the information specified in divisions 1797
(B)(1) to (9) of this section and ~~requiring any person that seals~~ 1798
~~an abandoned well to submit a well sealing report under this~~ 1799
~~division containing any or all of the information specified in~~ 1800

~~those divisions and any specifying~~ additional information 1801
~~specified in the rules to be included in sealing reports required~~ 1802
~~under division (C) of this section.~~ 1803

~~(C)(E)~~(1) No person shall fail to keep and submit a well log 1804
or a sealing report as required by this section. 1805

(2) No person shall make a false statement in any well log or 1806
sealing report required to be kept and submitted under this 1807
section. Violation of division ~~(C)(E)~~(2) of this section is 1808
falsification under section 2921.13 of the Revised Code. 1809

~~(D)(F)~~ For the purposes of prosecution of a violation of 1810
division ~~(C)(E)~~(1) of this section, a prima-facie case is 1811
established when the division obtains either of the following: 1812

(1) A certified copy of a permit for a private water system 1813
issued in accordance with rules adopted under section 3701.344 of 1814
the Revised Code, or a certified copy of the invoice or a canceled 1815
check from the owner of a well indicating the construction or 1816
sealing services performed; 1817

(2) A certified copy of any permit issued under Chapter 3734. 1818
or 6111. of the Revised Code or plan approval granted under 1819
Chapter 6109. of the Revised Code for any activity that includes 1820
the construction or sealing of a well as applicable. 1821

Sec. 1521.13. (A) Development in one-hundred-year floodplain 1822
areas shall be protected to at least the one-hundred-year flood 1823
level, and flood water conveyance shall be maintained, at a 1824
minimum, in accordance with standards established under the 1825
national flood insurance program. 1826

(B) Prior to the expenditure of money for or the construction 1827
of buildings, structures, roads, bridges, or other facilities in 1828
locations that may be subject to flooding or flood damage, all 1829
state agencies and political subdivisions shall notify and consult 1830

with the division of water and shall furnish information that the 1831
division reasonably requires in order to avoid the uneconomic, 1832
hazardous, or unnecessary use of floodplains in connection with 1833
such facilities. 1834

(C) The chief of the division of water shall do all of the 1835
following: 1836

(1) Coordinate the floodplain management activities of state 1837
agencies and political subdivisions with the floodplain management 1838
activities of the United States, including the national flood 1839
insurance program ~~established in the "National Flood Insurance Act~~ 1840
~~of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, and~~ 1841
~~regulations adopted under that act;~~ 1842

(2) Collect, prepare, and maintain technical data and 1843
information on floods and floodplain management and make the data 1844
and information available to the public, state agencies, political 1845
subdivisions, and agencies of the United States; 1846

(3) Cooperate and enter into agreements with persons for the 1847
preparation of studies and reports on floods and floodplain 1848
management; 1849

(4) Assist any county, municipal corporation, or state agency 1850
in developing comprehensive floodplain management programs; 1851

(5) Provide technical assistance to any county, municipal 1852
corporation, or state agency through engineering assistance, data 1853
collection, preparation of model laws, training, and other 1854
activities relating to floodplain management; 1855

(6) For the purpose of reducing damages and the threat to 1856
life, health, and property in the event of a flood, cooperate with 1857
state agencies, political subdivisions, and the United States in 1858
the development of flood warning systems, evacuation plans, and 1859
flood emergency preparedness plans; 1860

(7) Upon request, assist the emergency management agency 1861
established by section 5502.22 of the Revised Code in the 1862
preparation of flood hazard mitigation reports required as a 1863
condition for receiving federal disaster aid under the "Disaster 1864
Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, 1865
~~"The Robert T. Stafford Disaster Relief and Emergency Assistance~~ 1866
~~Act of 1994," Pub. L. No. 93-288, as amended,~~ and regulations 1867
adopted under ~~those acts~~ it; 1868

(8) ~~Adopt, and may amend or rescind, rules in accordance with~~ 1869
~~Chapter 119. of the Revised Code for the administration,~~ 1870
~~implementation, and enforcement of this section and sections~~ 1871
~~1521.14 and 1521.18 of the Revised Code;~~ 1872

(9) Establish, by rule, technical standards for the 1873
delineation and mapping of floodplains and for the conduct of 1874
engineering studies to determine the vertical and horizontal 1875
limits of floodplains and for the assessment of development 1876
impacts on flood heights and flood conveyance. The standards 1877
established in rules adopted under this division shall be 1878
consistent with and no more stringent than the analogous standards 1879
established under the national flood insurance program ~~adopted~~ 1880
~~pursuant to the "National Flood Insurance Act of 1968," 82 Stat.~~ 1881
~~572, 42 U.S.C.A. 4001, as amended.~~ 1882

(10) ~~Establish, by rule, flood damage reduction standards~~ 1883
~~governing development within one hundred year floodplains other~~ 1884
~~than development subject to the rules adopted under division~~ 1885
~~(A)(11) of this section. The standards shall include provisions to~~ 1886
~~ensure that structures are protected at least to the one hundred~~ 1887
~~year flood level and that any increase in the one hundred year~~ 1888
~~flood level will not exceed one foot as determined by engineering~~ 1889
~~studies conducted in accordance with the technical standards~~ 1890
~~established in rules adopted under division (A)(9) of this~~ 1891
~~section. The standards adopted under this division shall be no~~ 1892

~~more stringent than the minimum floodplain management criteria of~~ 1893
~~the national flood insurance program adopted under the "National~~ 1894
~~Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as~~ 1895
~~amended.~~ 1896

~~(11) Establish, by rule, minimum flood damage reduction~~ 1897
~~standards governing development undertaken by state agencies~~ 1898
~~within one hundred year floodplains. The standards shall include~~ 1899
~~provisions to ensure that structures are protected at least to the~~ 1900
~~one hundred year flood level and that any increase in the one~~ 1901
~~hundred year flood level will not exceed one foot as determined by~~ 1902
~~engineering studies conducted in accordance with the technical~~ 1903
~~standards established in rules adopted under division (A)(9) of~~ 1904
~~this section. The standards adopted under this division shall be~~ 1905
~~consistent with and no less stringent than the minimum floodplain~~ 1906
~~management criteria of the national flood insurance program~~ 1907
~~adopted under the "National Flood Insurance Act of 1968," 82 Stat.~~ 1908
~~572, 42 U.S.C.A. 4001, as amended.~~ 1909

~~(12)(9) On behalf of the director of natural resources,~~ 1910
~~administer section 1506.04 of the Revised Code.~~ 1911

~~(B) Rules adopted under division (A)(10) of this section and~~ 1912
~~standards established under those rules apply only to developments~~ 1913
~~for which a demonstration of compliance is required under division~~ 1914
~~(C)(1) of section 1521.14 of the Revised Code~~ 1915

In addition to the duties imposed in divisions (C)(1) to (9) 1916
of this section, and with respect to existing publicly owned 1917
facilities that have suffered flood damage or that may be subject 1918
to flood damage, the chief may conspicuously mark past and 1919
probable flood heights in order to assist in creating public 1920
awareness of and knowledge about flood hazards. 1921

(D)(1) Development that is funded, financed, undertaken, or 1922
preempted by state agencies shall comply with division (A) of this 1923

section and with rules adopted under division (C)(8) of this 1924
section. 1925

(2) State agencies shall apply floodproofing measures in 1926
order to reduce potential additional flood damage of existing 1927
publicly owned facilities that have suffered flood damage. 1928

(3) Before awarding funding or financing or granting a 1929
license, permit, or other authorization for a development that is 1930
or is to be located within a one-hundred-year floodplain, a state 1931
agency shall require the applicant to demonstrate to the 1932
satisfaction of the agency that the development will comply with 1933
division (A) of this section, rules adopted under division (C)(8) 1934
of this section, and any applicable local floodplain management 1935
resolution or ordinance. 1936

(4) Prior to the disbursement of any state disaster 1937
assistance money in connection with any incident of flooding to or 1938
within a county or municipal corporation that is not listed by the 1939
chief as being in compliance under division (D)(1) of section 1940
1521.18 of the Revised Code, a state agency that has authority to 1941
disburse such money shall require the county or municipal 1942
corporation to establish or reestablish compliance as provided in 1943
that division. 1944

(E)(1) Subject to section 1521.18 of the Revised Code, a 1945
county or a municipal corporation may do all of the following: 1946

(a) Adopt floodplain maps that reflect the best available 1947
data and that indicate the areas to be regulated under a 1948
floodplain management resolution or ordinance, as applicable; 1949

(b) Develop and adopt a floodplain management resolution or 1950
ordinance, as applicable; 1951

(c) Adopt floodplain management standards that exceed the 1952
standards that are established under the national flood insurance 1953

program. 1954

(2) A county or municipal corporation shall examine and 1955
apply, where economically feasible, floodproofing measures in 1956
order to reduce potential additional flood damage of existing 1957
publicly owned facilities that have suffered flood damage. 1958

(3) A county that adopts a floodplain management resolution 1959
shall do so in accordance with the procedures established in 1960
section 307.37 of the Revised Code. The county may enforce the 1961
resolution by issuing stop work orders, seeking injunctive relief, 1962
or pursuing other civil actions that the county considers 1963
necessary to ensure compliance with the resolution. In addition, 1964
failure to comply with the floodplain management resolution 1965
constitutes a violation of division (D) of section 307.37 of the 1966
Revised Code. 1967

(4) No action challenging the validity of a floodplain 1968
management resolution adopted by a county or a floodplain 1969
management ordinance adopted by a municipal corporation, or an 1970
amendment to such a resolution or ordinance, because of a 1971
procedural error in the adoption of the resolution, ordinance, or 1972
amendment shall be brought more than two years after the adoption 1973
of the resolution, ordinance, or amendment. 1974

~~Sec. 1521.14. (A) All state agencies and political~~ 1975
~~subdivisions, prior to the expenditure of funds for or the~~ 1976
~~construction of buildings, structures, roads, bridges, or other~~ 1977
~~facilities in locations that may be subject to flooding or flood~~ 1978
~~damage, shall notify and consult with the division of water and~~ 1979
~~shall furnish such information as the division may reasonably~~ 1980
~~require in order to avoid the uneconomic, hazardous, or~~ 1981
~~unnecessary use of floodplains in connection with such facilities.~~ 1982

~~(B) With respect to existing publicly owned facilities that~~ 1983

~~have suffered flood damage or that may be subject to flood damage, 1984
the chief of the division of water may conspicuously mark past and 1985
probable flood heights so as to assist in creating public 1986
awareness of and knowledge about flood hazards. Wherever 1987
economically feasible, state agencies and political subdivisions 1988
responsible for existing publicly owned facilities shall apply 1989
floodproofing measures in order to reduce potential flood damage. 1990~~

~~(C)(1) Any state agency that funds or finances developments 1991
or that has regulatory jurisdiction that preempts the authority of 1992
political subdivisions to regulate development as necessary to 1993
establish participation in the national flood insurance program 1994
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 1995
U.S.C.A. 4001, as amended, before awarding funding or financing or 1996
granting a license, permit, or other authorization for a 1997
development that is or is to be located within a one hundred year 1998
floodplain, shall require the applicant therefor to demonstrate to 1999
the satisfaction of the agency that the development will comply 2000
with the flood damage reduction standards established in rules 2001
adopted under division (A)(10) of section 1521.13 of the Revised 2002
Code. 2003~~

~~(2) Any state agency that undertakes any development that is 2004
or is to be located within a one hundred year floodplain shall 2005
ensure that the development complies with the minimum flood damage 2006
reduction standards established in rules adopted under division 2007
(A)(11) of section 1521.13 of the Revised Code. 2008~~

~~(3) Prior to the disbursement of any state disaster 2009
assistance funds in connection with any incident of flooding to or 2010
within a municipal corporation or county that is not listed by the 2011
chief as being in compliance under division (D)(1) of section 2012
1521.18 of the Revised Code, each state agency having the 2013
authority to disburse such funds shall require the municipal 2014
corporation or county to establish or reestablish compliance as 2015~~

~~provided in that division.~~ 2016

~~(D) All state agencies shall comply with this section, rules 2017
adopted under section 1521.13 of the Revised Code, and any 2018
applicable local floodplain management ordinance or resolution. 2019
Upon the written request of the director of natural resources, the 2020
attorney general ~~may~~ shall bring a ~~civil~~ an action for ~~injunctive~~ 2021
appropriate relief, in the a court of ~~common pleas of Franklin~~ 2022
county, competent jurisdiction against any state agency that 2023
~~violates this section, rules adopted under section 1521.13 of the~~ 2024
~~Revised Code, or any applicable local floodplain management~~ 2025
~~ordinance or resolution. In the action, the court may enter an~~ 2026
~~order that restrains, prevents, or abates any conduct, or abates~~ 2027
~~any development undertaken by a state agency, in violation of this~~ 2028
~~section, rules adopted under section 1521.13 of the Revised Code,~~ 2029
~~or any applicable local floodplain management ordinance or~~ 2030
~~resolution~~ development that is not in compliance with the 2031
standards of the national flood insurance program and that is one 2032
of the following: 2033~~

(A) Located in a county or municipal corporation that is not 2034
listed by the chief of the division of water as being in 2035
compliance under division (D)(1) of section 1521.18 of the Revised 2036
Code; 2037

(B) Funded, financed, undertaken, or preempted by a state 2038
agency. 2039

Sec. 1521.18. (A) For the purposes of this section, a 2040
one_hundred_year floodplain is limited to an area identified as a 2041
one_hundred_year floodplain in accordance with the "National Flood 2042
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 2043
amended. 2044

(B) Each municipal corporation or county that has within its 2045

boundaries a one_hundred_year floodplain and that adopts a
floodplain management ordinance or resolution or any amendments to
such an ordinance or resolution on or after April 11, 1991, after
adopting the ordinance, resolution, or amendments and before
submitting the ordinance, resolution, or amendments to the federal
emergency management agency for final approval for compliance with
applicable standards adopted under the "National Flood Insurance
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall
submit the ordinance, resolution, or amendments to the chief of
the division of water for ~~his~~ the chief's review for compliance
with those standards. Within forty-five days after receiving any
such ordinance, resolution, or amendments, the chief shall
complete ~~his~~ the review and notify the municipal corporation or
county as to whether the ordinance, resolution, or amendments
comply with those standards. If the chief finds that the
ordinance, resolution, or amendments comply with those standards,
~~he~~ the chief shall forward it or them to the federal emergency
management agency for final approval.

(C)(1) If the chief determines that a county or municipal
corporation that has adopted a floodplain management resolution or
ordinance fails to administer or enforce the resolution or
ordinance, the chief shall send a written notice by certified mail
to the board of county commissioners of the county or the chief
executive officer of the municipal corporation stating the nature
of the noncompliance.

(2) In order to maintain its compliance status in accordance
with division (D) of this section, a county or municipal
corporation that has received a notice of noncompliance under
division (C)(1) of this section may submit information to the
chief not later than thirty days after receiving the notice that
demonstrates compliance or indicates the actions that the county
or municipal corporation is taking to administer or enforce the

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resolution or ordinance. The chief shall review the information 2078
and shall issue a final determination by certified mail to the 2079
county or municipal corporation of the compliance or noncompliance 2080
status of the county or municipal corporation. If the chief issues 2081
a final determination of noncompliance, ~~he~~ the chief shall send a 2082
copy of that determination to the federal emergency management 2083
agency concurrently with mailing the notice to the municipal 2084
corporation or county. 2085

(D)(1) A county or municipal corporation is considered to be 2086
in compliance for the purposes of this section if either of the 2087
following applies: 2088

(a) The county or municipal corporation has adopted a 2089
floodplain management resolution or ordinance that the chief has 2090
determined complies with applicable standards adopted under the 2091
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 2092
4001, as amended, and is adequately administering and enforcing it 2093
as determined under division (C) of this section. 2094

(b) The county or municipal corporation is participating in 2095
the national flood insurance program ~~under the "National Flood~~ 2096
~~Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as~~ 2097
~~amended,~~ and has not received a notice of noncompliance under 2098
division (B) or (C) of this section. 2099

(2) The chief shall maintain a list of all counties and 2100
municipal corporations that have one-hundred-year floodplains 2101
within their boundaries. The list shall indicate whether each such 2102
county or municipal corporation is in compliance or noncompliance 2103
as provided in division (D)(1) of this section and whether each 2104
such county or municipal corporation is participating in the 2105
national flood insurance program. The chief shall provide a copy 2106
of the list to the general assembly and all state agencies 2107
annually and shall notify the general assembly and the agencies of 2108

any changes at least quarterly. 2109

(E) Any county or municipal corporation that is adversely 2110
affected by any determination of the chief under this section may 2111
appeal it in accordance with Chapter 119. of the Revised Code not 2112
later than thirty days after the final determination. 2113

Sec. 1521.19. (A) There is hereby created the Ohio water 2114
resources council consisting of the directors of agriculture, 2115
development, environmental protection, health, natural resources, 2116
transportation, and the Ohio public works commission, the 2117
chairperson of the public utilities commission of Ohio, the 2118
executive ~~directors~~ director of ~~the state and local government~~ 2119
~~commission of Ohio and~~ the Ohio water development authority, and 2120
an executive assistant in the office of the governor appointed by 2121
the governor. The governor shall appoint one of the members of the 2122
council to serve as its chairperson. The council may adopt bylaws 2123
that are necessary for the implementation of this section. The 2124
council shall provide a forum for policy development, 2125
collaboration and coordination among state agencies, and strategic 2126
direction with respect to state water resource programs. The 2127
council shall be assisted in its functions by a state agency 2128
coordinating group and an advisory group as provided in this 2129
section. 2130

(B) The state agency coordinating group shall consist of the 2131
executive director of the Ohio Lake Erie commission and a member 2132
or members from each state agency, commission, and authority 2133
represented on the council, to be appointed by the applicable 2134
director, chairperson, or executive director. However, the 2135
environmental protection agency shall be represented on the group 2136
by the chiefs of the divisions within that agency having 2137
responsibility for surface water programs and drinking and ground 2138
water programs, and the department of natural resources shall be 2139

represented on the group by the chief of the division of water and 2140
the chief of the division of soil and water conservation. The 2141
chairperson of the council shall appoint a leader of the state 2142
agency coordinating group. The group shall provide assistance to 2143
and perform duties on behalf of the council as directed by the 2144
council. 2145

(C) The advisory group shall consist of not more than ~~twenty~~ 2146
twenty-four members, each representing an organization or entity 2147
with an interest in water resource issues. The council shall 2148
appoint the members of the advisory group. Of the initial 2149
appointments, not more than ten members shall be appointed for 2150
one-year terms, and not more than ten members shall be appointed 2151
for two-year terms. Of the four initial appointments made after 2152
the effective date of this amendment, two of the members shall be 2153
appointed for one-year terms, and two of the members shall be 2154
appointed for two-year terms. Thereafter, all advisory group 2155
members shall serve two-year terms. Members may be reappointed. 2156
Each member shall hold office from the date of the member's 2157
appointment until the end of the member's term. A member shall 2158
continue in office subsequent to the expiration date of the 2159
member's term until the member's successor takes office or until a 2160
period of sixty days has elapsed, whichever occurs first. The 2161
council may remove a member for misfeasance, nonfeasance, or 2162
malfeasance in office. The council shall appoint members to fill 2163
any vacancies on the group. A member appointed to fill a vacancy 2164
shall hold office for the remainder of the term for which that 2165
member was appointed. 2166

The chairperson of the council shall appoint a chairperson of 2167
the advisory group. The advisory group shall advise the council on 2168
water resources issues addressed by the council. 2169

(D) There is hereby created in the state treasury the Ohio 2170
water resources council fund. The department of natural resources 2171

shall serve as the fiscal agent for the fund. The departments of
agriculture, development, environmental protection, health,
natural resources, and transportation shall transfer moneys to the
fund in equal amounts via intrastate transfer voucher. The public
utilities commission of Ohio, Ohio public works commission, ~~state
and local government commission of Ohio~~, and Ohio water
development authority may transfer moneys to the fund. If a
voluntary transfer of moneys is made to the fund, the portion that
is required to be transferred by the departments of agriculture,
development, environmental protection, health, natural resources,
and transportation may be equally reduced. Moneys in the fund
shall be used to pay the operating expenses of the Ohio water
resources council, including those specified in division (E) of
this section.

(E) The Ohio water resources council may hire staff to
support its activities. The council may enter into contracts and
agreements with federal agencies, state agencies, political
subdivisions, and private entities to assist in accomplishing its
objectives. Advisory group members shall be reimbursed for
expenses necessarily incurred in the performance of their duties
pursuant to section 126.31 of the Revised Code and any applicable
rules pertaining to travel reimbursement adopted by the office of
budget and management.

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

(B) Whoever violates section 1521.06 or 1521.062 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.

(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. 1525.11. (A) The water and sewer fund, which is hereby
created in the state treasury, shall consist of moneys
appropriated to the fund by the general assembly, moneys allocated
to the fund pursuant to section 164.08 of the Revised Code, moneys
repaid to the fund for advances made from it, and interest paid
for delay in repayment of advances from the fund. The fund shall
be administered by the water and sewer commission created by
division (C) of this section. Moneys in the fund shall be used
solely for advances to boards of county commissioners, legislative
authorities of municipal corporations, and governing boards of any
other public entities to meet that portion of the cost of the
extension of water and sewer lines to be financed by assessments
for which collections are deferred or exempt pursuant to division
(A) of section 929.03, division (A) of section 1517.052, division
(B) of section 6103.052, or division (B) of section 6117.062, ~~or~~
~~division (A) of section 929.03~~ of the Revised Code. Moneys
allocated to the fund pursuant to section 164.08 of the Revised
Code shall be used solely to make advances to subdivisions
described in this division. Advances made from moneys deposited in
this fund pursuant to section 164.08 of the Revised Code shall be
repaid within twenty years from the time the advance is made⁷.

(B) The water and sewer administrative fund is hereby created
in the state treasury to consist of moneys collected as fees
pursuant to division (C) of section 1525.12 of the Revised Code.
Moneys in this fund shall be used solely to pay the administrative
costs of the water and sewer commission.

(C) There is hereby created the water and sewer commission.
The commission shall consist of seven members and, for

administrative purposes, shall be attached to the department of 2234
development. The members of the commission shall be the director 2235
of development or the director's representative, the director of 2236
health or the director's representative, the director of 2237
agriculture or the director's representative, the director of 2238
natural resources or the director's representative, and three 2239
members appointed by the governor. One of the three members 2240
appointed by the governor shall be a representative of industry, 2241
one shall be a farmer whose major source of income is derived from 2242
farming, and one shall be a representative of the public. The 2243
governor shall appoint one member to serve for a term of one year, 2244
one member to serve for a term of two years, and one member to 2245
serve for a term of three years. Thereafter, terms of office of 2246
members appointed by the governor shall be for three years, 2247
commencing on the twentieth day of December and ending on the 2248
nineteenth day of December. Each appointed member shall hold 2249
office from the date of appointment until the end of the term for 2250
which the member was appointed. Any member appointed to fill a 2251
vacancy occurring prior to the expiration of the term for which 2252
the member's predecessor was appointed shall hold office for the 2253
remainder of ~~such~~ that term. Any appointed member shall continue 2254
in office subsequent to the expiration date of ~~his~~ the member's 2255
term until the member's successor takes office, or until a period 2256
of sixty days has elapsed, whichever occurs first. The governor 2257
shall designate the chairperson of the commission, who shall serve 2258
for a term of one year. The members of the commission shall 2259
receive no compensation other than for expenses incurred in the 2260
performance of their duties. 2261

(D) The commission shall submit orders, made pursuant to 2262
division (D) of section 1525.12 of the Revised Code, approving 2263
advances from the water and sewer fund, to the controlling board. 2264
The controlling board shall then determine whether or not such an 2265

advance shall be made. If the board determines that the advance 2266
shall be made, it shall certify ~~such~~ the action to the director of 2267
budget and management for payment. 2268

Sec. 1525.12. The water and sewer commission shall in the 2269
administration of the water and sewer fund: 2270

(A) Consider applications for advances from the fund made 2271
pursuant to division (D) of section 929.03, division (C) of 2272
section 1517.052, or division (A) of section 6103.052 or of 2273
section 6117.062 of the Revised Code; 2274

(B) Determine, pursuant to the standards set forth in section 2275
1525.13 of the Revised Code, whether an advance of moneys should 2276
be made as requested by an application, approve the amount of the 2277
advance, if any, to be made, and fix the maximum time within which 2278
the advance shall be repaid; 2279

(C) Collect from the boards of county commissioners, 2280
legislative authorities of municipal corporations, or governing 2281
boards of any other public entities requesting an advance from the 2282
water and sewer fund pursuant to division (D) of section 929.03, 2283
division (C) of section 1517.052, or division (A) of both sections 2284
6103.052 and 6117.062 of the Revised Code a fee equal to two per 2285
cent of any moneys advanced from the fund and pay the fees into 2286
the water and sewer administrative fund created pursuant to 2287
division (B) of section 1525.11 of the Revised Code; 2288

(D) Submit orders approving advances to the controlling board 2289
for action pursuant to division ~~(C)~~ (D) of section 1525.11 of the 2290
Revised Code; 2291

(E) Adopt pursuant to Chapter 119. of the Revised Code: 2292

(1) Rules prescribing the form of application for advances 2293
from the fund and the time and manner of submitting ~~such~~ an 2294
application; 2295

(2) Rules prescribing the criteria to determine the occurrence of a change in the use of property as referred to in division (C) of section 929.03 or division (C) of both sections 6103.052 and 6117.062 of the Revised Code;	2296 2297 2298 2299
(3) Rules prescribing the criteria to consider for the disposition of requests for advances from the fund made pursuant to section 1525.13 of the Revised Code;	2300 2301 2302
(4) Rules prescribing standards for the use of boards of county commissioners in determining the disposition of requests for deferment of collection of assessment pursuant to division (B) of both sections 6103.052 and 6117.062 of the Revised Code.	2303 2304 2305 2306
(F) Investigate the uses of those lands on which the deferred or exempted collection of assessments has been the basis for advances of moneys from the fund, require the boards of county commissioners to repay the commission pursuant to division (C) or (D) of section 6103.052 or <u>division</u> (C) or (D) of section 6117.062 of the Revised Code the advances due as a result of changes in the use of property, and require boards of county commissioners, legislative authorities of municipal corporations, and other governing boards of any other public entities to repay the commission under division (D) of section 929.03 <u>or division (C) of section 1517.052</u> of the Revised Code;	2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317
(G) Pay into the fund all repayments of moneys advanced from the fund and interest paid for delay in repayment of advances made from the fund;	2318 2319 2320
(H) Defer the repayment by a board of county commissioners of moneys previously advanced from the fund when a board defers the collection of assessments pursuant to division (C) of section 6103.052 or division (C) of section 6117.062 of the Revised Code;	2321 2322 2323 2324
(I) Employ such personnel as are required to administer this section.	2325 2326

Sec. 1531.01. As used in this chapter and Chapter 1533. of 2327
the Revised Code: 2328

(A) "Person" means ~~individual, company, partnership,~~ 2329
~~corporation, municipal corporation, association, or any~~ 2330
~~combination of individuals, or any employee, agent, or officer~~ 2331
~~thereof~~ a person as defined in section 1.59 of the Revised Code or 2332
a company; an employee, agent, or officer of such a person or 2333
company; a combination of individuals; the state; a political 2334
subdivision of the state; an interstate body created by a compact; 2335
or the federal government or a department, agency, or 2336
instrumentality of it. 2337

(B) "Resident" means any individual who has resided in this 2338
state for not less than six months next preceding the date of 2339
making application for a license. 2340

(C) "Nonresident" means any individual who does not qualify 2341
as a resident. 2342

(D) "Division rule" or "rule" means any rule adopted by the 2343
chief of the division of wildlife under section 1531.10 of the 2344
Revised Code unless the context indicates otherwise. 2345

(E) "Closed season" means that period of time during which 2346
the taking of wild animals protected by this chapter and Chapter 2347
1533. of the Revised Code is prohibited. 2348

(F) "Open season" means that period of time during which the 2349
taking of wild animals protected by this chapter and Chapter 1533. 2350
of the Revised Code is permitted. 2351

(G) "Take or taking" includes pursuing, shooting, hunting, 2352
killing, trapping, angling, fishing with a trotline, or netting 2353
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 2354
wild bird, or wild quadruped, and any lesser act, such as 2355
wounding, or placing, setting, drawing, or using any other device 2356

for killing or capturing any wild animal, whether it results in 2357
killing or capturing the animal or not. "Take or taking" includes 2358
every attempt to kill or capture and every act of assistance to 2359
any other person in killing or capturing or attempting to kill or 2360
capture a wild animal. 2361

(H) "Possession" means both actual and constructive 2362
possession and any control of things referred to. 2363

(I) "Bag limit" means the number, measurement, or weight of 2364
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 2365
birds, and wild quadrupeds permitted to be taken. 2366

(J) "Transport and transportation" means carrying or moving 2367
or causing to be carried or moved. 2368

(K) "Sell and sale" means barter, exchange, or offer or 2369
expose for sale. 2370

(L) "Whole to include part" means that every provision 2371
relating to any wild animal protected by this chapter and Chapter 2372
1533. of the Revised Code applies to any part of the wild animal 2373
with the same effect as it applies to the whole. 2374

(M) "Angling" means fishing with not more than two hand 2375
lines, not more than two units of rod and line, or a combination 2376
of not more than one hand line and one rod and line, either in 2377
hand or under control at any time while fishing. The hand line or 2378
rod and line shall have attached to it not more than three baited 2379
hooks, not more than three artificial fly rod lures, or one 2380
artificial bait casting lure equipped with not more than three 2381
sets of three hooks each. 2382

(N) "Trotline" means a device for catching fish that consists 2383
of a line having suspended from it, at frequent intervals, 2384
vertical lines with hooks attached. 2385

(O) "Fish" means a cold-blooded vertebrate having fins. 2386

(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	2387 2388
(Q) "Wild birds" includes game birds and nongame birds.	2389
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	2390 2391
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	2392 2393 2394 2395 2396 2397
(T) "Nongame birds" includes all other wild birds not included and defined as game birds <u>or migratory game birds</u> .	2398 2399
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	2400 2401
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, and black bears.	2402 2403 2404 2405
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	2406 2407 2408
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	2409 2410 2411
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting"	2412 2413 2414 2415 2416

includes every attempt to kill or wound and every act of 2417
assistance to any other person in killing or wounding or 2418
attempting to kill or wound wild birds or wild quadrupeds. 2419

(Z) "Trapping" means securing or attempting to secure 2420
possession of a wild bird or wild quadruped by means of setting, 2421
placing, drawing, or using any device that is designed to close 2422
upon, hold fast, confine, or otherwise capture a wild bird or wild 2423
quadruped whether or not the means results in capture. "Trapping" 2424
includes every act of assistance to any other person in capturing 2425
wild birds or wild quadrupeds by means of the device whether or 2426
not the means results in capture. 2427

(AA) "Muskrat spear" means any device used in spearing 2428
muskrats. 2429

(BB) "Channels and passages" means those narrow bodies of 2430
water lying between islands or between an island and the mainland 2431
in Lake Erie. 2432

(CC) "Island" means a rock or land elevation above the waters 2433
of Lake Erie having an area of five or more acres above water. 2434

(DD) "Reef" means an elevation of rock, either broken or in 2435
place, or gravel shown by the latest United States chart to be 2436
above the common level of the surrounding bottom of the lake, 2437
other than the rock bottom, or in place forming the base or 2438
foundation rock of an island or mainland and sloping from the 2439
shore of it. "Reef" also means all elevations shown by that chart 2440
to be above the common level of the sloping base or foundation 2441
rock of an island or mainland, whether running from the shore of 2442
an island or parallel with the contour of the shore of an island 2443
or in any other way and whether formed by rock, broken or in 2444
place, or from gravel. 2445

(EE) "Fur farm" means any area used exclusively for raising 2446
fur-bearing animals or in addition thereto used for hunting game, 2447

the boundaries of which are plainly marked as such. 2448

(FF) "Waters" includes any lake, pond, reservoir, stream, 2449
channel, lagoon, or other body of water, or any part thereof, 2450
whether natural or artificial. 2451

(GG) "Crib" or "car" refers to that particular compartment of 2452
the net from which the fish are taken when the net is lifted. 2453

(HH) "Commercial fish" means those species of fish permitted 2454
to be taken, possessed, bought, or sold unless otherwise 2455
restricted by the Revised Code or division rule and are alewife 2456
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 2457
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 2458
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 2459
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 2460
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 2461
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 2462
olivaris), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 2463
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 2464
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 2465
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 2466
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 2467
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 2468
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 2469
than buffalo and quillback (*Carpiodes* sp., *Catostomus* sp., 2470
Hypentelium sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone* 2471
chrysops), white perch (*Roccus americanus*), and yellow perch 2472
(*Perca flavescens*). When the common name of a fish is used in this 2473
chapter or Chapter 1533. of the Revised Code, it refers to the 2474
fish designated by the scientific name in this definition. 2475

(II) "Fishing" means taking or attempting to take fish by any 2476
method, and all other acts such as placing, setting, drawing, or 2477
using any device commonly used to take fish whether resulting in a 2478

taking or not.	2479
(JJ) "Fillet" means the pieces of flesh taken or cut from	2480
both sides of a fish, joined to form one piece of flesh.	2481
(KK) "Part fillet" means a piece of flesh taken or cut from	2482
one side of a fish.	2483
(LL) "Round" when used in describing fish means with head and	2484
tail intact.	2485
(MM) "Migrate" means the transit or movement of fish to or	2486
from one place to another as a result of natural forces or	2487
instinct and includes, but is not limited to, movement of fish	2488
induced or caused by changes in the water flow.	2489
(NN) "Spreader bar" means a brail or rigid bar placed across	2490
the entire width of the back, at the top and bottom of the cars in	2491
all trap, crib, and fyke nets for the purpose of keeping the	2492
meshes hanging squarely while the nets are fishing.	2493
(OO) "Fishing guide" means any person who, for consideration	2494
or hire, operates a boat, rents, leases, or otherwise furnishes	2495
angling devices, ice fishing shanties or shelters of any kind, or	2496
other fishing equipment, and accompanies, guides, directs, or	2497
assists any other person in order for the other person to engage	2498
in fishing.	2499
(PP) "Net" means fishing devices with meshes composed of	2500
twine or synthetic material and includes, but is not limited to,	2501
trap nets, fyke nets, crib nets, carp aprons, dip nets, and	2502
seines, except minnow seines and minnow dip nets.	2503
(QQ) "Commercial fishing gear" means seines, trap nets, fyke	2504
nets, dip nets, carp aprons, trotlines, other similar gear, and	2505
any boat used in conjunction with that gear, but does not include	2506
gill nets.	2507
(RR) "Native wildlife" means any species of the animal	2508

kingdom indigenous to this state. 2509

(SS) "Gill net" means a single section of fabric or netting 2510
seamed to a float line at the top and a lead line at the bottom, 2511
which is designed to entangle fish in the net openings as they 2512
swim into it. 2513

(TT) "Tag fishing tournament" means a contest in which a 2514
participant pays a fee, or gives other valuable consideration, for 2515
a chance to win a prize by virtue of catching a tagged or 2516
otherwise specifically marked fish within a limited period of 2517
time. 2518

(UU) "Tenant" means an individual who resides on land for 2519
which the individual pays rent and whose annual income is 2520
primarily derived from agricultural production conducted on that 2521
land, as "agricultural production" is defined in section 929.01 of 2522
the Revised Code. 2523

(VV) "Nonnative wildlife" means any wild animal not 2524
indigenous to this state, but does not include domestic deer. 2525

(WW) "Reptiles" includes common musk turtle (*sternotherus* 2526
odoratus), common snapping turtle (*Chelydra serpentina* 2527
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 2528
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 2529
blandingii), common map turtle (*Graptemys geographica*), ouachita 2530
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 2531
painted turtle (*Chrysemys picta marginata*), red-eared slider 2532
(*Trachemys scripta elegans*), eastern spiny softshell turtle 2533
(*Apalone spinifera spinifera*), midland smooth softshell turtle 2534
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 2535
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 2536
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 2537
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 2538
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 2539

septemvittata), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	2540
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	2541
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	2542
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	2543
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	2544
northern redbelly snake (<i>Storeria occipitomaculata</i>	2545
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	2546
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	2547
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	2548
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	2549
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	2550
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	2551
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	2552
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	2553
(<i>Carphophis amoenus helenae</i>), eastern worm snake (<i>Carphophis</i>	2554
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	2555
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	2556
(<i>opheodrys aestivus</i>), smooth green snake (<i>opheodrys vernalis</i>	2557
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	2558
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	2559
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	2560
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	2561
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	2562
rattlesnake (<i>Crotalus horridus horridus</i>).	2563
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	2564
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	2565
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	2566
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	2567
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	2568
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	2569
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	2570
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	2571

tigrinum), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	2572
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	2573
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	2574
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	2575
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	2576
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	2577
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	2578
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	2579
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	2580
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	2581
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	2582
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	2583
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	2584
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	2585
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	2586
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	2587
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	2588
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	2589
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	2590
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	2591
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	2592
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	2593
frog (<i>Rana sylvatica</i>).	2594
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	2595
<i>virginianus</i>).	2596
(ZZ) "Domestic deer" means nonnative deer that have been	2597
legally acquired or their offspring and that are held in private	2598
ownership for primarily agricultural purposes.	2599
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	2600
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); <u>cormorants</u>	2601
<u>(Phalacrocoracidae)</u> ; rails, coots, and gallinules (<i>Rallidae</i>); and	2602
woodcock and snipe (<i>Scolopacidae</i>).	2603

Sec. 1531.02. The ownership of and the title to all wild animals in this state, not legally confined or held by private ownership legally acquired, is in the state, which holds such title in trust for the benefit of all the people. Individual possession shall be obtained only in accordance with the Revised Code or division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or division rules prescribe. No person shall buy, sell, or offer any part of wild animals for sale, or transport any part of wild animals, except as permitted by the Revised Code or division rules. No person shall possess or transport a wild animal that has been taken or possessed unlawfully outside the state.

A person doing anything prohibited or neglecting to do anything required by this chapter or Chapter 1533. of the Revised Code or contrary to any division rule violates this section. A person who counsels, aids, shields, or harbors an offender under ~~such~~ those chapters or any division rule, or who knowingly shares in the proceeds of such a violation, or receives or possesses any wild animal in violation of the Revised Code or division rule, violates this section. ~~No person shall use a rifle, at any time, in taking migratory game birds.~~

Sec. 1531.04. The division of wildlife, at the direction of the chief of the division, shall do all of the following:

(A) Plan, develop, and institute programs and policies based on the best available information, including biological information derived from professionally accepted practices in wildlife and fisheries management, with the approval of the

director of natural resources; 2634

(B) Have and take the general care, protection, and 2635
supervision of the wildlife in the state parks known as Lake St. 2636
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye Lake, 2637
Guilford Lake, such part of Pymatuning reservoir as lies in this 2638
state, and all other state parks and lands owned by the state or 2639
in which it is interested or may acquire or become interested, 2640
except lands and lakes the care and supervision of which are 2641
vested in some other officer, body, board, association, or 2642
organization; 2643

(C) Enforce by proper legal action or proceeding the laws of 2644
the state and division rules for the protection, preservation, 2645
propagation, and management of wild animals and sanctuaries and 2646
refuges for the propagation of those wild animals, and adopt and 2647
carry into effect such measures as it considers necessary in the 2648
performance of its duties; 2649

(D) Promote, educate, and inform the citizens of the state 2650
about conservation and the values of fishing, hunting, and 2651
trapping, with the approval of the director. 2652

Sec. 1531.06. (A) The chief of the division of wildlife, with 2653
the approval of the director of natural resources, may acquire by 2654
gift, lease, purchase, or otherwise lands or surface rights upon 2655
lands and waters or surface rights upon waters for wild animals, 2656
fish or game management, preservation, propagation, and 2657
protection, outdoor and nature activities, public fishing and 2658
hunting grounds, and flora and fauna preservation. The chief, with 2659
the approval of the director, may receive by grant, devise, 2660
bequest, donation, or assignment evidences of indebtedness, the 2661
proceeds of which are to be used for the purchase of such lands or 2662
surface rights upon lands and waters or surface rights upon 2663
waters. 2664

(B)(1) The chief shall adopt rules for the protection of 2665
state-owned or leased lands and waters and property under the 2666
~~division's~~ control of the division of wildlife against wrongful 2667
use or occupancy that will ensure the carrying out of the intent 2668
of this section, protect those lands, waters, and property from 2669
depredations, and preserve them from molestation, spoilation, 2670
destruction, or any improper use or occupancy thereof, including 2671
rules with respect to recreational activities and for the 2672
government and use of such lands, waters, and property. 2673

(2) The chief may adopt rules benefiting wild animals, fish 2674
or game management, preservation, propagation, and protection, 2675
outdoor and nature activities, public fishing and hunting grounds, 2676
and flora and fauna preservation, and regulating the taking and 2677
possession of wild animals on any lands or waters owned or leased 2678
or under the division's supervision and control and, for a 2679
specified period of years, may prohibit or recall the taking and 2680
possession of any wild animal on any portion of such lands or 2681
waters. The division clearly shall define and mark the boundaries 2682
of the lands and waters owned or leased or under its supervision 2683
and control upon which the taking of any wild animal is 2684
prohibited. 2685

(C) The chief, with the approval of the director, may acquire 2686
by gift, lease, or purchase land for the purpose of establishing 2687
state fish hatcheries and game farms and may erect on it buildings 2688
or structures that are necessary. 2689

The title to or lease of such lands and waters shall be taken 2690
by the chief in the name of the state. The lease or purchase price 2691
of all such lands and waters may be paid from hunting and trapping 2692
and fishing licenses and any other funds. 2693

(D) To provide more public recreation, stream and lake 2694
agreements for public fishing only may be obtained under rules 2695

adopted by the chief. 2696

(E) The chief, with the approval of the director, may 2697
establish user fees for the use of special public facilities or 2698
participation in special activities on lands and waters 2699
administered by the division. The special facilities and 2700
activities may include hunting or fishing on special designated 2701
public lands and waters intensively managed or stocked with 2702
artificially propagated game birds or fish, field trial 2703
facilities, wildlife nature centers, firearm ranges, boat mooring 2704
facilities, camping sites, and other similar special facilities 2705
and activities. The chief shall determine whether the user fees 2706
are refundable and shall ensure that that information is provided 2707
at the time the user fees are paid. 2708

(F) The chief, with the approval of the director, may enter 2709
into lease agreements for rental of concessions or other special 2710
projects situated on state-owned or leased lands or waters or 2711
other property under the division's control. The chief shall set 2712
and collect the fees for concession rentals or other special 2713
projects; regulate through contracts between the division and 2714
concessionaires the sale of tangible objects at concessions or 2715
other special projects; and keep a record of all such fee payments 2716
showing the amount received, from whom received, and for what 2717
purpose the fee was collected. 2718

(G) The chief may sell or donate conservation-related items 2719
or items that promote wildlife conservation, including, but not 2720
limited to, stamps, pins, badges, books, bulletins, maps, 2721
publications, calendars, and any other educational article or 2722
artifact pertaining to wild animals; sell confiscated or forfeited 2723
items; and sell surplus structures and equipment, and timber or 2724
crops from lands owned, administered, leased, or controlled by the 2725
division. 2726

(H) The chief may sell, lease, or transfer minerals or mineral rights, with the approval of the director, when the chief and the director determine it to be in the best interest of the state. Upon approval of the director, the chief may make, execute, and deliver contracts, including leases, to mine, drill, or excavate iron ore, stone, coal, petroleum, gas, salt, and other minerals upon and under lands owned by the state and administered by the division to any person who complies with the terms of such a contract. No such contract shall be valid for more than fifty years from its effective date. Consideration for minerals and mineral rights shall be by rental or royalty basis as prescribed by the chief and payable as prescribed by contract. Moneys collected under this division shall be paid into the state treasury to the credit of the wildlife habitat fund created in section 1531.33 of the Revised Code. Contracts entered into under this division also may provide for consideration for minerals or mineral rights in the form of acquisition of lands as provided under divisions (A) and (C) of this section.

(I) All moneys received under divisions (E), (F), and (G) of this section shall be paid into the state treasury to the credit of a fund that shall be used for the purposes outlined in section 1533.15 of the Revised Code and for the management of other wild animals for their ecological and nonconsumptive recreational value or benefit.

(J) The chief, with the approval of the director, may barter or sell wild animals to other states, state or federal agencies, and conservation or zoological organizations. Moneys received from the sale of wild animals shall be deposited into the wild animal fund created in section 1531.34 of the Revised Code.

(K) The chief shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery

methods and devices and monitoring requirements.

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The chief shall establish criteria for the issuance of and shall issue permits for the administration of contraceptive chemicals to noncaptive wild animals. No person shall administer contraceptive chemicals to noncaptive wild animals without a permit issued by the chief.

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(L) All fees set by the chief under this section shall be approved by the wildlife council.

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(M) Information contained in the wildlife diversity database that is established pursuant to division (B)(2) of this section and section 1531.25 of the Revised Code may be made available to any individual or public or private agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species that are listed pursuant to section 1531.25 of the Revised Code and of features that are included in the wildlife diversity database is not subject to section 149.43 of the Revised Code if the chief determines that the release of the information could be detrimental to the conservation of a species or feature.

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Sec. 1531.17. All fines, penalties, and forfeitures arising from prosecutions, convictions, confiscations, or ~~otherwise other~~ actions comenced under this chapter and ~~Chapters 1517. and Chapter~~ 1533. of the Revised Code, unless otherwise directed by the director of natural resources, shall be paid by the officer by whom collected to the director and by ~~him~~ the director paid into the state treasury to the credit of the wildlife fund, which is hereby created, for the use of the division of wildlife. All moneys collected as license fees on nets in the Lake Erie fishing district shall be paid by the director into the state treasury to the credit of the wildlife fund for use only in the betterment and

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the propagation of fish therein or in otherwise propagating fish 2790
in ~~such~~ that district. All investment earnings of the fund shall 2791
be credited to the fund. The wildlife fund shall not be used for 2792
compensation of personnel employed by other divisions of the 2793
department of natural resources who are assigned to law 2794
enforcement duties in aid of the division of wildlife or for 2795
compensation of division of wildlife personnel for activities 2796
related to the instruction of personnel of other divisions. 2797

Sec. 1531.20. Any motor vehicle, all-terrain vehicle, or boat 2798
used in the unlawful taking or transporting of wild animals, and 2799
any net, seine, trap, ferret, gun, or other device used in the 2800
unlawful taking of wild animals, is a public nuisance. Each 2801
wildlife officer, or other officer with like authority, shall 2802
seize and safely keep such property and the illegal results of its 2803
use, and unless otherwise ordered by the chief of the division of 2804
wildlife shall ~~institute~~ initiate, within ~~five~~ thirty days, 2805
proceedings in a proper court of the county for its forfeiture. A 2806
writ of replevin shall not lie to take the property from the 2807
officer's custody or from the custody or jurisdiction of the court 2808
in which the proceeding is ~~instituted~~ initiated, nor shall the 2809
proceeding affect a criminal prosecution for the unlawful use or 2810
possession of the property. 2811

An action for the forfeiture of any such property shall be 2812
~~commenced~~ initiated by the filing of an affidavit describing the 2813
property seized and stating the unlawful use made of it, the time 2814
and place of seizure, and the name of the person owning or using 2815
it at the time of seizure. If the name is unknown, that fact shall 2816
be stated. Upon the filing of the affidavit, the court shall issue 2817
a summons setting forth the facts stated in the affidavit and 2818
fixing a time and place for the hearing of the complaint. A copy 2819
of the summons shall be served on the owner or person using the 2820
property at the time of its seizure, if the owner or user is 2821

known, or by leaving a copy thereof at the owner's or user's usual 2822
residence or place of business in the county, at least three days 2823
before the time fixed for the hearing of the complaint. If the 2824
owner or user is unknown or a nonresident of the county or cannot 2825
be found therein, a copy of the summons shall be posted at a 2826
suitable place nearest the place of seizure, but if the owner's or 2827
user's address is known, a copy of the summons shall be mailed to 2828
the owner or user at least three days before the time fixed for 2829
the hearing of the complaint. On the date fixed for the hearing, 2830
the officer making the service shall make a return of the time and 2831
manner of making the service. Upon the proper cause shown, the 2832
court may postpone the hearing. 2833

If A proceeding for the forfeiture of seized property that is 2834
initiated under this section shall not progress to actual 2835
forfeiture of the seized property unless so ordered by the court. 2836
The court may order the actual forfeiture of the seized property 2837
as part of the sentence that it imposes if the owner or person 2838
unlawfully using the property at the time of its seizure is 2839
~~arrested~~ convicted, pleads guilty, ~~and~~ or confesses that the 2840
property at the time of its seizure was being used by the owner or 2841
user in violation of law or division rule, ~~no proceeding of~~ 2842
~~forfeiture shall be instituted, but the court in imposing sentence~~ 2843
~~shall order the.~~ Forfeited property ~~so seized forfeited to~~ shall 2844
be the property of the state, to be disposed of ~~thereafter~~ as the 2845
chief of the division of wildlife directs. 2846

~~Notwithstanding any other provision of this section to the~~ 2847
~~contrary, a proceeding of forfeiture shall not be instituted under~~ 2848
~~this section unless the owner of the property or the person~~ 2849
~~unlawfully using the property is convicted of a violation of law~~ 2850
~~or division rule.~~ 2851

Sec. 1531.99. (A) Whoever violates section 1531.02 of the 2852

Revised Code, or any division rule, other than a rule adopted 2853
under section 1531.25 of the Revised Code, is guilty of a 2854
misdemeanor of the fourth degree. 2855

(B) Whoever violates section 1531.02 of the Revised Code 2856
concerning the taking or possession of deer or violates division 2857
(K) of section 1531.06 or section 1531.07 or 1531.29 of the 2858
Revised Code is guilty of a misdemeanor of the third degree on a 2859
first offense; on each subsequent offense, that person is guilty 2860
of a misdemeanor of the first degree. 2861

(C) Whoever violates section 1531.25 of the Revised Code is 2862
guilty of a misdemeanor of the first degree. 2863

(D) Whoever violates section 1531.02 of the Revised Code 2864
concerning the buying, selling, or offering for sale of any wild 2865
animals or parts of wild animals, the minimum value of which 2866
animals or parts, in the aggregate, is ~~more than~~ one thousand 2867
dollars or more as established under section 1531.201 of the 2868
Revised Code, is guilty of a felony of the fifth degree. 2869

(E) A court that imposes sentence for a violation of any 2870
section of this chapter governing the holding, taking, buying, 2871
selling, or possession of wild animals, including, without 2872
limitation, section 1531.11 of the Revised Code, shall require the 2873
person who is convicted of or pleads guilty to the offense, in 2874
addition to any fine, term of imprisonment, seizure, and 2875
forfeiture imposed, to make restitution for the minimum value of 2876
the wild animal illegally held, taken, bought, sold, or possessed 2877
as established under section 1531.201 of the Revised Code. An 2878
officer who collects moneys paid as restitution under this section 2879
shall pay those moneys to the treasurer of state who shall deposit 2880
them in the state treasury to the credit of the wildlife fund 2881
established under section 1531.17 of the Revised Code. 2882

Sec. 1533.08. Except as otherwise provided by division rule, 2883

any person desiring to collect or possess wild animals that are 2884
protected by law or their nests or eggs for scientific study, 2885
school instruction, other educational uses, or rehabilitation 2886
shall make an annual application to the chief of the division of 2887
wildlife for a wild animal ~~collecting~~ permit on a form furnished 2888
by the chief. Each applicant for a wild animal ~~collecting~~ permit, 2889
other than an applicant desiring to rehabilitate wild animals, 2890
shall pay an annual fee of twenty-five dollars for each permit. No 2891
fee shall be charged to an applicant desiring to rehabilitate wild 2892
animals. ~~When it appears that the application is made in good~~ 2893
~~faith, the~~ The chief ~~shall~~ may issue to the applicant a permit to 2894
take, possess, and transport at any time and in ~~any~~ a manner that 2895
is acceptable to the chief specimens of wild animals protected by 2896
law or their nests and eggs for scientific study, school 2897
instruction, other educational uses, or rehabilitation and under 2898
any additional rules recommended by the wildlife council. Upon the 2899
receipt of a permit, the holder may take, possess, and transport 2900
those wild animals in accordance with the permit. 2901

Each holder of a permit engaged in collecting or who posses 2902
such wild animals shall carry the permit at all times and shall 2903
exhibit it upon demand to any ~~wildlife officer, constable,~~ 2904
~~sheriff, deputy sheriff, or police~~ peace officer, as defined in 2905
section 2935.01 of the Revised Code, or to the owner or person in 2906
lawful control of the land upon which the permit holder is 2907
collecting, ~~or to any other person~~ possesses the wild animals. 2908
Failure to so carry or exhibit the permit constitutes an offense 2909
under this section. 2910

Each permit holder shall keep a daily record of all specimens 2911
collected or possessed under the permit and the disposition of the 2912
specimens and shall exhibit the daily record to any official of 2913
the division upon demand. 2914

Each permit shall remain in effect for one year from the date 2915

of issuance unless it is revoked sooner by the chief. 2916

All moneys received as fees for the issuance of a wild animal 2917
collecting permit shall be transmitted to the director of natural 2918
resources to be paid into the state treasury to the credit of the 2919
fund created by section 1533.15 of the Revised Code. 2920

Sec. 1533.09. Before the ~~first~~ fifteenth day of ~~February~~ 2921
March of each year, each wild animal ~~collecting~~ permit holder 2922
shall file with the division of wildlife a written report of ~~his~~ 2923
the permit holder's operations under the permit and the 2924
disposition of the specimens collected or possessed during the 2925
preceding calendar year on report blanks furnished by the chief of 2926
the division. Failure to file a report shall cause the permit to 2927
be forfeited as of the ~~first~~ fifteenth day of ~~February~~ March. 2928
Permits are not transferable. No permit holder or person 2929
collecting or possessing wild animals under authority of such a 2930
permit shall take, possess, or transport the wild animals for any 2931
purpose not specified in the permit. 2932

Conviction of a violation of this section, failure to carry a 2933
permit and exhibit it to any person requesting to see it as 2934
provided in section 1533.08 of the Revised Code, or the violation 2935
of any other law concerning wild animals constitutes a revocation 2936
and forfeiture of the permit involved. The former permit holder 2937
shall not be entitled to another permit for a period of one year 2938
from the date of the conviction. 2939

Sec. 1533.10. Except as provided in this section or division 2940
(A)(2) of section 1533.12 of the Revised Code, no person shall 2941
hunt any wild bird or wild quadruped without a hunting license. 2942
Each day that any person hunts within the state without procuring 2943
such a license constitutes a separate offense. Except as otherwise 2944
provided in this section, every applicant for a hunting license 2945

who is a resident of the state and eighteen years of age or more 2946
shall procure a resident hunting license, the fee for which shall 2947
be eighteen dollars, unless the rules adopted under division (B) 2948
of section 1533.12 of the Revised Code provide for issuance of a 2949
resident hunting license to the applicant free of charge. Except 2950
as provided in rules adopted under division (B)(2) of that 2951
section, each applicant who is a resident of this state and who at 2952
the time of application is sixty-six years of age or older shall 2953
procure a special senior hunting license, the fee for which shall 2954
be one-half of the regular hunting license fee. Every applicant 2955
who is under the age of eighteen years shall procure a special 2956
youth hunting license, the fee for which shall be one-half of the 2957
regular hunting license fee. The owner of lands in the state and 2958
the owner's children of any age and grandchildren under eighteen 2959
years of age may hunt on the lands without a hunting license. The 2960
tenant and children of the tenant, residing on lands in the state, 2961
may hunt on them without a hunting license. Except as otherwise 2962
provided in division (A)(1) of section 1533.12 of the Revised 2963
Code, every applicant for a hunting license who is a nonresident 2964
of the state and who is eighteen years of age or older shall 2965
procure a nonresident hunting license, the fee for which shall be 2966
one hundred twenty-four dollars, unless the applicant is a 2967
resident of a state that is a party to an agreement under section 2968
1533.91 of the Revised Code, in which case the fee shall be 2969
eighteen dollars. 2970

The chief of the division of wildlife may issue a small game 2971
hunting license expiring three days from the effective date of the 2972
license to a nonresident of the state, the fee for which shall be 2973
thirty-nine dollars. No person shall take or possess deer, wild 2974
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 2975
animal while possessing only a small game hunting license. A small 2976
game hunting license does not authorize the taking or possessing 2977
of ducks, geese, or brant without having obtained, in addition to 2978

the small game hunting license, a wetlands habitat stamp as
provided in section 1533.112 of the Revised Code. A small game
hunting license does not authorize the taking or possessing of
deer, wild turkeys, or fur-bearing animals. A nonresident of the
state who wishes to take or possess deer, wild turkeys, or
fur-bearing animals in this state shall procure, respectively, a
~~special~~ deer or wild turkey permit as provided in section 1533.11
of the Revised Code or a fur taker permit as provided in section
1533.111 of the Revised Code in addition to a nonresident hunting
license or a special youth hunting license, as applicable, as
provided in this section.

No person shall procure or attempt to procure a hunting
license by fraud, deceit, misrepresentation, or any false
statement.

This section does not authorize the taking and possessing of
deer or wild turkeys without first having obtained, in addition to
the hunting license required by this section, a ~~special~~ deer or
wild turkey permit as provided in section 1533.11 of the Revised
Code or the taking and possessing of ducks, geese, or brant
without first having obtained, in addition to the hunting license
required by this section, a wetlands habitat stamp as provided in
section 1533.112 of the Revised Code.

This section does not authorize the hunting or trapping of
fur-bearing animals without first having obtained, in addition to
a hunting license required by this section, a fur taker permit as
provided in section 1533.111 of the Revised Code.

No hunting license shall be issued unless it is accompanied
by a written explanation of the law in section 1533.17 of the
Revised Code and the penalty for its violation, including a
description of terms of imprisonment and fines that may be
imposed.

No hunting license shall be issued unless the applicant 3010
presents to the agent authorized to issue the license a previously 3011
held hunting license or evidence of having held such a license in 3012
content and manner approved by the chief, a certificate of 3013
completion issued upon completion of a hunter education and 3014
conservation course approved by the chief, or evidence of 3015
equivalent training in content and manner approved by the chief. 3016

No person shall issue a hunting license to any person who 3017
fails to present the evidence required by this section. No person 3018
shall purchase or obtain a hunting license without presenting to 3019
the issuing agent the evidence required by this section. Issuance 3020
of a hunting license in violation of the requirements of this 3021
section is an offense by both the purchaser of the illegally 3022
obtained hunting license and the clerk or agent who issued the 3023
hunting license. Any hunting license issued in violation of this 3024
section is void. 3025

The chief, with approval of the wildlife council, shall adopt 3026
rules prescribing a hunter education and conservation course for 3027
first-time hunting license buyers and for volunteer instructors. 3028
The course shall consist of subjects including, but not limited 3029
to, hunter safety and health, use of hunting implements, hunting 3030
tradition and ethics, the hunter and conservation, the law in 3031
section 1533.17 of the Revised Code along with the penalty for its 3032
violation, including a description of terms of imprisonment and 3033
fines that may be imposed, and other law relating to hunting. 3034
Authorized personnel of the division or volunteer instructors 3035
approved by the chief shall conduct such courses with such 3036
frequency and at such locations throughout the state as to 3037
reasonably meet the needs of license applicants. The chief shall 3038
issue a certificate of completion to each person who successfully 3039
completes the course and passes an examination prescribed by the 3040
chief. 3041

Sec. 1533.11. (A) Except as provided in this section, no 3042
person shall hunt deer on lands of another without first obtaining 3043
an annual ~~special~~ deer permit. Except as provided in this section, 3044
no person shall hunt wild turkeys on lands of another without 3045
first obtaining an annual ~~special~~ wild turkey permit. Each 3046
applicant for a ~~special~~ deer or wild turkey permit shall pay an 3047
annual fee of twenty-three dollars for each permit unless the 3048
rules adopted under division (B) of section 1533.12 of the Revised 3049
Code provide for issuance of a deer or wild turkey permit to the 3050
applicant free of charge. Except as provided in rules adopted 3051
under division (B)(2) of that section, each applicant who is a 3052
resident of this state and who at the time of application is 3053
sixty-six years of age or older shall procure a ~~special~~ senior 3054
deer or wild turkey permit, the fee for which shall be one-half of 3055
the regular ~~special~~ deer or wild turkey permit fee. Each applicant 3056
who is under the age of eighteen years shall procure a ~~special~~ 3057
youth deer or wild turkey permit, the fee for which shall be 3058
one-half of the regular ~~special~~ deer or wild turkey permit fee. 3059
Except as provided in division (A)(2) of section 1533.12 of the 3060
Revised Code, a deer or wild turkey permit shall run concurrently 3061
with the hunting license. The money received shall be paid into 3062
the state treasury to the credit of the wildlife fund, created in 3063
section 1531.17 of the Revised Code, exclusively for the use of 3064
the division of wildlife in the acquisition and development of 3065
land for deer or wild turkey management, for investigating deer or 3066
wild turkey problems, and for the stocking, management, and 3067
protection of deer or wild turkey. Every person, while hunting 3068
deer or wild turkey on lands of another, shall carry the person's 3069
~~special~~ deer or wild turkey permit and exhibit it to any 3070
enforcement officer so requesting. Failure to so carry and exhibit 3071
such a permit constitutes an offense under this section. The chief 3072
of the division of wildlife shall adopt any additional rules the 3073

chief considers necessary to carry out this section and section 3074
1533.10 of the Revised Code. 3075

The owner and the children of the owner of lands in this 3076
state may hunt deer or wild turkey thereon without a ~~special~~ deer 3077
or wild turkey permit. The tenant and children of the tenant may 3078
hunt deer or wild turkey on lands where they reside without a 3079
~~special~~ deer or wild turkey permit. 3080

(B) A ~~special~~ deer or wild turkey permit is not transferable. 3081
No person shall carry a ~~special~~ deer or wild turkey permit issued 3082
in the name of another person. 3083

(C) The wildlife refunds fund is hereby created in the state 3084
treasury. The fund shall consist of money received from 3085
application fees for ~~special~~ deer permits that are not issued. 3086
Money in the fund shall be used to make refunds of such 3087
application fees. 3088

Sec. 1533.12. (A)(1) Except as otherwise provided in division 3089
(A)(2) of this section, every person on active duty in the armed 3090
forces of the United States who is stationed in this state and who 3091
wishes to engage in an activity for which a license, permit, or 3092
stamp is required under this chapter first shall obtain the 3093
requisite license, permit, or stamp. Such a person is eligible to 3094
obtain a resident hunting or fishing license regardless of whether 3095
the person qualifies as a resident of this state. To obtain a 3096
resident hunting or fishing license, the person shall present a 3097
card or other evidence identifying the person as being on active 3098
duty in the armed forces of the United States and as being 3099
stationed in this state. 3100

(2) Every person on active duty in the armed forces of the 3101
United States, while on leave or furlough, may take or catch fish 3102
of the kind lawfully permitted to be taken or caught within the 3103
state, may hunt any wild bird or wild quadruped lawfully permitted 3104

to be hunted within the state, and may trap fur-bearing animals 3105
lawfully permitted to be trapped within the state, without 3106
procuring a fishing license, a hunting license, a fur taker 3107
permit, or a wetlands habitat stamp required by this chapter, 3108
provided that the person shall carry on the person when fishing, 3109
hunting, or trapping, a card or other evidence identifying the 3110
person as being on active duty in the armed forces of the United 3111
States, and provided that the person is not otherwise violating 3112
any of the hunting, fishing, and trapping laws of this state. 3113

In order to hunt deer or wild turkey, any such person shall 3114
obtain a ~~special~~ deer or wild turkey permit, as applicable, under 3115
section 1533.11 of the Revised Code. However, the person need not 3116
obtain a hunting license in order to obtain such a permit. 3117

(B) The chief of the division of wildlife shall provide by 3118
rule adopted under section 1531.10 of the Revised Code all of the 3119
following: 3120

(1) Every resident of this state with a disability that has 3121
been determined by the veterans administration to be permanently 3122
and totally disabling, who receives a pension or compensation from 3123
the veterans administration, and who received an honorable 3124
discharge from the armed forces of the United States, and every 3125
veteran to whom the registrar of motor vehicles has issued a set 3126
of license plates under section 4503.41 of the Revised Code, shall 3127
be issued ~~an annual~~ a fishing license, hunting license, fur taker 3128
permit, deer or wild turkey permit, or wetlands habitat stamp, or 3129
any combination of those licenses, permits, and stamp, free of 3130
charge on an annual, multi-year, or lifetime basis as determined 3131
appropriate by the chief when application is made to the chief in 3132
the manner prescribed by and on forms provided by the chief. 3133

(2) Every resident of the state who was born on or before 3134
December 31, 1937, shall be issued an annual fishing license, 3135

hunting license, fur taker permit, deer or wild turkey permit, or
wetlands habitat stamp, or any combination of those licenses,
permits, and stamp, free of charge when application is made to the
chief in the manner prescribed by and on forms provided by the
chief.

(3) Every resident of state or county institutions,
charitable institutions, and military homes in this state shall be
issued an annual fishing license free of charge when application
is made to the chief in the manner prescribed by and on forms
provided by the chief.

(4) Any mobility impaired or blind person, as defined in
section 955.011 of the Revised Code, who is a resident of this
state and who is unable to engage in fishing without the
assistance of another person shall be issued an annual fishing
license free of charge when application is made to the chief in
the manner prescribed by and on forms provided by the chief. The
person who is assisting the mobility impaired or blind person may
assist in taking or catching fish of the kind permitted to be
taken or caught without procuring the license required under
section 1533.32 of the Revised Code, provided that only one line
is used by both persons.

(5) As used in division (B)(5) of this section, "prisoner of
war" means any regularly appointed, enrolled, enlisted, or
inducted member of the military forces of the United States who
was captured, separated, and incarcerated by an enemy of the
United States.

Any person who has been a prisoner of war, was honorably
discharged from the military forces, and is a resident of this
state shall be issued ~~an annual~~ a fishing license, hunting
license, fur taker permit, or wetlands habitat stamp, or any
combination of those licenses, permits, and stamp, free of charge

on an annual, multi-year, or lifetime basis as determined 3167
appropriate by the chief when application is made to the chief in 3168
the manner prescribed by and on forms provided by the chief. 3169

(C) The chief shall adopt rules pursuant to section 1531.08 3170
of the Revised Code designating not more than two days, which need 3171
not be consecutive, in each year as "free sport fishing days" on 3172
which any resident may exercise the privileges accorded the holder 3173
of a fishing license issued under section 1533.32 of the Revised 3174
Code without procuring such a license, provided that the person is 3175
not otherwise violating any of the fishing laws of this state. 3176

Sec. 1533.131. The chief of the division of wildlife may sell 3177
gift certificates that may be used to obtain hunting and fishing 3178
licenses, fur taker, ~~special~~ deer, and ~~special~~ wild turkey 3179
permits, and wetlands habitat stamps. For the purposes of this 3180
section, the chief shall adopt rules in accordance with section 3181
1531.10 of the Revised Code doing all of the following: 3182

(A) Providing that a gift certificate may be used to obtain a 3183
resident or nonresident hunting license under section 1533.10 of 3184
the Revised Code, a resident or nonresident fishing license under 3185
section 1533.32 of the Revised Code, a fur taker permit under 3186
section 1533.111 of the Revised Code, a ~~special~~ deer or wild 3187
turkey permit under section 1533.11 of the Revised Code, a 3188
wetlands habitat stamp under section 1533.112 of the Revised Code, 3189
or a combination of those licenses, permits, and stamps; 3190

(B) Prescribing the form for the gift certificates; 3191

(C) Authorizing persons who are designated and authorized 3192
under section 1533.13 of the Revised Code to sell licenses and 3193
permits under this chapter also to sell gift certificates under 3194
this section; 3195

(D) Establishing fees for the gift certificates, which shall 3196

equal the total of the fee for a resident or nonresident hunting
license, a resident or nonresident fishing license, a fur taker
permit, a ~~special~~ deer or wild turkey permit, a wetlands habitat
stamp, or a combination of those licenses, permits, and ~~stamps~~
stamp, as applicable, and the fee established under section
1533.13 of the Revised Code;

(E) Requiring gift certificates to expire one year after the
date of purchase.

Nothing in this section or rules adopted under it relieves an
individual who receives a gift certificate for a hunting license
from complying with the requirement established under section
1533.10 of the Revised Code to present, when applying for the
license, a previously held hunting license or evidence of having
held such a license in content and manner approved by the chief, a
certificate of completion issued upon completion of a hunter
education and conservation course approved by the chief, or
evidence of equivalent training in content and manner approved by
the chief.

Nothing in this section or rules adopted under it relieves an
individual who receives a gift certificate for a fur taker permit
from complying with the requirements established under section
1533.111 of the Revised Code to present, when applying for the
permit, a previously held hunting license or trapping or fur taker
permit or evidence of having held such a license or permit in
content and manner approved by the chief, a certificate of
completion issued upon completion of a trapper education course
approved by the chief, or evidence of equivalent training in
content and manner approved by the chief.

Sec. 1533.171. (A) No person, in the act of hunting,
pursuing, taking, or killing a wild animal, shall act in a
negligent, careless, or reckless manner so as to injure persons or

property. 3228

(B) The court before whom any person is convicted of or 3229
pleads guilty to a violation of division (A) of this section shall 3230
report that fact, together with the violator's name and address, 3231
to the chief of the division of wildlife not later than ten days 3232
after the date of conviction or plea. 3233

(C) Not later than seven days after receiving a notification 3234
under division (B) of this section, the chief shall revoke, for 3235
not less than one year nor more than five years, each hunting 3236
license, fur taker permit, ~~special~~ deer permit, ~~special~~ wild 3237
turkey permit, and wetlands habitat stamp issued to that person 3238
under this chapter. No fee paid for such a license, permit, or 3239
stamp shall be returned to the person. 3240

Upon revoking a license, permit, or stamp, or a combination 3241
thereof, under this division, the chief immediately shall send a 3242
notice of that action by certified mail to the last known address 3243
of the person. The notice shall state the action taken, order the 3244
person to surrender the revoked license, permit, or stamp, or 3245
combination thereof, and state that the department of natural 3246
resources will not afford a hearing as required under section 3247
119.06 of the Revised Code. 3248

(D) If, after receiving a notice under division (C) of this 3249
section, the person decides to petition for a review of the 3250
revocation, the person shall file a petition for such a review not 3251
later than thirty days after receiving the notice in the municipal 3252
court or the county court, or, if the person is under eighteen 3253
years of age, the juvenile court, in whose jurisdiction the 3254
violation occurred. The review shall be limited to the question of 3255
the appropriateness of the period of revocation. The court shall 3256
send a copy of the petition to the chief by certified mail 3257
together with timely notice of the date, time, and place of a 3258
hearing on the petition. The filing of a petition for a review 3259

shall not stay the revocation during the pendency of the appeal. 3260

(E) No person whose license, permit, or stamp, or a 3261
combination thereof, has been revoked under this section shall 3262
attempt to purchase, purchase, apply for, or receive any hunting 3263
license, fur taker permit, ~~special~~ deer permit, ~~special~~ wild 3264
turkey permit, or wetlands habitat stamp issued under this chapter 3265
or engage in hunting during the time any such license, permit, or 3266
stamp, or a combination thereof, is revoked. 3267

Sec. 1533.68. If a person is convicted of a violation of any 3268
law relative to the taking, possession, protection, preservation, 3269
or propagation of wild animals, or a violation of division (C) of 3270
section 2909.08 of the Revised Code while hunting, or is convicted 3271
of a violation of any rule of the division of wildlife, the court 3272
or magistrate before whom the conviction is had, as an additional 3273
part of the penalty in each case, ~~shall~~ may suspend or revoke each 3274
license or permit issued to the person in accordance with any 3275
section of the Revised Code pertaining to the hunting, fishing, 3276
trapping, breeding, and sale of wild animals or the sale of their 3277
hides, skins, or pelts. No fee paid for such a license or permit 3278
shall be returned to the person. 3279

No person having a license or permit suspended or revoked as 3280
provided in this section, in the event of a hunting or trapping 3281
violation, shall engage in hunting or trapping, in the event of a 3282
violation of division (C) of section 2909.08 of the Revised Code 3283
while hunting, shall engage in hunting, or in the event of a 3284
fishing violation, shall engage in fishing, or purchase, apply 3285
for, or receive any such license or permit for the following 3286
periods of time, as applicable: 3287

(A) Three years after the date of conviction if the person is 3288
convicted of taking or possessing a deer in violation of section 3289
1531.02 of the Revised Code; 3290

(B) Not more than three years after the date of conviction if 3291
the person is convicted of taking or possessing any other wild 3292
animal in violation of section 1531.02 of the Revised Code, is 3293
convicted of a misdemeanor violation of division (C) of section 3294
2909.08 of the Revised Code while hunting, or is convicted of a 3295
second or subsequent violation of section 1533.17 of the Revised 3296
Code within a period of three consecutive years after the date of 3297
conviction of the immediately preceding violation of that section; 3298

(C) Not more than five years after the date of conviction if 3299
the person is convicted of violating section 1533.171 or of taking 3300
or possessing an eagle or osprey in violation of section 1533.07 3301
of the Revised Code or is convicted of a felony violation of 3302
division (C) of section 2909.08 of the Revised Code while hunting; 3303

(D) Not more than five years after the date of conviction if 3304
the person is convicted of violating any section of this chapter 3305
or Chapter 1531. of the Revised Code not specified in division 3306
(A), (B), or (C) of this section. 3307

All licenses and permits suspended or revoked as provided in 3308
this section shall be taken up by the magistrate and sent to the 3309
department of natural resources where they shall be filed with a 3310
record of the arrest until the person who held the suspended or 3311
revoked license or permit is lawfully entitled to obtain another 3312
license or permit. 3313

Sec. 1533.86. As used in sections 1533.86 to 1533.90 of the 3314
Revised Code: 3315

(A) "Ginseng" means the plant *Panax quinquefolius* L., also 3316
known as *Panax quinquefolium* L., commonly known as American 3317
ginseng. 3318

(B) "Wild ginseng" means ginseng that grows in an 3319
uncultivated state and in its natural habitat whether the plant 3320

occurs naturally from that habitat or was introduced or increased 3321
in abundance by sowing ginseng seed or transplanting ginseng 3322
plants from other areas and performing no other cultivation 3323
practices. 3324

(C) "Cultivated ginseng" means ginseng that grows or has been 3325
grown in tilled beds under the shade of artificial structures or 3326
natural shade and is cultivated according to standard ginseng 3327
horticultural practices. 3328

(D) "Harvest" means to cut, pick, dig, root up, gather, or 3329
otherwise collect ginseng or to attempt to cut, pick, dig, root 3330
up, gather, or otherwise collect ginseng. 3331

(E) "Person" includes any legal entity defined as a person 3332
under section ~~1-59~~ 6111.01 of the Revised Code and any political 3333
subdivision, instrumentality, or agency of ~~this state,~~ another 3334
state, ~~or the United States.~~ 3335

(F) "Collector" means a person who harvests ginseng. 3336

(G) "Grower" means a person who grows cultivated ginseng. 3337

(H) "Dealer" means a person who buys or otherwise acquires or 3338
conveys ginseng for resale. 3339

(I) "Buy" includes trade or barter. 3340

(J) "Sell" includes trade or barter. 3341

Sec. 1541.03. All lands and waters dedicated and set apart 3342
for state park purposes shall be under the control and management 3343
of the division of parks and recreation, which shall protect, 3344
maintain, and keep them in repair. The division shall have the 3345
following powers over all such lands and waters: 3346

(A) To make alterations and improvements; 3347

(B) To construct and maintain dikes, wharves, landings, 3348
docks, dams, and other works; 3349

(C) To construct and maintain roads and drives in, around,	3350
upon, and to the lands and waters to make them conveniently	3351
accessible and useful to the public;	3352
(D) Except as otherwise provided in this section, to adopt,	3353
amend, and rescind, in accordance with Chapter 119. of the Revised	3354
Code, rules necessary for the proper management of state parks,	3355
bodies of water, and the lands adjacent to them under its	3356
jurisdiction and control, including the following:	3357
(1) Governing opening and closing times and dates of the	3358
parks;	3359
(2) Establishing fees and charges for use of facilities in	3360
state parks;	3361
(3) Governing camps, camping, and fees for camps and camping;	3362
(4) Governing the application for and rental of, rental fees	3363
for, and the use of cabins <u>cottages</u> ;	3364
(5) Relating to public use of state park lands, and governing	3365
the operation of motor vehicles, including speeds, and parking on	3366
those lands;	3367
(6) Governing all advertising within state parks and the	3368
requirements for the operation of places selling tangible personal	3369
property and control of food service sales on lands and waters	3370
under the control of the division, which rules shall establish	3371
uniform requirements;	3372
(7) Providing uniform standards relating to the size, type,	3373
location, construction, and maintenance of structures and devices	3374
used for fishing or moorage of watercraft, rowboats, sailboats,	3375
and powercraft, as those terms are defined in section 1547.01 of	3376
the Revised Code, over waters under the control of the division	3377
and establishing reasonable fees for the construction of and	3378
annual use permits for those structures and devices;	3379

(8) Governing state beaches, swimming, inflatable devices, 3380
and fees for them; 3381

(9) Governing the removal and disposition of any watercraft, 3382
rowboat, sailboat, or powercraft, as those terms are defined in 3383
section 1547.01 of the Revised Code, left unattended for more than 3384
seven days on any lands or waters under the control of the 3385
division; 3386

(10) Governing the establishment and collection of check 3387
collection charges for checks that are returned to the division or 3388
dishonored for any reason. 3389

The division shall adopt rules under this section 3390
establishing a discount program for all persons who are issued a 3391
golden buckeye card under section 173.06 of the Revised Code. The 3392
discount program shall provide a discount for all park services 3393
and rentals, but shall not provide a discount for the purchase of 3394
merchandise. 3395

The division shall not adopt rules establishing fees or 3396
charges for parking a motor vehicle in a state park or for 3397
admission to a state park. 3398

Every resident of this state with a disability that has been 3399
determined by the veterans administration to be permanently and 3400
totally disabling, who receives a pension or compensation from the 3401
veterans administration, and who received an honorable discharge 3402
from the armed forces of the United States, and every veteran to 3403
whom the registrar of motor vehicles has issued a set of license 3404
plates under section 4503.41 of the Revised Code, shall be exempt 3405
from the fees for camping, provided that the resident or veteran 3406
carries in the state park such evidence of the resident's or 3407
veteran's disability as the chief of the division of parks and 3408
recreation prescribes by rule. 3409

Unless otherwise provided by division rule, every resident of 3410

this state who is sixty-five years of age or older or who is 3411
permanently and totally disabled and who furnishes evidence of 3412
that age or disability in a manner prescribed by division rule 3413
shall be charged one-half of the regular fee for camping, except 3414
on the weekends and holidays designated by the division, and shall 3415
not be charged more than ninety per cent of the regular charges 3416
for state recreational facilities, equipment, services, and food 3417
service operations utilized by the person at any time of year, 3418
whether maintained or operated by the state or leased for 3419
operation by another entity. 3420

As used in this section, "food service operations" means 3421
restaurants that are owned by the department of natural resources 3422
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 3423
parks or are part of a state park lodge. "Food service operations" 3424
does not include automatic vending machines, concession stands, or 3425
snack bars. 3426

As used in this section, "prisoner of war" means any 3427
regularly appointed, enrolled, enlisted, or inducted member of the 3428
military forces of the United States who was captured, separated, 3429
and incarcerated by an enemy of the United States. Any person who 3430
has been a prisoner of war, was honorably discharged from the 3431
military forces, and is a resident of this state is exempt from 3432
the fees for camping. To claim this exemption, the person shall 3433
present written evidence in the form of a record of separation, a 3434
letter from one of the military forces of the United States, or 3435
such other evidence as the chief prescribes by rule that satisfies 3436
the eligibility criteria established by this section. 3437

Sec. 1541.05. (A) The chief of the division of parks and 3438
recreation, with the approval of the director of natural 3439
resources, may dispose of any of the following by sale, donation, 3440
trade, trade-in, recycling, or any other lawful means, in a manner 3441

that will benefit the division: 3442

(1) Standing timber that as a result of wind, storm, 3443
pestilence, or any other natural occurrence may present a hazard 3444
to life or property, ~~or~~ timber that has weakened or fallen on 3445
lands under the control and management of the division, or any 3446
timber that requires management to improve wildlife habitat, 3447
protect against wildfires, provide access to recreational 3448
facilities, or improve the safety, quality, or appearance of any 3449
state park area; 3450

(2) Spoils of a dredging operation conducted by the division 3451
in waters under the control and management of the division. Prior 3452
to the disposition of any spoils under this division, the chief 3453
shall notify the director of environmental protection of ~~his~~ the 3454
chief's intent so that the director may determine if the spoils 3455
constitute solid wastes or hazardous waste, as those terms are 3456
defined in section 3734.01 of the Revised Code, that ~~shall~~ must be 3457
disposed of in accordance with Chapter 3734. of the Revised Code. 3458
If the director does not notify the chief within thirty days after 3459
receiving notice of the disposition that the spoils ~~shall~~ must be 3460
disposed of in accordance with Chapter 3734. of the Revised Code, 3461
the chief may proceed with the disposition. 3462

(3) Notwithstanding sections 125.12 to 125.14 of the Revised 3463
Code, excess supplies and surplus supplies, as those terms are 3464
defined in section 125.12 of the Revised Code; 3465

(4) Agricultural products that are grown or raised by the 3466
division. As used in this division, "agricultural products" 3467
includes products of apiculture, animal husbandry, or poultry 3468
husbandry, field crops, fruits, and vegetables. 3469

(5) Abandoned personal property, including golf balls that 3470
are found on property under the control and management of the 3471
division. 3472

(B) In accordance with Chapter 119. of the Revised Code, the 3473
chief shall adopt, and may amend and rescind, such rules as are 3474
necessary to administer this section. 3475

(C) Proceeds from the disposition of items under this section 3476
shall be deposited in the state treasury to the credit of the 3477
state park fund created in section 1541.22 of the Revised Code. 3478

Sec. 1541.22. (A) The chief of the division of parks and 3479
recreation shall collect all rentals from leases of state lands 3480
and moneys for pipe permits, dock licenses, concession fees, and 3481
special privileges of any nature from all lands and waters 3482
operated and administered by the division of parks and recreation. 3483
The chief shall keep a record of all such payments showing the 3484
amounts received, from whom, and for what purpose collected. All 3485
such payments shall be credited to the state park fund, which is 3486
hereby created in the state treasury, except such revenues 3487
required to be set aside or paid into depositories or trust funds 3488
for the payment of bonds issued under sections 1501.12 to 1501.15 3489
of the Revised Code, and to maintain the required reserves 3490
therefor as provided in the orders authorizing the issuance of 3491
such bonds or the trust agreements securing such bonds, and except 3492
such revenues required to be paid and credited pursuant to the 3493
bond proceedings applicable to obligations issued pursuant to 3494
section 154.22 of the Revised Code. All moneys derived from the 3495
operation of the lands, waters, facilities, and equipment by the 3496
division, except such revenues required to be set aside or paid 3497
into depositories or trust funds for the payment of bonds issued 3498
under sections 1501.12 to 1501.15 of the Revised Code, and to 3499
maintain the required reserves therefor as provided in the orders 3500
authorizing the issuance of such bonds or the trust agreements 3501
securing such bonds, and except such revenues required to be paid 3502
and credited pursuant to the bond proceedings applicable to 3503

obligations issued pursuant to section 154.22 of the Revised Code, 3504
shall accrue to the credit of the state park fund. All fines, 3505
penalties, and forfeitures arising from prosecutions, convictions, 3506
confiscations, or other actions commenced under this chapter shall 3507
be deposited in the state treasury to the credit of the fund. 3508

Except as otherwise provided in division (B) of this section 3509
and in sections 154.22, 1501.11, and 1501.14 of the Revised Code, 3510
~~such~~ the fund shall not be expended for any purpose other than the 3511
administration, operation, maintenance, development, and 3512
utilization of lands and waters, and for facilities and equipment 3513
incident thereto, administered by the division, or for the further 3514
purchase of lands and waters by the state for park and 3515
recreational purposes. 3516

(B) The chief shall use moneys in the fund from the issuance 3517
of Ohio state parks license plates under section 4503.575 of the 3518
Revised Code only to pay the costs of state park interpretive and 3519
educational programs and displays and the development and 3520
operation of state park interpretive centers. 3521

Sec. 1547.08. (A) No person shall operate a vessel within or 3522
through a designated bathing area or within or through any area 3523
that has been buoyed off designating it as an area in which 3524
vessels are prohibited. 3525

(B)(1) No person shall operate a vessel at greater than idle 3526
speed or at a speed that creates a wake under any of the following 3527
circumstances: 3528

(a) Within three hundred feet of any marina, boat docking 3529
facility, boat gasoline dock, launch ramp, recreational boat 3530
harbor, or harbor entrance on Lake Erie or on the Ohio river; 3531

(b) During the period from sunset to sunrise according to 3532
local time within any water between the Dan Beard bridge and the 3533

Brent Spence bridge on the Ohio river for any vessel not 3534
documented by the United States coast guard as commercial; 3535

(c) Within any area buoyed or marked as a no wake area on the 3536
waters in this state. 3537

(2) Division (B)(1) of this section does not apply in either 3538
of the following places: 3539

(a) An area designated by the chief of the division of 3540
watercraft unless it is marked by a buoy or sign as a no wake or 3541
idle speed area; 3542

(b) Within any water between the Dan Beard bridge and the 3543
Brent Spence bridge on the Ohio river when the United States coast 3544
guard has authorized the holding of a special event of a community 3545
nature on that water. 3546

(C) No person shall operate a vessel in any area of 3547
restricted or controlled operation in violation of the designated 3548
restriction. 3549

(D) No person shall operate a vessel within three hundred 3550
feet of an official diver's flag unless the person is tendering 3551
the diving operation. 3552

(E) All areas of restricted or controlled operation as 3553
described in division (A) of this section or as provided for in 3554
section 1547.14 or 1547.61 of the Revised Code shall be marked by 3555
a buoy or sign designating the restriction. All waters surrounded 3556
by or lying between such a buoy or sign and the closest shoreline 3557
are thereby designated as an area in which the designated 3558
restrictions shall apply in the operation of any vessel. 3559

Markings on buoys designating areas of restricted or 3560
controlled operation shall be so spaced as to show all around the 3561
horizon. Lineal spacing between the buoys shall be such that under 3562
normal conditions of visibility any buoy shall be readily visible 3563

from the next adjacent buoy. No colors or symbols, except as
provided for in rules of the chief, shall be used on buoys or
signs for marking closed or controlled areas of boating waters.

Any state department, conservancy district, or political
subdivision having jurisdiction and control of impounded boating
waters may place such buoys or signs on its waters. Any political
subdivision may apply to the chief for permission to place such
buoys or signs on other waters within its territorial limits. No
person shall place or cause to be placed a regulatory buoy or sign
on, into, or along the waters in this state unless the person has
complied with all the provisions of this chapter.

(F) No person shall enter, operate a vessel that enters, or
allow a vessel to enter a federally declared security zone as
defined in 33 C.F.R. Chapter I, subparts 6.01-1, 6.01-2, 6.01-3,
6.01-4, 6.01-5, 6.04-1, 6.04-5, 6.04-6, 6.04-7, and 6.04-8.

(G) No person shall permit any vessel to be operated on the
waters in this state in violation of this section.

Sec. 1547.51. There is hereby created within the department
of natural resources the division of watercraft. The division
shall administer and enforce all laws relative to the
identification, numbering, registration, titling, use, and
operation of vessels operated on the waters in this state and,
with the approval of the director of natural resources, educate
and inform the citizens of the state about, and promote,
conservation, navigation, safety practices, and the benefits of
recreational boating.

Sec. 1547.54. (A)(1) Except as otherwise provided in section
1547.542 of the Revised Code, the owner of every watercraft
requiring registration under this chapter shall file an
application for a triennial registration certificate with the

chief of the division of watercraft on forms that shall be 3594
provided by the chief or by an electronic means approved by the 3595
chief. The application shall be signed by the following: 3596

(a) If the watercraft is owned by two persons under joint 3597
ownership with right of survivorship established under section 3598
2131.12 of the Revised Code, by both of those persons as owners of 3599
the watercraft. The signatures may be done by electronic signature 3600
if the owners themselves are renewing the registration and there 3601
are no changes in the registration information since the issuance 3602
of the immediately preceding registration certificate. In all 3603
other instances, the signatures shall be done manually. 3604

(b) If the watercraft is owned by a minor, by the minor and a 3605
parent or legal guardian. The signatures may be done by electronic 3606
signature if the parent or legal guardian and the minor themselves 3607
are renewing the registration and there are no changes in the 3608
registration information since the issuance of the immediately 3609
preceding registration certificate. In all other instances, the 3610
signatures shall be done manually. 3611

(c) In all other cases, by the owner of the watercraft. The 3612
signature may be done by electronic signature if the owner is 3613
renewing the registration personally and there are no changes in 3614
the registration information since the issuance of the immediately 3615
preceding registration certificate. In all other instances, the 3616
signatures shall be done manually. 3617

(2) An application for a triennial registration of a 3618
watercraft filed under division (A)(1) of this section shall be 3619
accompanied by the following fee: 3620

(a) For canoes, rowboats, and inflatable watercraft that are 3621
numbered under section 1547.53 of the Revised Code, twelve 3622
dollars; 3623

(b) For canoes, row boats, and inflatable watercraft that are 3624

not numbered under section 1547.53 of the Revised Code, seventeen
dollars; 3625
3626

(c) For class A watercraft, including motorized canoes,
thirty dollars; 3627
3628

(d) For class 1 watercraft, forty-five dollars; 3629

(e) For class 2 watercraft, sixty dollars; 3630

(f) For class 3 watercraft, seventy-five dollars; 3631

(g) For class 4 watercraft, ninety dollars. 3632

(3) For the purpose of registration, any watercraft operated
by means of power, sail, or any other mechanical or electrical
means of propulsion, except motorized canoes, shall be registered
by length as prescribed in this section. 3633
3634
3635
3636

(4) If an application for registration is filed by two
persons as owners under division (A)(1)(a) of this section, the
person who is listed first on the title shall serve as and perform
the duties of the "owner" and shall be considered the person "in
whose name the watercraft is registered" for purposes of divisions
(B) to (Q) of this section and for purposes of all other sections
in this chapter. 3637
3638
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(B) All registration certificates issued under this section
are valid for three years and are renewable on a triennial basis
unless sooner terminated or discontinued in accordance with this
chapter. The renewal date shall be printed on the registration
certificate. A registration certificate may be renewed by the
owner in the manner prescribed by the chief. All fees shall be
charged according to a proration of the time remaining in the
registration cycle to the nearest year. 3644
3645
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(C) In addition to the fees set forth in this section, the
chief, or any authorized agent, shall charge an additional fee of
three dollars for any registration certificate the chief or 3652
3653
3654

authorized agent issues. When the registration certificate is 3655
issued by an authorized agent, the additional fee of three dollars 3656
shall be retained by the issuing agent. When the registration 3657
certificate is issued by the chief, the additional fee of three 3658
dollars shall be deposited to the credit of the waterways safety 3659
fund established in section 1547.75 of the Revised Code. 3660

(D)(1) Upon receipt of the application in approved form, the 3661
chief shall enter the same upon the records of the office of the 3662
division of watercraft, assign a number to the watercraft if a 3663
number is required under section 1547.53 of the Revised Code, and 3664
issue to the applicant a registration certificate. If a number is 3665
assigned by the chief, it shall be set forth on the certificate. 3666
The registration certificate shall be on the watercraft for which 3667
it is issued and available at all times for inspection whenever 3668
the watercraft is in operation, except that livery operators may 3669
retain the registration certificate at the livery where it shall 3670
remain available for inspection at all times and except as 3671
otherwise provided in division (D)(2) of this section. 3672

(2) A person who is operating on the waters of this state a 3673
canoe, rowboat, or inflatable watercraft that has not been 3674
numbered under section 1547.53 of the Revised Code and who is 3675
stopped by a law enforcement officer in the enforcement of this 3676
chapter or rules adopted under it shall present to the officer, 3677
not later than seventy-two hours after being stopped, a 3678
registration certificate. The registration certificate shall have 3679
been obtained under this section for the canoe, rowboat, or 3680
inflatable watercraft prior to the time that it was stopped. 3681
Failure of the person to present the registration certificate 3682
within seventy-two hours constitutes prima-facie evidence of a 3683
violation of this section. 3684

(E) No person shall issue or be issued a registration 3685
certificate for a watercraft that is required to be issued a 3686

certificate of title under Chapter 1548. of the Revised Code 3687
except upon presentation of a certificate of title for the 3688
watercraft as provided in that chapter, proof of current 3689
documentation by the United States coast guard, a renewal 3690
registration form provided by the division of watercraft, or a 3691
certificate of registration issued under this section that has 3692
expired if there is no change in the ownership or description of 3693
the watercraft. 3694

(F) Whenever the ownership of a watercraft changes, a new 3695
application form together with the prescribed fee shall be filed 3696
with the chief or the chief's agent and a new registration 3697
certificate shall be issued. The application shall be signed 3698
manually by the person or persons specified in ~~division~~ divisions 3699
(A)(1)(a) to (c) of this section and shall be accompanied by a 3700
two-dollar transfer fee. Any remaining time on the registration 3701
shall be transferred. An authorized agent of the chief shall 3702
charge an additional fee of three dollars, which shall be retained 3703
by the issuing agent. If the certificate is issued by the chief, 3704
an additional fee of three dollars for each certificate issued 3705
shall be collected. 3706

(G) If an agency of the United States has in force an overall 3707
system of identification numbering for watercraft or certain types 3708
of watercraft within the United States, the numbering system 3709
employed by the division shall be in conformity with that system. 3710

(H)(1) The chief may assign any registration certificates to 3711
any authorized agent for the assignment of the registration 3712
certificates. If a person accepts that authorization, the person 3713
may be assigned a block of numbers and certificates that upon 3714
assignment, in conformity with this chapter and Chapter 1548. of 3715
the Revised Code and with rules of the division, shall be valid as 3716
if assigned directly by the division. ~~Any~~ 3717

(2) Any person so designated as an agent by the chief shall 3718
post with the division security as may be required by the director 3719
of natural resources. ~~The~~ If a clerk of the court of common pleas 3720
applies for designation as an authorized agent of the chief, the 3721
division shall accept the clerk's bond that is required under 3722
section 2303.02 of the Revised Code for any security that is 3723
required for agents under this division. 3724

(3) The chief may issue an order temporarily or permanently 3725
restricting or suspending an agent's authorization without a 3726
hearing if the chief finds that the agent has violated this 3727
chapter or Chapter 1548. of the Revised Code, rules adopted under 3728
them, or any agreements prescribed by the chief. 3729

(I) All records of the division made or kept pursuant to this 3730
section shall be public records. Those records shall be available 3731
for inspection at reasonable hours and in a manner compatible with 3732
normal operations of the division. 3733

(J) The owner shall furnish the division notice within 3734
fifteen days of the following: 3735

(1) The transfer, other than through the creation of a 3736
security interest in any watercraft, of all or any part of the 3737
owner's interest or, if the watercraft is owned by two persons 3738
under joint ownership with right of survivorship established under 3739
section 2131.12 of the Revised Code, of all or any part of the 3740
joint interest of either of the two persons. The transfer shall 3741
not terminate the registration certificate. 3742

(2) Any change in the address appearing on the certificate 3743
~~and, as.~~ As a part of the notification, the owner shall furnish 3744
the chief with the owner's new address~~+~~. 3745

(3) The destruction or abandonment of the watercraft. 3746

(K) The chief may issue duplicate registration certificates 3747

or duplicate tags to owners of currently registered watercraft, 3748
the fee for which shall be four dollars. 3749

(L) If the chief finds that a registration certificate 3750
previously issued to an owner is in error to a degree that would 3751
impair its basic purpose and use, the chief may issue a corrected 3752
certificate to the owner without charge. 3753

(M) No authorized agent shall issue and no person shall 3754
receive or accept from an authorized agent a registration 3755
certificate assigned to the authorized agent under division (H) of 3756
this section unless the exact month, day, and year of issue are 3757
plainly written on the certificate by the agent. Certificates 3758
issued with incorrect dates of issue are void from the time they 3759
are issued. 3760

(N) The chief, in accordance with Chapter 119. of the Revised 3761
Code, shall adopt rules governing the renewal of watercraft 3762
registrations by electronic means. 3763

(O) As used in this section: 3764

(1) "Disabled veteran" means a person who is included in 3765
either of the following categories: 3766

(a) Because of a service-connected disability, has been or is 3767
awarded funds for the purchase of a motor vehicle under the 3768
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 3769
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 3770

(b) Has a service-connected disability rated at one hundred 3771
per cent by the veterans administration. 3772

(2) "Prisoner of war" means any regularly appointed, 3773
enrolled, enlisted, or inducted member of the military forces of 3774
the United States who was captured, separated, and incarcerated by 3775
an enemy of the United States at any time, and any regularly 3776
appointed, enrolled, or enlisted member of the military forces of 3777

Great Britain, France, Australia, Belgium, Brazil, Canada, China, 3778
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 3779
South Africa, or the republics formerly associated with the Union 3780
of Soviet Socialist Republics or Yugoslavia who was a citizen of 3781
the United States at the time of the appointment, enrollment, or 3782
enlistment, and was captured, separated, and incarcerated by an 3783
enemy of this country during World War II. 3784

(P) Any disabled veteran, congressional medal of honor 3785
awardee, or prisoner of war may apply to the chief for a 3786
certificate of registration, or for a renewal of the certificate 3787
of registration, without the payment of any fee required by this 3788
section. The application for a certificate of registration shall 3789
be accompanied by evidence of disability or by documentary 3790
evidence in support of a congressional medal of honor that the 3791
chief requires by rule. The application for a certificate of 3792
registration by any person who has been a prisoner of war shall be 3793
accompanied by written evidence in the form of a record of 3794
separation, a letter from one of the armed forces of a country 3795
listed in division (O)(2) of this section, or other evidence that 3796
the chief may require by rule, that the person was honorably 3797
discharged or is currently residing in this state on active duty 3798
with one of the branches of the armed forces of the United States, 3799
or was a prisoner of war and was honorably discharged or received 3800
an equivalent discharge or release from one of the armed forces of 3801
a country listed in division (O)(2) of this section. 3802

(Q) Annually by the fifteenth day of January, the director of 3803
natural resources shall determine the amount of fees that would 3804
have been collected in the prior calendar year for each 3805
certificate of registration issued or renewed pursuant to division 3806
(P) of this section and shall certify the total amount of foregone 3807
revenue to the director of budget and management for 3808
reimbursement. The director of budget and management shall 3809

transfer the amount certified from the general revenue fund to the 3810
waterways safety fund created pursuant to section 1547.75 of the 3811
Revised Code. 3812

Sec. 1547.541. The owner of a ~~wooden~~ watercraft that is more 3813
than twenty-five years old, is essentially as originally 3814
constructed, and is owned primarily as a collector's item and for 3815
participation in club activities, exhibitions, tours, parades, and 3816
similar uses, but is not used for general recreation may apply to 3817
the chief of the division of watercraft for an historic watercraft 3818
identification plate. The chief, by rule, may establish additional 3819
criteria for the registration of historic watercraft that the 3820
chief considers necessary. 3821

The chief shall prescribe the form of application and shall 3822
issue an historic watercraft identification plate, which shall be 3823
securely affixed to the watercraft. The plate shall bear no date, 3824
but shall bear the inscription "historic watercraft." A 3825
registration number assigned by the chief shall be shown on the 3826
plate. The plate is valid without renewal as long as the 3827
watercraft exists and ownership does not change. The fee for the 3828
plate is twenty-five dollars. 3829

Whenever the ownership of an historic watercraft changes, an 3830
application for transfer of registration, together with a fee of 3831
ten dollars, shall be filed with the division of watercraft, and a 3832
new certificate of registration shall be issued. 3833

The historic watercraft identification plate shall be shown 3834
on the watercraft in the same manner as a number required under 3835
sections 1547.53 and 1547.57 of the Revised Code. 3836

If the watercraft is to be used for general recreation, it 3837
also shall be registered as required by section 1547.54 of the 3838
Revised Code. 3839

Sec. 1547.75. There is hereby created in the state treasury 3840
the waterways safety fund for the purposes provided in this 3841
chapter and Chapter 1548. of the Revised Code. All moneys 3842
collected or received to implement the chapters shall be deposited 3843
in the state treasury to the credit of the fund. All fines, 3844
penalties, and forfeitures arising from prosecutions, convictions, 3845
confiscations, or other actions commenced under this chapter shall 3846
be deposited in the state treasury to the credit of the fund. 3847

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 3848
Revised Code is guilty of a felony of the fourth degree. 3849

(B) Whoever violates division (F) of section 1547.08, section 3850
1547.10, division (I) of section 1547.111, section 1547.13, or 3851
section 1547.66 of the Revised Code is guilty of a misdemeanor of 3852
the first degree. 3853

(C) Whoever violates a provision of this chapter or a rule 3854
adopted thereunder, for which no penalty is otherwise provided, is 3855
guilty of a minor misdemeanor. 3856

(D) Whoever violates section 1547.07 or 1547.12 of the 3857
Revised Code without causing injury to persons or damage to 3858
property is guilty of a misdemeanor of the fourth degree. 3859

(E) Whoever violates section 1547.07 or 1547.12 of the 3860
Revised Code causing injury to persons or damage to property is 3861
guilty of a misdemeanor of the third degree. 3862

(F) Whoever violates division (M) of section 1547.54, 3863
division (G) of section 1547.30, or section 1547.131, 1547.25, 3864
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 3865
of the Revised Code or a rule adopted under division (A)(2) of 3866
section 1547.52 of the Revised Code is guilty of a misdemeanor of 3867
the fourth degree. 3868

(G) Whoever violates section 1547.11 of the Revised Code is 3869
guilty of a misdemeanor of the first degree and shall be punished 3870
as provided in division (G)(1), (2), or (3) of this section. 3871

(1) Except as otherwise provided in division (G)(2) or (3) of 3872
this section, the court shall sentence the offender to a jail term 3873
of three consecutive days and may sentence the offender pursuant 3874
to section 2929.24 of the Revised Code to a longer jail term. In 3875
addition, the court shall impose upon the offender a fine of not 3876
less than one hundred fifty nor more than one thousand dollars. 3877

The court may suspend the execution of the mandatory jail 3878
term of three consecutive days that it is required to impose by 3879
division (G)(1) of this section if the court, in lieu of the 3880
suspended jail term, places the offender under a community control 3881
sanction pursuant to section 2929.25 of the Revised Code and 3882
requires the offender to attend, for three consecutive days, a 3883
drivers' intervention program that is certified pursuant to 3884
section 3793.10 of the Revised Code. The court also may suspend 3885
the execution of any part of the mandatory jail term of three 3886
consecutive days that it is required to impose by division (G)(1) 3887
of this section if the court places the offender under a community 3888
control sanction pursuant to section 2929.25 of the Revised Code 3889
for part of the three consecutive days; requires the offender to 3890
attend, for that part of the three consecutive days, a drivers' 3891
intervention program that is certified pursuant to section 3793.10 3892
of the Revised Code; and sentences the offender to a jail term 3893
equal to the remainder of the three consecutive days that the 3894
offender does not spend attending the drivers' intervention 3895
program. The court may require the offender, as a condition of 3896
community control, to attend and satisfactorily complete any 3897
treatment or education programs, in addition to the required 3898
attendance at a drivers' intervention program, that the operators 3899
of the drivers' intervention program determine that the offender 3900

should attend and to report periodically to the court on the
offender's progress in the programs. The court also may impose any
other conditions of community control on the offender that it
considers necessary.

(2) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to one violation of section
1547.11 of the Revised Code, of a municipal ordinance relating to
operating a watercraft or manipulating any water skis, aquaplane,
or similar device while under the influence of alcohol, a drug of
abuse, or a combination of them, of a municipal ordinance relating
to operating a watercraft or manipulating any water skis,
aquaplane, or similar device with a prohibited concentration of
alcohol in the whole blood, blood serum or plasma, breath, or
urine, of division (A)(1) of section 2903.06 of the Revised Code,
or of division (A)(2), (3), or (4) of section 2903.06 of the
Revised Code or section 2903.06 or 2903.07 of the Revised Code as
they existed prior to March 23, 2000, in a case in which the jury
or judge found that the offender was under the influence of
alcohol, a drug of abuse, or a combination of them, the court
shall sentence the offender to a jail term of ten consecutive days
and may sentence the offender pursuant to section 2929.24 of the
Revised Code to a longer jail term. In addition, the court shall
impose upon the offender a fine of not less than one hundred fifty
nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code.

(3) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to more than one violation
identified in division (G)(2) of this section, the court shall
sentence the offender to a jail term of thirty consecutive days

and may sentence the offender to a longer jail term of not more
than one year. In addition, the court shall impose upon the
offender a fine of not less than one hundred fifty nor more than
one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code.

(4) Upon a showing that serving a jail term would seriously
affect the ability of an offender sentenced pursuant to division
(G)(1), (2), or (3) of this section to continue the offender's
employment, the court may authorize that the offender be granted
work release after the offender has served the mandatory jail term
of three, ten, or thirty consecutive days that the court is
required by division (G)(1), (2), or (3) of this section to
impose. No court shall authorize work release during the mandatory
jail term of three, ten, or thirty consecutive days that the court
is required by division (G)(1), (2), or (3) of this section to
impose. The duration of the work release shall not exceed the time
necessary each day for the offender to commute to and from the
place of employment and the place in which the jail term is served
and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that
authorizes the suspension of the imposition or execution of a
sentence or the placement of an offender in any treatment program
in lieu of being imprisoned or serving a jail term, no court shall
suspend the mandatory jail term of ten or thirty consecutive days
required to be imposed by division (G)(2) or (3) of this section
or place an offender who is sentenced pursuant to division (G)(2)
or (3) of this section in any treatment program in lieu of being
imprisoned or serving a jail term until after the offender has
served the mandatory jail term of ten or thirty consecutive days

required to be imposed pursuant to division (G)(2) or (3) of this section. Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court, except as specifically authorized by division (G)(1) of this section, shall suspend the mandatory jail term of three consecutive days required to be imposed by division (G)(1) of this section or place an offender who is sentenced pursuant to division (G)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the mandatory jail term of three consecutive days required to be imposed pursuant to division (G)(1) of this section.

(6) As used in division (G) of this section, "jail term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.

(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.

(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor.

(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.

(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if

the violation is not related to a collision, injury to a person, 3996
or damage to property and a misdemeanor of the third degree if the 3997
violation is related to a collision, injury to a person, or damage 3998
to property. 3999

(L) The sentencing court, in addition to the penalty provided 4000
under this section for a violation of this chapter or a rule 4001
adopted under it that involves a powercraft powered by more than 4002
ten horsepower and that, in the opinion of the court, involves a 4003
threat to the safety of persons or property, shall order the 4004
offender to complete successfully a boating course approved by the 4005
national association of state boating law administrators before 4006
the offender is allowed to operate a powercraft powered by more 4007
than ten horsepower on the waters in this state. Violation of a 4008
court order entered under this division is punishable as contempt 4009
under Chapter 2705. of the Revised Code. 4010

Sec. 1548.02. The chief of the division of watercraft shall 4011
adopt such rules as the chief considers necessary to ensure 4012
uniform and orderly operation of this chapter, and the clerks of 4013
the courts of common pleas shall conform to those rules. The chief 4014
shall receive and file in the chief's office all information 4015
forwarded to the chief by the clerks under this chapter and shall 4016
maintain indexes covering the state at large for that information. 4017
These indexes shall be for the state at large and not for 4018
individual counties. 4019

The chief shall check with the chief's record all duplicate 4020
certificates of title received in the chief's office from the 4021
clerks. 4022

If it appears that any certificate of title has been 4023
improperly issued or is no longer required, the chief shall cancel 4024
the certificate. Upon the cancellation of any certificate of 4025
title, the chief shall notify the clerk who issued it, and the 4026

clerk shall enter the cancellation in the clerk's records. The 4027
chief also shall notify the person to whom the certificate of 4028
title was issued, as well as any lienholders appearing on it, of 4029
the cancellation and, if it is a physical certificate of title, 4030
shall demand the surrender of the certificate of title, but the 4031
cancellation shall not affect the validity of any lien noted on 4032
it. The holder of a physical certificate of title shall return it 4033
to the chief immediately. 4034

The clerks shall keep on hand a sufficient supply of blank 4035
forms that, except certificate of title and memorandum certificate 4036
forms, shall be furnished and distributed without charge to 4037
registered manufacturers or dealers or to other persons residing 4038
within the county. The clerks shall provide the certificates of 4039
title, the ribbons for data processing, and removable backup media 4040
from moneys provided to the clerks from the automated title 4041
processing fund in accordance with division (B)(3)(b) of section 4042
4505.09 of the Revised Code. The clerks shall furnish all other 4043
supplies from other moneys available to the clerks. 4044

Sec. 2923.35. (A)(1) With respect to property ordered 4045
forfeited under section 2923.32 of the Revised Code, with respect 4046
to any fine or civil penalty imposed in any criminal or civil 4047
proceeding under section 2923.32 or 2923.34 of the Revised Code, 4048
and with respect to any fine imposed for a violation of section 4049
2923.01 of the Revised Code for conspiracy to violate section 4050
2923.32 of the Revised Code, the court, upon petition of the 4051
prosecuting attorney, may do any of the following: 4052

(a) Authorize the prosecuting attorney to settle claims; 4053

(b) Award compensation to persons who provide information 4054
that results in a forfeiture, fine, or civil penalty under section 4055
2923.32 or 2923.34 of the Revised Code; 4056

(c) Grant petitions for mitigation or remission of 4057

forfeiture, fines, or civil penalties, or restore forfeited 4058
property, imposed fines, or imposed civil penalties to persons 4059
injured by the violation; 4060

(d) Take any other action to protect the rights of innocent 4061
persons that is in the interest of justice and that is consistent 4062
with the purposes of sections 2923.31 to 2923.36 of the Revised 4063
Code. 4064

(2) The court shall maintain an accurate record of the 4065
actions it takes under division (A)(1) of this section with 4066
respect to the property ordered forfeited or the fine or civil 4067
penalty. The record is a public record open for inspection under 4068
section 149.43 of the Revised Code. 4069

(B)(1) After the application of division (A) of this section, 4070
any person who prevails in a civil action pursuant to section 4071
2923.34 of the Revised Code has a right to any property, or the 4072
proceeds of any property, criminally forfeited to the state 4073
pursuant to section 2923.32 of the Revised Code or against which 4074
any fine under that section or civil penalty under division (I) of 4075
section 2923.34 of the Revised Code may be imposed. 4076

The right of any person who prevails in a civil action 4077
pursuant to section 2923.34 of the Revised Code, other than a 4078
prosecuting attorney performing official duties under that 4079
section, to forfeited property, property against which fines and 4080
civil penalties may be imposed, and the proceeds of that property 4081
is superior to any right of the state, a municipal corporation, or 4082
a county to the property or the proceeds of the property, if the 4083
civil action is brought within one hundred eighty days after the 4084
entry of a sentence of forfeiture or a fine pursuant to section 4085
2923.32 of the Revised Code or the entry of a civil penalty 4086
pursuant to division (I) of section 2923.34 of the Revised Code. 4087

The right is limited to the total value of the treble 4088

damages, civil penalties, attorney's fees, and costs awarded to 4089
the prevailing party in an action pursuant to section 2923.34 of 4090
the Revised Code, less any restitution received by the person. 4091

(2) If the aggregate amount of claims of persons who have 4092
prevailed in a civil action pursuant to section 2923.34 of the 4093
Revised Code against any one defendant is greater than the total 4094
value of the treble fines, civil penalties, and forfeited property 4095
paid by the person against whom the actions were brought, all of 4096
the persons who brought their actions within one hundred eighty 4097
days after the entry of a sentence or disposition of forfeiture or 4098
a fine pursuant to section 2923.32 of the Revised Code or the 4099
entry of a civil penalty pursuant to division (I) of section 4100
2923.34 of the Revised Code, first shall receive a pro rata share 4101
of the total amount of the fines, civil penalties, and forfeited 4102
property. After the persons who brought their actions within the 4103
specified one-hundred-eighty-day period have satisfied their 4104
claims out of the fines, civil penalties, and forfeited property, 4105
all other persons who prevailed in civil actions pursuant to 4106
section 2923.34 of the Revised Code shall receive a pro rata share 4107
of the total amount of the fines, civil penalties, and forfeited 4108
property that remains in the custody of the law enforcement agency 4109
or in the corrupt activity investigation and prosecution fund. 4110

(C)(1) Subject to divisions (A) and (B) of this section and 4111
notwithstanding any contrary provision of section 2933.41 of the 4112
Revised Code, the prosecuting attorney shall order the disposal of 4113
property ordered forfeited in any proceeding under sections 4114
2923.32 and 2923.34 of the Revised Code as soon as feasible, 4115
making due provisions for the rights of innocent persons, by any 4116
of the following methods: 4117

(a) Transfer to any person who prevails in a civil action 4118
pursuant to section 2923.34 of the Revised Code, subject to the 4119
limit set forth in division (B)(1) of this section; 4120

(b) Public sale;	4121
(c) Transfer to a state governmental agency for official use;	4122
(d) Sale or transfer to an innocent person;	4123
(e) If the property is contraband and is not needed for	4124
evidence in any pending criminal or civil proceeding, pursuant to	4125
section 2933.41 or any other applicable section of the Revised	4126
Code.	4127
(2) Any interest in personal or real property not disposed of	4128
pursuant to this division and not exercisable by, or transferable	4129
for value to, the state shall expire and shall not revert to the	4130
person found guilty of or adjudicated a delinquent child for a	4131
violation of section 2923.32 of the Revised Code. No person found	4132
guilty of or adjudicated a delinquent child for a violation of	4133
that section and no person acting in concert with a person found	4134
guilty of or adjudicated a delinquent child for a violation of	4135
that section is eligible to purchase forfeited property from the	4136
state.	4137
(3) Upon application of a person, other than the defendant,	4138
the adjudicated delinquent child, or a person acting in concert	4139
with or on behalf of either the defendant or the adjudicated	4140
delinquent child, the court may restrain or stay the disposal of	4141
the property pursuant to this division pending the conclusion of	4142
any appeal of the criminal case or delinquency case giving rise to	4143
the forfeiture or pending the determination of the validity of a	4144
claim to or interest in the property pursuant to division (E) of	4145
section 2923.32 of the Revised Code, if the applicant demonstrates	4146
that proceeding with the disposal of the property will result in	4147
irreparable injury, harm, or loss to the applicant.	4148
(4) The prosecuting attorney shall maintain an accurate	4149
record of each item of property disposed of pursuant to this	4150
division, which record shall include the date on which each item	4151

came into the prosecuting attorney's custody, the manner and date
of disposition, and, if applicable, the name of the person who
received the item. The record shall not identify or enable the
identification of the individual officer who seized the property,
and the record is a public record open for inspection under
section 149.43 of the Revised Code.

Each prosecuting attorney who disposes in any calendar year
of any item of property pursuant to this division shall prepare a
report covering the calendar year that cumulates all of the
information contained in all of the records kept by the
prosecuting attorney pursuant to this division for that calendar
year and shall send the cumulative report, no later than the first
day of March in the calendar year following the calendar year
covered by the report, to the attorney general. Each report
received by the attorney general is a public record open for
inspection under section 149.43 of the Revised Code. Not later
than the fifteenth day of April in the calendar year following the
calendar year covered by the reports, the attorney general shall
send to the president of the senate and the speaker of the house
of representatives a written notification that does all of the
following:

(a) Indicates that the attorney general has received from
prosecuting attorneys reports of the type described in this
division that cover the previous calendar year and indicates that
the reports were received under this division;

(b) Indicates that the reports are open for inspection under
section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy
of any or all of the reports to the president of the senate or the
speaker of the house of representatives upon request.

(D)(1)(a) Ten per cent of the proceeds of all property

ordered forfeited by a juvenile court pursuant to section 2923.32 4183
of the Revised Code shall be applied to one or more alcohol and 4184
drug addiction treatment programs that are certified by the 4185
department of alcohol and drug addiction services under section 4186
3793.06 of the Revised Code and that are specified in the order of 4187
forfeiture. A juvenile court shall not specify an alcohol or drug 4188
addiction treatment program in the order of forfeiture unless the 4189
program is a certified alcohol and drug addiction treatment 4190
program and, except as provided in division (D)(1)(a) of this 4191
section, unless the program is located in the county in which the 4192
court that orders the forfeiture is located or in a contiguous 4193
county. If no certified alcohol and drug addiction treatment 4194
program is located in any of those counties, the juvenile court 4195
may specify in the order a certified alcohol and drug addiction 4196
treatment program located anywhere within this state. The 4197
remaining ninety per cent of the proceeds shall be disposed of as 4198
provided in divisions (D)(1)(b) and ~~(D)~~(2) of this section. 4199

All of the proceeds of all property ordered forfeited by a 4200
court other than a juvenile court pursuant to section 2923.32 of 4201
the Revised Code shall be disposed of as provided in divisions 4202
(D)(1)(b) and ~~(D)~~(2) of this section. 4203

(b) The remaining proceeds of all property ordered forfeited 4204
pursuant to section 2923.32 of the Revised Code, after compliance 4205
with division (D)(1)(a) of this section when that division is 4206
applicable, and all fines and civil penalties imposed pursuant to 4207
sections 2923.32 and 2923.34 of the Revised Code shall be 4208
deposited into the state treasury and credited to the corrupt 4209
activity investigation and prosecution fund, which is hereby 4210
created. 4211

(2) The proceeds, fines, and penalties credited to the 4212
corrupt activity investigation and prosecution fund pursuant to 4213
division (D)(1) of this section shall be disposed of in the 4214

following order: 4215

(a) To a civil plaintiff in an action brought within the 4216
one-hundred-eighty-day time period specified in division (B)(1) of 4217
this section, subject to the limit set forth in that division; 4218

(b) To the payment of the fees and costs of the forfeiture 4219
and sale, including expenses of seizure, maintenance, and custody 4220
of the property pending its disposition, advertising, and court 4221
costs; 4222

(c) Except as otherwise provided in division (D)(2)(c) of 4223
this section, the remainder shall be paid to the law enforcement 4224
trust fund of the prosecuting attorney that is established 4225
pursuant to division (D)(1)(c) of section 2933.43 of the Revised 4226
Code and to the law enforcement trust fund of the county sheriff 4227
that is established pursuant to that division if the county 4228
sheriff substantially conducted the investigation, to the law 4229
enforcement trust fund of a municipal corporation that is 4230
established pursuant to that division if its police department 4231
substantially conducted the investigation, to the law enforcement 4232
trust fund of a township that is established pursuant to that 4233
division if the investigation was substantially conducted by a 4234
township police department, township police district police force, 4235
or office of a township constable, or to the law enforcement trust 4236
fund of a park district created pursuant to section 511.18 or 4237
1545.01 of the Revised Code that is established pursuant to that 4238
division if the investigation was substantially conducted by its 4239
park district police force or law enforcement department. The 4240
prosecuting attorney may decline to accept any of the remaining 4241
proceeds, fines, and penalties, and, if the prosecuting attorney 4242
so declines, they shall be applied to the fund described in 4243
division (D)(2)(c) of this section that relates to the appropriate 4244
law enforcement agency that substantially conducted the 4245
investigation. 4246

If the state highway patrol substantially conducted the 4247
investigation, the director of budget and management shall 4248
transfer the remaining proceeds, fines, and penalties to the state 4249
highway patrol for deposit into the highway patrol state 4250
contraband, forfeiture, and other fund that is created by division 4251
(D)(1)(c) of section 2933.43 of the Revised Code. If the division 4252
of forestry in the department of natural resources substantially 4253
conducted the investigation, the director shall transfer the 4254
remaining proceeds to the division for deposit into the state 4255
forest fund created in section 1503.05 of the Revised Code. If the 4256
division of natural areas and preserves in that department 4257
substantially conducted the investigation, the director shall 4258
transfer the remaining proceeds to the division for deposit into 4259
the natural areas and preserves fund created in section 1517.11 of 4260
the Revised Code. If the division of wildlife in that department 4261
substantially conducted the investigation, the director shall 4262
transfer the remaining proceeds to the division for deposit into 4263
the wildlife fund created in section 1531.17 of the Revised Code. 4264
If the division of parks and recreation in that department 4265
substantially conducted the investigation, the director shall 4266
transfer the remaining proceeds to the division for deposit into 4267
the state park fund created in section 1541.22 of the Revised 4268
Code. If the division of watercraft in that department 4269
substantially conducted the investigation, the director shall 4270
transfer the remaining proceeds to the division for deposit into 4271
the waterways safety fund created in section 1547.75 of the 4272
Revised Code. If the department of taxation substantially 4273
conducted the investigation, the director shall transfer the 4274
remaining proceeds, fines, and penalties to the department for 4275
deposit into the department of taxation enforcement fund. If the 4276
state board of pharmacy substantially conducted the investigation, 4277
the director shall transfer the remaining proceeds, fines, and 4278
penalties to the board for deposit into the board of pharmacy drug 4279

law enforcement fund that is created by division (B)(1) of section 4280
4729.65 of the Revised Code. If a state law enforcement agency, 4281
other than the state highway patrol, the division of forestry, 4282
natural areas and preserves, wildlife, parks and recreation, or 4283
watercraft in the department of natural resources, the department 4284
of taxation, or the state board of pharmacy, substantially 4285
conducted the investigation, the director shall transfer the 4286
remaining proceeds, fines, and penalties to the treasurer of state 4287
for deposit into the peace officer training commission fund. 4288

The remaining proceeds, fines, and penalties that are paid to 4289
a law enforcement trust fund or that are deposited into the 4290
highway patrol state contraband, forfeiture, and other fund; the 4291
state forest fund; the natural areas and preserves fund; the 4292
wildlife fund; the state park fund; the waterways safety fund; the 4293
department of taxation enforcement fund; the board of pharmacy 4294
drug law enforcement fund; or the peace officer training 4295
commission fund pursuant to division (D)(2)(c) of this section 4296
shall be allocated, used, and expended only in accordance with 4297
division (D)(1)(c) of section 2933.43 of the Revised Code, only in 4298
accordance with a written internal control policy adopted under 4299
division (D)(3) of that section, and, if applicable, only in 4300
accordance with division (B) of section 4729.65 of the Revised 4301
Code. The annual reports that pertain to the funds and that are 4302
required by divisions (D)(1)(c) and (3)(b) of section 2933.43 of 4303
the Revised Code also shall address the remaining proceeds, fines, 4304
and penalties that are paid or deposited into the funds pursuant 4305
to division (D)(2)(c) of this section. 4306

(3) If more than one law enforcement agency substantially 4307
conducted the investigation, the court ordering the forfeiture 4308
shall equitably divide the remaining proceeds, fines, and 4309
penalties among the law enforcement agencies that substantially 4310
conducted the investigation, in the manner described in division 4311

(D)(2) of section 2933.43 of the Revised Code for the equitable 4312
division of contraband proceeds and forfeited moneys. The 4313
equitable shares of the proceeds, fines, and penalties so 4314
determined by the court shall be paid or deposited into the 4315
appropriate funds specified in division (D)(2)(c) of this section. 4316

(E) As used in this section, "law enforcement agency" 4317
includes, but is not limited to, the state board of pharmacy and 4318
the department of taxation. 4319

Sec. 2933.43. (A)(1) Except as provided in this division or 4320
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 4321
2925.45 of the Revised Code, a law enforcement officer shall seize 4322
any contraband that has been, is being, or is intended to be used 4323
in violation of division (A) of section 2933.42 of the Revised 4324
Code. A law enforcement officer shall seize contraband that is a 4325
watercraft, motor vehicle, or aircraft and that has been, is 4326
being, or is intended to be used in violation of division (A) of 4327
section 2933.42 of the Revised Code only if the watercraft, motor 4328
vehicle, or aircraft is contraband because of its relationship to 4329
an underlying criminal offense that is a felony. 4330

Additionally, a law enforcement officer shall seize any 4331
watercraft, motor vehicle, aircraft, or other personal property 4332
that is classified as contraband under division (B) of section 4333
2933.42 of the Revised Code if the underlying offense involved in 4334
the violation of division (A) of that section that resulted in the 4335
watercraft, motor vehicle, aircraft, or personal property being 4336
classified as contraband, is a felony. 4337

(2) If a law enforcement officer seizes property that is 4338
titled or registered under law, including a motor vehicle, 4339
pursuant to division (A)(1) of this section, the officer or the 4340
officer's employing law enforcement agency shall notify the owner 4341
of the seizure. The notification shall be given to the owner at 4342

the owner's last known address within seventy-two hours after the 4343
seizure, and may be given orally by any means, including 4344
telephone, or by certified mail, return receipt requested. 4345

If the officer or the officer's agency is unable to provide 4346
the notice required by this division despite reasonable, good 4347
faith efforts to do so, the exercise of the reasonable, good faith 4348
efforts constitutes fulfillment of the notice requirement imposed 4349
by this division. 4350

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 4351
this section and the contents of the vehicle may be retained for a 4352
reasonable period of time, not to exceed seventy-two hours, for 4353
the purpose of inspection, investigation, and the gathering of 4354
evidence of any offense or illegal use. 4355

At any time prior to the expiration of the seventy-two-hour 4356
period, the law enforcement agency that seized the motor vehicle 4357
may petition the court of common pleas of the county that has 4358
jurisdiction over the underlying criminal case or administrative 4359
proceeding involved in the forfeiture for an extension of the 4360
seventy-two-hour period if the motor vehicle or its contents are 4361
needed as evidence or if additional time is needed for the 4362
inspection, investigation, or gathering of evidence. Upon the 4363
filing of such a petition, the court immediately shall schedule a 4364
hearing to be held at a time as soon as possible after the filing, 4365
but in no event at a time later than the end of the next business 4366
day subsequent to the day on which the petition was filed, and 4367
upon scheduling the hearing, immediately shall notify the owner of 4368
the vehicle, at the address at which notification of the seizure 4369
was provided under division (A) of this section, of the date, 4370
time, and place of the hearing. If the court, at the hearing, 4371
determines that the vehicle or its contents, or both, are needed 4372
as evidence or that additional time is needed for the inspection, 4373
investigation, or gathering of evidence, the court may grant the 4374

petition and issue an order authorizing the retention of the 4375
vehicle or its contents, or both, for an extended period as 4376
specified by the court in its order. An order extending a period 4377
of retention issued under this division may be renewed. 4378

If no petition for the extension of the initial 4379
seventy-two-hour period has been filed, prior to the expiration of 4380
that period, under this division, if the vehicle was not in the 4381
custody and control of the owner at the time of its seizure, and 4382
if, at the end of that seventy-two-hour period, the owner of the 4383
vehicle has not been charged with an offense or administrative 4384
violation that includes the use of the vehicle as an element and 4385
has not been charged with any other offense or administrative 4386
violation in the actual commission of which the motor vehicle was 4387
used, the vehicle and its contents shall be released to its owner 4388
or the owner's agent, provided that the law enforcement agency 4389
that seized the vehicle may require proof of ownership of the 4390
vehicle, proof of ownership or legal possession of the contents, 4391
and an affidavit of the owner that the owner neither knew of nor 4392
expressly or impliedly consented to the use of the vehicle that 4393
resulted in its forfeiture as conditions precedent to release. If 4394
a petition for the extension of the initial seventy-two-hour 4395
period has been filed, prior to the expiration of that period, 4396
under this division but the court does not grant the petition, if 4397
the vehicle was not in the custody and control of the owner at the 4398
time of its seizure, and if, at the end of that seventy-two-hour 4399
period, the owner of the vehicle has not been charged with an 4400
offense or administrative violation that includes the use of the 4401
vehicle as an element and has not been charged with any other 4402
offense or administrative violation in the actual commission of 4403
which the motor vehicle was used, the vehicle and its contents 4404
shall be released to its owner or the owner's agent, provided that 4405
the court may require the proof and affidavit described in the 4406

preceding sentence as conditions precedent to release. If the 4407
initial seventy-two-hour period has been extended under this 4408
division, the vehicle and its contents to which the extension 4409
applies may be retained in accordance with the extension order. 4410
If, at the end of that extended period, the owner of the vehicle 4411
has not been charged with an offense or administrative violation 4412
that includes the use of the vehicle as an element and has not 4413
been charged with any other offense or administrative violation in 4414
the actual commission of which the motor vehicle was used, and if 4415
the vehicle was not in the custody and control of the owner at the 4416
time of its seizure, the vehicle and its contents shall be 4417
released to its owner or the owner's agent, provided that the 4418
court may require the proof and affidavit described in the third 4419
preceding sentence as conditions precedent to release. In cases in 4420
which the court may require proof and affidavits as conditions 4421
precedent to release, the court also may require the posting of a 4422
bond, with sufficient sureties approved by the court, in an amount 4423
equal to the value of the property to be released, as determined 4424
by the court, and conditioned upon the return of the property to 4425
the court if it is forfeited under this section, as a further 4426
condition to release. If, at the end of the initial 4427
seventy-two-hour period or at the end of any extended period 4428
granted under this section, the owner has been charged with an 4429
offense or administrative violation that includes the use of the 4430
vehicle as an element or has been charged with another offense or 4431
administrative violation in the actual commission of which the 4432
motor vehicle was used, or if the vehicle was in the custody and 4433
control of the owner at the time of its seizure, the vehicle and 4434
its contents shall be retained pending disposition of the charge, 4435
provided that upon the filing of a motion for release by the 4436
owner, if the court determines that the motor vehicle or its 4437
contents, or both, are not needed as evidence in the underlying 4438
criminal case or administrative proceeding, the court may permit 4439

the release of the property that is not needed as evidence to the
owner; as a condition precedent to a release of that nature, the
court may require the owner to execute a bond with the court. Any
bond so required shall be in an amount equal to the value of the
property to be released, as determined by the court, shall have
sufficient sureties approved by the court, and shall be
conditioned upon the return of the property to the court to which
it is forfeited under this section.

The final disposition of a motor vehicle seized pursuant to
division (A)(1) of this section shall be determined in accordance
with division (C) of this section.

(2) Pending a hearing pursuant to division (C) of this
section, and subject to divisions (B)(1) and (C) of this section,
any property lawfully seized pursuant to division (A) of this
section because it was contraband of a type described in division
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section
2901.01 of the Revised Code shall not be subject to replevin or
other action in any court and shall not be subject to release upon
request of the owner, and no judgment shall be enforced against
the property. Pending the hearing, and subject to divisions (B)(1)
and (C) of this section, the property shall be kept in the custody
of the law enforcement agency responsible for its seizure.

Pending a hearing pursuant to division (C) of this section,
and notwithstanding any provisions of division (B)(1) or (C) of
this section to the contrary, any property lawfully seized
pursuant to division (A) of this section because it was contraband
of a type described in division (A)(13)(a) or (c) of section
2901.01 of the Revised Code shall not be subject to replevin or
other action in any court and shall not be subject to release upon
request of the owner, and no judgment shall be enforced against
the property. Pending the hearing, and notwithstanding any
provisions of division (B)(1) or (C) of this section to the

contrary, the property shall be kept in the custody of the law 4472
enforcement agency responsible for its seizure. 4473

A law enforcement agency that seizes property under division 4474
(A) of this section because it was contraband of any type 4475
described in division (A)(13) of section 2901.01 or division (B) 4476
of section 2933.42 of the Revised Code shall maintain an accurate 4477
record of each item of property so seized, which record shall 4478
include the date on which each item was seized, the manner and 4479
date of its disposition, and if applicable, the name of the person 4480
who received the item; however, the record shall not identify or 4481
enable the identification of the individual officer who seized the 4482
item. The record of property of that nature that no longer is 4483
needed as evidence shall be open to public inspection during the 4484
agency's regular business hours. Each law enforcement agency that, 4485
during any calendar year, seizes property under division (A) of 4486
this section because it was contraband shall prepare a report 4487
covering the calendar year that cumulates all of the information 4488
contained in all of the records kept by the agency pursuant to 4489
this division for that calendar year, and shall send a copy of the 4490
cumulative report, no later than the first day of March in the 4491
calendar year following the calendar year covered by the report, 4492
to the attorney general. Each report received by the attorney 4493
general is a public record open for inspection under section 4494
149.43 of the Revised Code. Not later than the fifteenth day of 4495
April in the calendar year in which the reports are received, the 4496
attorney general shall send to the president of the senate and the 4497
speaker of the house of representatives a written notification 4498
that does all of the following: 4499

(a) Indicates that the attorney general has received from law 4500
enforcement agencies reports of the type described in this 4501
division that cover the previous calendar year and indicates that 4502
the reports were received under this division; 4503

(b) Indicates that the reports are open for inspection under 4504
section 149.43 of the Revised Code; 4505

(c) Indicates that the attorney general will provide a copy 4506
of any or all of the reports to the president of the senate or the 4507
speaker of the house of representatives upon request. 4508

(C) The prosecuting attorney, village solicitor, city 4509
director of law, or similar chief legal officer who has 4510
responsibility for the prosecution of the underlying criminal case 4511
or administrative proceeding, or the attorney general if the 4512
attorney general has that responsibility, shall file a petition 4513
for the forfeiture, to the seizing law enforcement agency of the 4514
contraband seized pursuant to division (A) of this section. The 4515
petition shall be filed in the court that has jurisdiction over 4516
the underlying criminal case or administrative proceeding involved 4517
in the forfeiture. If the property was seized on the basis of both 4518
a criminal violation and an administrative regulation violation, 4519
the petition shall be filed by the officer and in the court that 4520
is appropriate in relation to the criminal case. 4521

The petitioner shall conduct or cause to be conducted a 4522
search of the appropriate public records that relate to the seized 4523
property for the purpose of determining, and shall make or cause 4524
to be made reasonably diligent inquiries for the purpose of 4525
determining, any person having an ownership or security interest 4526
in the property. The petitioner then shall give notice of the 4527
forfeiture proceedings by personal service or by certified mail, 4528
return receipt requested, to any persons known, because of the 4529
conduct of the search, the making of the inquiries, or otherwise, 4530
to have an ownership or security interest in the property, and 4531
shall publish notice of the proceedings once each week for two 4532
consecutive weeks in a newspaper of general circulation in the 4533
county in which the seizure occurred. The notices shall be 4534
personally served, mailed, and first published at least four weeks 4535

before the hearing. They shall describe the property seized; state 4536
the date and place of seizure; name the law enforcement agency 4537
that seized the property and, if applicable, that is holding the 4538
property; list the time, date, and place of the hearing; and state 4539
that any person having an ownership or security interest in the 4540
property may contest the forfeiture. 4541

If the property seized was determined by the seizing law 4542
enforcement officer to be contraband because of its relationship 4543
to an underlying criminal offense or administrative violation, no 4544
forfeiture hearing shall be held under this section unless the 4545
person pleads guilty to or is convicted of the commission of, or 4546
an attempt or conspiracy to commit, the offense or a different 4547
offense arising out of the same facts and circumstances or unless 4548
the person admits or is adjudicated to have committed the 4549
administrative violation or a different violation arising out of 4550
the same facts and circumstances; a forfeiture hearing shall be 4551
held in a case of that nature no later than forty-five days after 4552
the conviction or the admission or adjudication of the violation, 4553
unless the time for the hearing is extended by the court for good 4554
cause shown. The owner of any property seized because of its 4555
relationship to an underlying criminal offense or administrative 4556
violation may request the court to release the property to the 4557
owner. Upon receipt of a request of that nature, if the court 4558
determines that the property is not needed as evidence in the 4559
underlying criminal case or administrative proceeding, the court 4560
may permit the release of the property to the owner. As a 4561
condition precedent to a release of that nature, the court may 4562
require the owner to execute a bond with the court. Any bond so 4563
required shall have sufficient sureties approved by the court, 4564
shall be in a sum equal to the value of the property, as 4565
determined by the court, and shall be conditioned upon the return 4566
of the property to the court if the property is forfeited under 4567

this section. Any property seized because of its relationship to 4568
an underlying criminal offense or administrative violation shall 4569
be returned to its owner if charges are not filed in relation to 4570
that underlying offense or violation within thirty days after the 4571
seizure, if charges of that nature are filed and subsequently are 4572
dismissed, or if charges of that nature are filed and the person 4573
charged does not plead guilty to and is not convicted of the 4574
offense or does not admit and is not found to have committed the 4575
violation. 4576

If the property seized was determined by the seizing law 4577
enforcement officer to be contraband other than because of a 4578
relationship to an underlying criminal offense or administrative 4579
violation, the forfeiture hearing under this section shall be held 4580
no later than forty-five days after the seizure, unless the time 4581
for the hearing is extended by the court for good cause shown. 4582

Where possible, a court holding a forfeiture hearing under 4583
this section shall follow the Rules of Civil Procedure. When a 4584
hearing is conducted under this section, property shall be 4585
forfeited upon a showing, by a preponderance of the evidence, by 4586
the petitioner that the person from which the property was seized 4587
was in violation of division (A) of section 2933.42 of the Revised 4588
Code. If that showing is made, the court shall issue an order of 4589
forfeiture. If an order of forfeiture is issued in relation to 4590
contraband that was released to the owner or the owner's agent 4591
pursuant to this division or division (B)(1) of this section, the 4592
order shall require the owner to deliver the property, by a 4593
specified date, to the law enforcement agency that employed the 4594
law enforcement officer who made the seizure of the property, and 4595
the court shall deliver a copy of the order to the owner or send a 4596
copy of it by certified mail, return receipt requested, to the 4597
owner at the address to which notice of the seizure was given 4598
under division (A)(2) of this section. Except as otherwise 4599

provided in this division, all rights, interest, and title to the 4600
forfeited contraband vests in the state, effective from the date 4601
of seizure. 4602

No property shall be forfeited pursuant to this division if 4603
the owner of the property establishes, by a preponderance of the 4604
evidence, that the owner neither knew, nor should have known after 4605
a reasonable inquiry, that the property was used, or was likely to 4606
be used, in a crime or administrative violation. No bona fide 4607
security interest shall be forfeited pursuant to this division if 4608
the holder of the interest establishes, by a preponderance of the 4609
evidence, that the holder of the interest neither knew, nor should 4610
have known after a reasonable inquiry, that the property was used, 4611
or likely to be used, in a crime or administrative violation, that 4612
the holder of the interest did not expressly or impliedly consent 4613
to the use of the property in a crime or administrative violation, 4614
and that the security interest was perfected pursuant to law prior 4615
to the seizure. If the holder of the interest satisfies the court 4616
that these requirements are met, the interest shall be preserved 4617
by the court. In a case of that nature, the court shall either 4618
order that the agency to which the property is forfeited reimburse 4619
the holder of the interest to the extent of the preserved interest 4620
or order that the holder be paid for the interest from the 4621
proceeds of any sale pursuant to division (D) of this section. 4622

(D)(1) Contraband ordered forfeited pursuant to this section 4623
shall be disposed of pursuant to divisions (D)(1) to (7) of 4624
section 2933.41 of the Revised Code or, if the contraband is not 4625
described in those divisions, may be used, with the approval of 4626
the court, by the law enforcement agency that has custody of the 4627
contraband pursuant to division (D)(8) of that section. In the 4628
case of contraband not described in any of those divisions and of 4629
contraband not disposed of pursuant to any of those divisions, the 4630
contraband shall be sold in accordance with this division or, in 4631

the case of forfeited moneys, disposed of in accordance with this 4632
division. If the contraband is to be sold, the prosecuting 4633
attorney shall cause a notice of the proposed sale of the 4634
contraband to be given in accordance with law, and the property 4635
shall be sold, without appraisal, at a public auction to the 4636
highest bidder for cash. The proceeds of a sale and forfeited 4637
moneys shall be applied in the following order: 4638

(a) First, to the payment of the costs incurred in connection 4639
with the seizure of, storage of, maintenance of, and provision of 4640
security for the contraband, the forfeiture proceeding, and, if 4641
any, the sale; 4642

(b) Second, the remaining proceeds or forfeited moneys after 4643
compliance with division (D)(1)(a) of this section, to the payment 4644
of the balance due on any security interest preserved pursuant to 4645
division (C) of this section; 4646

(c) Third, the remaining proceeds or forfeited moneys after 4647
compliance with divisions (D)(1)(a) and (b) of this section, as 4648
follows: 4649

(i) If the forfeiture was ordered in a juvenile court, ten 4650
per cent to one or more alcohol and drug addiction treatment 4651
programs that are certified by the department of alcohol and drug 4652
addiction services under section 3793.06 of the Revised Code and 4653
that are specified in the order of forfeiture. A juvenile court 4654
shall not certify an alcohol or drug addiction treatment program 4655
in the order of forfeiture unless the program is a certified 4656
alcohol and drug addiction treatment program and, except as 4657
provided in division (D)(1)(c)(i) of this section, unless the 4658
program is located in the county in which the court that orders 4659
the forfeiture is located or in a contiguous county. If no 4660
certified alcohol and drug addiction treatment program is located 4661
in any of those counties, the juvenile court may specify in the 4662

order a certified alcohol and drug addiction treatment program 4663
located anywhere within this state. 4664

(ii) If the forfeiture was ordered in a juvenile court, 4665
ninety per cent, and if the forfeiture was ordered in a court 4666
other than a juvenile court, one hundred per cent to the law 4667
enforcement trust fund of the prosecuting attorney and to the law 4668
enforcement trust fund of the county sheriff if the county sheriff 4669
made the seizure; to the law enforcement trust fund of a 4670
municipal corporation if its police department made the seizure; 4671
to the law enforcement trust fund of a township if the seizure was 4672
made by a township police department, township police district 4673
police force, or office of a township constable; to the law 4674
enforcement trust fund of a park district created pursuant to 4675
section 511.18 or 1545.01 of the Revised Code if the seizure was 4676
made by the park district police force or law enforcement 4677
department; to the highway patrol state contraband, forfeiture, 4678
and other fund if the state highway patrol made the seizure; to 4679
the division of forestry law enforcement contraband, forfeiture, 4680
and other fund if the division of forestry in the department of 4681
natural resources made the seizure, to the division of natural 4682
areas and preserves law enforcement contraband, forfeiture, and 4683
other fund if the division of natural areas and preserves in that 4684
department made the seizure, to the division of wildlife law 4685
enforcement contraband, forfeiture, and other fund if the division 4686
of wildlife in that department made the seizure, to the division 4687
of parks and recreation law enforcement contraband, forfeiture, 4688
and other fund if the division of parks and recreation in that 4689
department made the seizure, or to the division of watercraft law 4690
enforcement contraband, forfeiture, and other fund if the division 4691
of watercraft in that department made the seizure; to the 4692
department of public safety investigative unit contraband, 4693
forfeiture, and other fund if the investigative unit of the 4694

department of public safety made the seizure⁷ⁱ to the department 4695
of taxation enforcement fund if the department of taxation made 4696
the seizure⁷ⁱ to the board of pharmacy drug law enforcement fund 4697
created by division (B)(1) of section 4729.65 of the Revised Code 4698
if the board made the seizure⁷ⁱ or to the treasurer of state for 4699
deposit into the peace officer training commission fund if a state 4700
law enforcement agency, other than the state highway patrol, the 4701
division of forestry, natural areas and preserves, wildlife, parks 4702
and recreation, or watercraft in the department of natural 4703
resources, the investigative unit of the department of public 4704
safety, the enforcement division of the department of taxation, or 4705
the state board of pharmacy, made the seizure. The prosecuting 4706
attorney may decline to accept any of the remaining proceeds or 4707
forfeited moneys, and, if the prosecuting attorney so declines, 4708
the remaining proceeds or forfeited moneys shall be applied to the 4709
fund described in this division that relates to the law 4710
enforcement agency that made the seizure. 4711

A law enforcement trust fund shall be established by the 4712
prosecuting attorney of each county who intends to receive any 4713
remaining proceeds or forfeited moneys pursuant to this division, 4714
by the sheriff of each county, by the legislative authority of 4715
each municipal corporation, by the board of township trustees of 4716
each township that has a township police department, township 4717
police district police force, or office of the constable, and by 4718
the board of park commissioners of each park district created 4719
pursuant to section 511.18 or 1545.01 of the Revised Code that has 4720
a park district police force or law enforcement department, for 4721
the purposes of this division. There is hereby created in the 4722
state treasury the highway patrol state contraband, forfeiture, 4723
and other fund^{7j}; the division of forestry law enforcement 4724
contraband, forfeiture, and other fund; the division of natural 4725
areas and preserves law enforcement contraband, forfeiture, and 4726
other fund; the division of wildlife law enforcement contraband, 4727

forfeiture, and other fund; the division of parks and recreation 4728
law enforcement contraband, forfeiture, and other fund; the 4729
division of watercraft law enforcement contraband, forfeiture, and 4730
other fund; the department of public safety investigative unit 4731
contraband, forfeiture, and other fund; the department of 4732
taxation enforcement fund; and the peace officer training 4733
commission fund, for the purposes described in this division. 4734

Proceeds or forfeited moneys distributed to any municipal 4735
corporation, township, or park district law enforcement trust fund 4736
shall be allocated from the fund by the legislative authority only 4737
to the police department of the municipal corporation, by the 4738
board of township trustees only to the township police department, 4739
township police district police force, or office of the constable, 4740
and by the board of park commissioners only to the park district 4741
police force or law enforcement department. 4742

Additionally, no proceeds or forfeited moneys shall be 4743
allocated to or used by the state highway patrol, the division of 4744
forestry, natural areas and preserves, wildlife, parks and 4745
recreation, or watercraft in the department of natural resources, 4746
the department of public safety, the department of taxation, the 4747
state board of pharmacy, or a county sheriff, prosecuting 4748
attorney, municipal corporation police department, township police 4749
department, township police district police force, office of the 4750
constable, or park district police force or law enforcement 4751
department unless the state highway patrol, division of forestry, 4752
natural areas and preserves, wildlife, parks and recreation, or 4753
watercraft in the department of natural resources, department of 4754
public safety, department of taxation, state board of pharmacy, 4755
sheriff, prosecuting attorney, municipal corporation police 4756
department, township police department, township police district 4757
police force, office of the constable, or park district police 4758
force or law enforcement department has adopted a written internal 4759

control policy under division (D)(3) of this section that 4760
addresses the use of moneys received from the highway patrol state 4761
contraband, forfeiture, and other fund; the division of forestry 4762
law enforcement contraband, forfeiture, and other fund; the 4763
division of natural areas and preserves law enforcement 4764
contraband, forfeiture, and other fund; the division of wildlife 4765
law enforcement contraband, forfeiture, and other fund; the 4766
division of parks and recreation law enforcement contraband, 4767
forfeiture, and other fund; the division of watercraft law 4768
enforcement contraband, forfeiture, and other fund; the department 4769
of public safety investigative unit contraband, forfeiture, and 4770
other fund; the department of taxation enforcement fund; the 4771
board of pharmacy drug law enforcement fund; or the appropriate 4772
law enforcement trust fund. 4773

The highway patrol state contraband, forfeiture, and other 4774
fund; the division of forestry law enforcement contraband, 4775
forfeiture, and other fund; the division of natural areas and 4776
preserves law enforcement contraband, forfeiture, and other fund; 4777
the division of wildlife law enforcement contraband, forfeiture, 4778
and other fund; the division of parks and recreation law 4779
enforcement contraband, forfeiture, and other fund; the division 4780
of watercraft law enforcement contraband, forfeiture, and other 4781
fund; the department of public safety investigative unit 4782
contraband, forfeiture, and other fund; the department of 4783
taxation enforcement fund; and a law enforcement trust fund shall 4784
be expended only in accordance with the written internal control 4785
policy so adopted by the recipient, and, subject to the 4786
requirements specified in division (D)(3)(a)(ii) of this section, 4787
only to pay the costs of protracted or complex investigations or 4788
prosecutions, to provide reasonable technical training or 4789
expertise, to provide matching funds to obtain federal grants to 4790
aid law enforcement, in the support of DARE programs or other 4791
programs designed to educate adults or children with respect to 4792

the dangers associated with the use of drugs of abuse, to pay the 4793
costs of emergency action taken under section 3745.13 of the 4794
Revised Code relative to the operation of an illegal 4795
methamphetamine laboratory if the forfeited property or money 4796
involved was that of a person responsible for the operation of the 4797
laboratory, or for other law enforcement purposes that the 4798
superintendent of the state highway patrol, division of forestry, 4799
natural areas and preserves, wildlife, parks and recreation, or 4800
watercraft in the department of natural resources, department of 4801
public safety, department of taxation, prosecuting attorney, 4802
county sheriff, legislative authority, board of township trustees, 4803
or board of park commissioners determines to be appropriate. The 4804
board of pharmacy drug law enforcement fund shall be expended only 4805
in accordance with the written internal control policy so adopted 4806
by the board and only in accordance with section 4729.65 of the 4807
Revised Code, except that it also may be expended to pay the costs 4808
of emergency action taken under section 3745.13 of the Revised 4809
Code relative to the operation of an illegal methamphetamine 4810
laboratory if the forfeited property or money involved was that of 4811
a person responsible for the operation of the laboratory. The 4812
highway patrol state contraband, forfeiture, and other fund; the 4813
division of forestry law enforcement contraband, forfeiture, and 4814
other fund; the division of natural areas and preserves law 4815
enforcement contraband, forfeiture, and other fund; the division 4816
of wildlife law enforcement contraband, forfeiture, and other 4817
fund; the division of parks and recreation law enforcement 4818
contraband, forfeiture, and other fund; the division of watercraft 4819
law enforcement contraband, forfeiture, and other fund; the 4820
department of public safety investigative unit contraband, 4821
forfeiture, and other fund; the department of taxation 4822
enforcement fund; the board of pharmacy drug law enforcement 4823
fund; and a law enforcement trust fund shall not be used to meet 4824
the operating costs of the state highway patrol, of the division 4825

of forestry, natural areas and preserves, wildlife, parks and 4826
recreation, or watercraft in the department of natural resources, 4827
of the investigative unit of the department of public safety, of 4828
the department of taxation enforcement division, of the state 4829
board of pharmacy, of any political subdivision, or of any office 4830
of a prosecuting attorney or county sheriff that are unrelated to 4831
law enforcement. 4832

Proceeds and forfeited moneys that are paid into the state 4833
treasury to be deposited into the peace officer training 4834
commission fund shall be used by the commission only to pay the 4835
costs of peace officer training. 4836

Any sheriff or prosecuting attorney who receives proceeds or 4837
forfeited moneys pursuant to this division during any calendar 4838
year shall file a report with the county auditor, no later than 4839
the thirty-first day of January of the next calendar year, 4840
verifying that the proceeds and forfeited moneys were expended 4841
only for the purposes authorized by this division and division 4842
(D)(3)(a)(ii) of this section and specifying the amounts expended 4843
for each authorized purpose. ~~Any~~ 4844

Any municipal corporation police department that is allocated 4845
proceeds or forfeited moneys from a municipal corporation law 4846
enforcement trust fund pursuant to this division during any 4847
calendar year shall file a report with the legislative authority 4848
of the municipal corporation, no later than the thirty-first day 4849
of January of the next calendar year, verifying that the proceeds 4850
and forfeited moneys were expended only for the purposes 4851
authorized by this division and division (D)(3)(a)(ii) of this 4852
section and specifying the amounts expended for each authorized 4853
purpose. ~~Any~~ 4854

Any township police department, township police district 4855
police force, or office of the constable that is allocated 4856
proceeds or forfeited moneys from a township law enforcement trust 4857

fund pursuant to this division during any calendar year shall file 4858
a report with the board of township trustees of the township, no 4859
later than the thirty-first day of January of the next calendar 4860
year, verifying that the proceeds and forfeited moneys were 4861
expended only for the purposes authorized by this division and 4862
division (D)(3)(a)(ii) of this section and specifying the amounts 4863
expended for each authorized purpose. ~~Any~~ 4864

Any park district police force or law enforcement department 4865
that is allocated proceeds or forfeited moneys from a park 4866
district law enforcement trust fund pursuant to this division 4867
during any calendar year shall file a report with the board of 4868
park commissioners of the park district, no later than the 4869
thirty-first day of January of the next calendar year, verifying 4870
that the proceeds and forfeited moneys were expended only for the 4871
purposes authorized by this division and division (D)(3)(a)(ii) of 4872
this section and specifying the amounts expended for each 4873
authorized purpose. ~~The~~ 4874

The superintendent of the state highway patrol shall file a 4875
report with the attorney general, no later than the thirty-first 4876
day of January of each calendar year, verifying that proceeds and 4877
forfeited moneys paid into the highway patrol state contraband, 4878
forfeiture, and other fund pursuant to this division during the 4879
prior calendar year were used by the state highway patrol during 4880
the prior calendar year only for the purposes authorized by this 4881
division and specifying the amounts expended for each authorized 4882
purpose. ~~The~~ 4883

The chiefs of the divisions of forestry, natural areas and 4884
preserves, wildlife, parks and recreation, and watercraft in the 4885
department of natural resources each shall file a report with the 4886
attorney general, not later than the thirty-first day of January 4887
of each calendar year, verifying that proceeds and forfeited 4888
moneys paid into the division of forestry law enforcement 4889

contraband, forfeiture, and other fund, the division of natural 4890
areas and preserves law enforcement contraband, forfeiture, and 4891
other fund, the division of wildlife law enforcement contraband, 4892
forfeiture, and other fund, the division of parks and recreation 4893
law enforcement contraband, forfeiture, and other fund, and the 4894
division of watercraft law enforcement contraband, forfeiture, and 4895
other fund, respectively, pursuant to this division during the 4896
prior calendar year were used by the appropriate division in the 4897
department of natural resources during the prior calendar year 4898
only for the purposes authorized by this division and specifying 4899
the amounts expended for each authorized purpose. 4900

The executive director of the state board of pharmacy shall 4901
file a report with the attorney general, no later than the 4902
thirty-first day of January of each calendar year, verifying that 4903
proceeds and forfeited moneys paid into the board of pharmacy drug 4904
law enforcement fund during the prior calendar year were used only 4905
in accordance with section 4729.65 of the Revised Code and 4906
specifying the amounts expended for each authorized purpose. ~~The~~ 4907

The peace officer training commission shall file a report 4908
with the attorney general, no later than the thirty-first day of 4909
January of each calendar year, verifying that proceeds and 4910
forfeited moneys paid into the peace officer training commission 4911
fund pursuant to this division during the prior calendar year were 4912
used by the commission during the prior calendar year only to pay 4913
the costs of peace officer training and specifying the amount used 4914
for that purpose. 4915

The tax commissioner shall file a report with the attorney 4916
general, not later than the thirty-first day of January of each 4917
calendar year, verifying that proceeds and forfeited moneys paid 4918
into the department of taxation enforcement fund pursuant to this 4919
division during the prior calendar year were used by the 4920
enforcement division during the prior calendar year to pay only 4921

the costs of enforcing the tax laws and specifying the amount used 4922
for that purpose. 4923

(2) If more than one law enforcement agency is substantially 4924
involved in the seizure of contraband that is forfeited pursuant 4925
to this section, the court ordering the forfeiture shall equitably 4926
divide the proceeds or forfeited moneys, after calculating any 4927
distribution to the law enforcement trust fund of the prosecuting 4928
attorney pursuant to division (D)(1)(c) of this section, among any 4929
county sheriff whose office is determined by the court to be 4930
substantially involved in the seizure, any legislative authority 4931
of a municipal corporation whose police department is determined 4932
by the court to be substantially involved in the seizure, any 4933
board of township trustees whose law enforcement agency is 4934
determined by the court to be substantially involved in the 4935
seizure, any board of park commissioners of a park district whose 4936
police force or law enforcement department is determined by the 4937
court to be substantially involved in the seizure, the state board 4938
of pharmacy if it is determined by the court to be substantially 4939
involved in the seizure, the division of forestry, natural areas 4940
and preserves, wildlife, parks and recreation, or watercraft in 4941
the department of natural resources if it is determined by the 4942
court to be substantially involved in the seizure, the 4943
investigative unit of the department of public safety if it is 4944
determined by the court to be substantially involved in the 4945
seizure, the enforcement division of the department of taxation if 4946
it is determined by the court to be substantially involved in the 4947
seizure and the state highway patrol if it is determined by the 4948
court to be substantially involved in the seizure. The proceeds or 4949
forfeited moneys shall be deposited in the respective law 4950
enforcement trust funds of the county sheriff, municipal 4951
corporation, township, and park district; the board of pharmacy 4952
drug law enforcement fund; the division of forestry law 4953

enforcement contraband, forfeiture, and other fund; the division 4954
of natural areas and preserves law enforcement contraband, 4955
forfeiture, and other fund; the division of wildlife law 4956
enforcement contraband, forfeiture, and other fund; the division 4957
of parks and recreation law enforcement contraband, forfeiture, 4958
and other fund; the division of watercraft law enforcement 4959
contraband, forfeiture, and other fund; the department of public 4960
safety investigative unit contraband, forfeiture, and other fund_{7i} 4961
the department of taxation enforcement fund_{7i} or the highway 4962
patrol state contraband, forfeiture, and other fund, in accordance 4963
with division (D)(1)(c) of this section. If a state law 4964
enforcement agency, other than the state highway patrol, the 4965
investigative unit of the department of public safety, the 4966
department of taxation, the division of forestry, natural areas 4967
and preserves, wildlife, parks and recreation, or watercraft in 4968
the department of natural resources, or the state board of 4969
pharmacy, is determined by the court to be substantially involved 4970
in the seizure, the state agency's equitable share of the proceeds 4971
and forfeited moneys shall be paid to the treasurer of state for 4972
deposit into the peace officer training commission fund. 4973

(3)(a)(i) Prior to being allocated or using any proceeds or 4974
forfeited moneys out of the highway patrol state contraband, 4975
forfeiture, and other fund_{7i}; the division of forestry law 4976
enforcement contraband, forfeiture, and other fund; the division 4977
of natural areas and preserves law enforcement contraband, 4978
forfeiture, and other fund; the division of wildlife law 4979
enforcement contraband, forfeiture, and other fund; the division 4980
of parks and recreation law enforcement contraband, forfeiture, 4981
and other fund; the division of watercraft law enforcement 4982
contraband, forfeiture, and other fund; the department of public 4983
safety investigative unit contraband, forfeiture, and other fund_{7i} 4984
the department of taxation enforcement fund_{7i} the board of 4985
pharmacy drug law enforcement fund_{7i} or a law enforcement trust 4986

fund under division (D)(1)(c) of this section, the state highway 4987
patrol, the division of forestry, natural areas and preserves, 4988
wildlife, parks and recreation, or watercraft in the department of 4989
natural resources, the department of public safety, the department 4990
of taxation, the state board of pharmacy, and a county sheriff, 4991
prosecuting attorney, municipal corporation police department, 4992
township police department, township police district police force, 4993
office of the constable, or park district police force or law 4994
enforcement department shall adopt a written internal control 4995
policy that addresses the state highway patrol's, division of 4996
forestry's, division of natural areas and preserves', division of 4997
wildlife's, division of parks and recreation's, division of 4998
watercraft's, department of public safety's, department of 4999
taxation's, state board of pharmacy's, sheriff's, prosecuting 5000
attorney's, police department's, police force's, office of the 5001
constable's, or law enforcement department's use and disposition 5002
of all the proceeds and forfeited moneys received and that 5003
provides for the keeping of detailed financial records of the 5004
receipts of the proceeds and forfeited moneys, the general types 5005
of expenditures made out of the proceeds and forfeited moneys, the 5006
specific amount of each general type of expenditure, and the 5007
amounts, portions, and programs described in division 5008
(D)(3)(a)(ii) of this section. The policy shall not provide for or 5009
permit the identification of any specific expenditure that is made 5010
in an ongoing investigation. 5011

All financial records of the receipts of the proceeds and 5012
forfeited moneys, the general types of expenditures made out of 5013
the proceeds and forfeited moneys, the specific amount of each 5014
general type of expenditure by the state highway patrol, by the 5015
division of forestry, natural areas and preserves, wildlife, parks 5016
and recreation, or watercraft in the department of natural 5017
resources, by the department of public safety, by the department 5018
of taxation, by the state board of pharmacy, and by a sheriff, 5019

prosecuting attorney, municipal corporation police department, 5020
township police department, township police district police force, 5021
office of the constable, or park district police force or law 5022
enforcement department, and the amounts, portions, and programs 5023
described in division (D)(3)(a)(ii) of this section are public 5024
records open for inspection under section 149.43 of the Revised 5025
Code. Additionally, a written internal control policy adopted 5026
under this division is a public record of that nature, and the 5027
state highway patrol, the division of forestry, natural areas and 5028
preserves, wildlife, parks and recreation, or watercraft in the 5029
department of natural resources, the department of public safety, 5030
the department of taxation, the state board of pharmacy, or the 5031
sheriff, prosecuting attorney, municipal corporation police 5032
department, township police department, township police district 5033
police force, office of the constable, or park district police 5034
force or law enforcement department that adopted it shall comply 5035
with it. 5036

(ii) The written internal control policy of a county sheriff, 5037
prosecuting attorney, municipal corporation police department, 5038
township police department, township police district police force, 5039
office of the constable, or park district police force or law 5040
enforcement department shall provide that at least ten per cent of 5041
the first one hundred thousand dollars of proceeds and forfeited 5042
moneys deposited during each calendar year in the sheriff's, 5043
prosecuting attorney's, municipal corporation's, township's, or 5044
park district's law enforcement trust fund pursuant to division 5045
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 5046
section 2925.44 of the Revised Code, and at least twenty per cent 5047
of the proceeds and forfeited moneys exceeding one hundred 5048
thousand dollars that are so deposited, shall be used in 5049
connection with community preventive education programs. The 5050
manner in which the described percentages are so used shall be 5051
determined by the sheriff, prosecuting attorney, department, 5052

police force, or office of the constable after the receipt and
consideration of advice on appropriate community preventive
education programs from the county's board of alcohol, drug
addiction, and mental health services, from the county's alcohol
and drug addiction services board, or through appropriate
community dialogue. The financial records described in division
(D)(3)(a)(i) of this section shall specify the amount of the
proceeds and forfeited moneys deposited during each calendar year
in the sheriff's, prosecuting attorney's, municipal corporation's,
township's, or park district's law enforcement trust fund pursuant
to division (B)(7)(c)(ii) of section 2923.46 or division
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion
of that amount that was used pursuant to the requirements of this
division, and the community preventive education programs in
connection with which the portion of that amount was so used.

As used in this division, "community preventive education
programs" includes, but is not limited to, DARE programs and other
programs designed to educate adults or children with respect to
the dangers associated with the use of drugs of abuse.

(b) Each sheriff, prosecuting attorney, municipal corporation
police department, township police department, township police
district police force, office of the constable, or park district
police force or law enforcement department that receives in any
calendar year any proceeds or forfeited moneys out of a law
enforcement trust fund under division (D)(1)(c) of this section or
uses any proceeds or forfeited moneys in its law enforcement trust
fund in any calendar year shall prepare a report covering the
calendar year that cumulates all of the information contained in
all of the public financial records kept by the sheriff,
prosecuting attorney, municipal corporation police department,
township police department, township police district police force,
office of the constable, or park district police force or law

enforcement department pursuant to division (D)(3)(a) of this 5085
section for that calendar year, and shall send a copy of the 5086
cumulative report, no later than the first day of March in the 5087
calendar year following the calendar year covered by the report, 5088
to the attorney general. 5089

The superintendent of the state highway patrol shall prepare 5090
a report covering each calendar year in which the state highway 5091
patrol uses any proceeds or forfeited moneys in the highway patrol 5092
state contraband, forfeiture, and other fund under division 5093
(D)(1)(c) of this section, that cumulates all of the information 5094
contained in all of the public financial records kept by the state 5095
highway patrol pursuant to division (D)(3)(a) of this section for 5096
that calendar year, and shall send a copy of the cumulative 5097
report, no later than the first day of March in the calendar year 5098
following the calendar year covered by the report, to the attorney 5099
general. 5100

The chiefs of the divisions of forestry, natural areas and 5101
preserves, wildlife, parks and recreation, and watercraft in the 5102
department of natural resources each shall prepare a report 5103
covering each calendar year in which the division of forestry, 5104
natural areas and preserves, wildlife, parks and recreation, or 5105
watercraft in the department of natural resources, respectively, 5106
uses any proceeds or forfeited moneys in the division of forestry 5107
contraband, forfeiture, and other fund, the division of natural 5108
areas and preserves law enforcement contraband, forfeiture, and 5109
other fund, the division of wildlife law enforcement contraband, 5110
forfeiture, and other fund, the division of parks and recreation 5111
law enforcement contraband, forfeiture, and other fund, or the 5112
division of watercraft law enforcement contraband, forfeiture, and 5113
other fund, respectively, under division (D)(1)(c) of this section 5114
that cumulates all of the information contained in all of the 5115
public financial records kept by the appropriate division of the 5116

department of natural resources pursuant to division (D)(3)(a) of 5117
this section for that calendar year and shall send a copy of the 5118
cumulative report, not later than the first day of March in the 5119
calendar year following the calendar year covered by the report, 5120
to the attorney general. 5121

The department of public safety shall prepare a report 5122
covering each fiscal year in which the department uses any 5123
proceeds or forfeited moneys in the department of public safety 5124
investigative unit contraband, forfeiture, and other fund under 5125
division (D)(1)(c) of this section that cumulates all of the 5126
information contained in all of the public financial records kept 5127
by the department pursuant to division (D)(3)(a) of this section 5128
for that fiscal year. The department shall send a copy of the 5129
cumulative report to the attorney general no later than the first 5130
day of August in the fiscal year following the fiscal year covered 5131
by the report. The director of public safety shall include in the 5132
report a verification that proceeds and forfeited moneys paid into 5133
the department of public safety investigative unit contraband, 5134
forfeiture, and other fund under division (D)(1)(c) of this 5135
section during the preceding fiscal year were used by the 5136
department during that fiscal year only for the purposes 5137
authorized by that division and shall specify the amount used for 5138
each authorized purpose. 5139

The tax commissioner shall prepare a report covering each 5140
calendar year in which the department of taxation enforcement 5141
division uses any proceeds or forfeited moneys in the department 5142
of taxation enforcement fund under division (D)(1)(c) of this 5143
section, that cumulates all of the information contained in all of 5144
the public financial records kept by the department of taxation 5145
enforcement division pursuant to division (D)(3)(a) of this 5146
section for that calendar year, and shall send a copy of the 5147
cumulative report, not later than the first day of March in the 5148

calendar year following the calendar year covered by the report, 5149
to the attorney general. 5150

The executive director of the state board of pharmacy shall 5151
prepare a report covering each calendar year in which the board 5152
uses any proceeds or forfeited moneys in the board of pharmacy 5153
drug law enforcement fund under division (D)(1)(c) of this 5154
section, that cumulates all of the information contained in all of 5155
the public financial records kept by the board pursuant to 5156
division (D)(3)(a) of this section for that calendar year, and 5157
shall send a copy of the cumulative report, no later than the 5158
first day of March in the calendar year following the calendar 5159
year covered by the report, to the attorney general. ~~Each~~ 5160

Each report received by the attorney general is a public 5161
record open for inspection under section 149.43 of the Revised 5162
Code. Not later than the fifteenth day of April in the calendar 5163
year in which the reports are received, the attorney general shall 5164
send to the president of the senate and the speaker of the house 5165
of representatives a written notification that does all of the 5166
following: 5167

(i) Indicates that the attorney general has received from 5168
entities or persons specified in this division reports of the type 5169
described in this division that cover the previous calendar year 5170
and indicates that the reports were received under this division; 5171

(ii) Indicates that the reports are open for inspection under 5172
section 149.43 of the Revised Code; 5173

(iii) Indicates that the attorney general will provide a copy 5174
of any or all of the reports to the president of the senate or the 5175
speaker of the house of representatives upon request. 5176

(4)(a) A law enforcement agency that receives pursuant to 5177
federal law proceeds from a sale of forfeited contraband, proceeds 5178
from another disposition of forfeited contraband, or forfeited 5179

contraband moneys shall deposit, use, and account for the proceeds 5180
or forfeited moneys in accordance with, and otherwise comply with, 5181
the applicable federal law. 5182

(b) If the state highway patrol receives pursuant to federal 5183
law proceeds from a sale of forfeited contraband, proceeds from 5184
another disposition of forfeited contraband, or forfeited 5185
contraband moneys, the appropriate governmental officials shall 5186
deposit the proceeds into the highway patrol federal contraband, 5187
forfeiture, and other fund, which is hereby created in the state 5188
treasury. All interest or other earnings derived from the 5189
investment of the proceeds or forfeited moneys shall be credited 5190
to the fund. The state highway patrol shall use and account for 5191
that interest or other earnings in accordance with the applicable 5192
federal law. 5193

(c) If the chief of the division of forestry, natural areas 5194
and preserves, wildlife, parks and recreation, or watercraft in 5195
the department of natural resources receives pursuant to federal 5196
law proceeds from a sale of forfeited contraband, proceeds from 5197
another disposition of forfeited contraband, or forfeited 5198
contraband moneys, the appropriate government officials shall 5199
deposit into the division of forestry law enforcement contraband, 5200
forfeiture, and other fund, the division of natural areas and 5201
preserves law enforcement contraband, forfeiture, and other fund, 5202
the division of wildlife law enforcement contraband, forfeiture, 5203
and other fund, the division of parks and recreation law 5204
enforcement contraband, forfeiture, and other fund, or the 5205
division of watercraft law enforcement contraband, forfeiture, and 5206
other fund, as appropriate, all interest or other earnings derived 5207
from the investment of the proceeds or forfeited moneys. The 5208
appropriate division shall use and account for that interest or 5209
other earnings in accordance with the applicable federal law. 5210

(d) If the investigative unit of the department of public 5211

safety receives pursuant to federal law proceeds from a sale of 5212
forfeited contraband, proceeds from another disposition of 5213
forfeited contraband, or forfeited contraband moneys, the 5214
appropriate governmental officials shall deposit the proceeds into 5215
the department of public safety investigative unit federal 5216
equitable share account fund, which is hereby created in the state 5217
treasury. All interest or other earnings derived from the 5218
investment of the proceeds or forfeited moneys shall be credited 5219
to the fund. The department shall use and account for that 5220
interest or other earnings in accordance with the applicable 5221
federal law. 5222

~~(d)~~(e) If the tax commissioner receives pursuant to federal 5223
law proceeds from a sale of forfeited contraband, proceeds from 5224
another disposition of forfeited contraband, or forfeited 5225
contraband moneys, the appropriate governmental officials shall 5226
deposit into the department of taxation enforcement fund all 5227
interest or other earnings derived from the investment of the 5228
proceeds or forfeited moneys. The department shall use and account 5229
for that interest or other earnings in accordance with the 5230
applicable federal law. 5231

~~(e)~~(f) Divisions (D)(1) to (3) of this section do not apply 5232
to proceeds or forfeited moneys received pursuant to federal law 5233
or to the interest or other earnings that are derived from the 5234
investment of proceeds or forfeited moneys received pursuant to 5235
federal law and that are described in division (D)(4)(b) of this 5236
section. 5237

(E) Upon the sale pursuant to this section of any property 5238
that is required to be titled or registered under law, the state 5239
shall issue an appropriate certificate of title or registration to 5240
the purchaser. If the state is vested with title pursuant to 5241
division (C) of this section and elects to retain property that is 5242
required to be titled or registered under law, the state shall 5243

issue an appropriate certificate of title or registration. 5244

(F) Notwithstanding any provisions of this section to the 5245
contrary, any property that is lawfully seized in relation to a 5246
violation of section 2923.32 of the Revised Code shall be subject 5247
to forfeiture and disposition in accordance with sections 2923.32 5248
to 2923.36 of the Revised Code; any property that is forfeited 5249
pursuant to section 2923.44 or 2923.45 of the Revised Code in 5250
relation to a violation of section 2923.42 of the Revised Code or 5251
in relation to an act of a juvenile that is a violation of section 5252
2923.42 of the Revised Code may be subject to forfeiture and 5253
disposition in accordance with sections 2923.44 to 2923.47 of the 5254
Revised Code; and any property that is forfeited pursuant to 5255
section 2925.42 or 2925.43 of the Revised Code in relation to a 5256
felony drug abuse offense, as defined in section 2925.01 of the 5257
Revised Code, or in relation to an act that, if committed by an 5258
adult, would be a felony drug abuse offense of that nature, may be 5259
subject to forfeiture and disposition in accordance with sections 5260
2925.41 to 2925.45 of the Revised Code or this section. 5261

(G) Any failure of a law enforcement officer or agency, a 5262
prosecuting attorney, village solicitor, city director of law, or 5263
similar chief legal officer, a court, or the attorney general to 5264
comply with any duty imposed by this section in relation to any 5265
property seized or with any other provision of this section in 5266
relation to any property seized does not affect the validity of 5267
the seizure of the property, provided that the seizure itself was 5268
made in accordance with law, and is not and shall not be 5269
considered to be the basis for the suppression of any evidence 5270
resulting from the seizure of the property, provided that the 5271
seizure itself was made in accordance with law. 5272

(H) Contraband that has been forfeited pursuant to division 5273
(C) of this section shall not be available for use to pay any fine 5274
imposed upon a person who is convicted of or pleads guilty to an 5275

underlying criminal offense or a different offense arising out of 5276
the same facts and circumstances. 5277

Sec. 4115.04. (A)(1) Every public authority authorized to 5278
contract for or construct with its own forces a public 5279
improvement, before advertising for bids or undertaking such 5280
construction with its own forces, shall have the director of 5281
commerce determine the prevailing rates of wages of mechanics and 5282
laborers in accordance with section 4115.05 of the Revised Code 5283
for the class of work called for by the public improvement, in the 5284
locality where the work is to be performed. ~~Such~~ Except as 5285
provided in division (A)(2) of this section, that schedule of 5286
wages shall be attached to and made part of the specifications for 5287
the work, and shall be printed on the bidding blanks where the 5288
work is done by contract. A copy of the bidding blank shall be 5289
filed with the director before ~~such~~ the contract is awarded. A 5290
minimum rate of wages for common laborers, on work coming under 5291
the jurisdiction of the department of transportation, shall be 5292
fixed in each county of the state by ~~said~~ the department of 5293
transportation, in accordance with section 4115.05 of the Revised 5294
Code. 5295

(2) In the case of contracts that are administered by the 5296
department of natural resources, the director of natural resources 5297
or the director's designee shall include language in the contracts 5298
requiring wage rate determinations and updates to be obtained 5299
directly from the department of commerce through electronic or 5300
other means as appropriate. Contracts that include this 5301
requirement are exempt from the requirements established in 5302
division (A)(1) of this section that involve attaching the 5303
schedule of wages to the specifications for the work, making the 5304
schedule part of those specifications, and printing the schedule 5305
on the bidding blanks where the work is done by contract. 5306

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 5307
apply to: 5308

(1) Public improvements in any case where the federal 5309
government or any of its agencies furnishes by loan or grant all 5310
or any part of the funds used in constructing such improvements, 5311
provided that the federal government or any of its agencies 5312
prescribes predetermined minimum wages to be paid to mechanics and 5313
laborers employed in the construction of such improvements; 5314

(2) A participant in a work activity, developmental activity, 5315
or an alternative work activity under sections 5107.40 to 5107.69 5316
of the Revised Code when a public authority directly uses the 5317
labor of the participant to construct a public improvement if the 5318
participant is not engaged in paid employment or subsidized 5319
employment pursuant to the activity; 5320

(3) Public improvements undertaken by, or under contract for, 5321
the board of education of any school district or the governing 5322
board of any educational service center; 5323

(4) Public improvements undertaken by, or under contract for, 5324
a county hospital operated pursuant to Chapter 339. of the Revised 5325
Code or a municipal hospital operated pursuant to Chapter 749. of 5326
the Revised Code if none of the funds used in constructing the 5327
improvements are the proceeds of bonds or other obligations ~~which~~ 5328
that are secured by the full faith and credit of the state, a 5329
county, a township, or a municipal corporation and none of the 5330
funds used in constructing the improvements, including funds used 5331
to repay any amounts borrowed to construct the improvements, are 5332
funds that have been appropriated for that purpose by the state, a 5333
board of county commissioners, a township, or a municipal 5334
corporation from funds generated by the levy of a tax~~+~~, provided~~+~~ 5335
~~however,~~ that a county hospital or municipal hospital may elect to 5336
apply sections 4115.03 to 4115.16 of the Revised Code to a public 5337

improvement undertaken by, or under contract for, the hospital. 5338

Sec. 6111.034. The director of environmental protection shall 5339
not issue any order under division (H) of section 6111.03 of the 5340
Revised Code that would require a board of county commissioners, 5341
legislative authority of a municipal corporation, or other 5342
governing board of any other public entity to levy an assessment 5343
for a water or sewer project unless the water and sewer commission 5344
created in division ~~(B)~~(C) of section 1525.11 of the Revised Code 5345
certifies to the director that sufficient funds exist in the water 5346
and sewer fund created in division (A) of section 1525.11 of the 5347
Revised Code to advance money to the affected public entity in an 5348
amount equal to the total assessment that is not collectible as a 5349
result of section 929.03 or 1517.052 of the Revised Code, as 5350
applicable. 5351

Section 2. That existing sections 123.01, 123.04, 307.37, 5352
1501.011, 1501.07, 1501.32, 1502.01, 1502.03, 1502.12, 1503.23, 5353
1504.02, 1506.04, 1507.01, 1515.10, 1517.02, 1517.11, 1517.14, 5354
1517.15, 1520.02, 1520.03, 1520.05, 1520.07, 1521.01, 1521.04, 5355
1521.05, 1521.13, 1521.14, 1521.18, 1521.19, 1521.99, 1525.11, 5356
1525.12, 1531.01, 1531.02, 1531.04, 1531.06, 1531.17, 1531.20, 5357
1531.99, 1533.08, 1533.09, 1533.10, 1533.11, 1533.12, 1533.131, 5358
1533.171, 1533.68, 1533.86, 1541.03, 1541.05, 1541.22, 1547.08, 5359
1547.51, 1547.54, 1547.541, 1547.75, 1547.99, 1548.02, 2923.35, 5360
2933.43, 4115.04, and 6111.034 and sections 1502.11 and 1521.08 of 5361
the Revised Code are hereby repealed. 5362

Section 3. Section 1525.11 of the Revised Code is presented 5363
in this act as a composite of the section as amended by both Am. 5364
Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly. 5365
The General Assembly, applying the principle stated in division 5366
(B) of section 1.52 of the Revised Code that amendments are to be 5367

harmonized if reasonably capable of simultaneous operation, finds 5368
that the composite is the resulting version of the section in 5369
effect prior to the effective date of the section as presented in 5370
this act. 5371

Section 4. Section 1547.54 of the Revised Code is presented 5372
in this act as a composite of the section as amended by both Sub. 5373
H.B. 345 and Sub. S.B. 150 of the 124th General Assembly. The 5374
General Assembly, applying the principle stated in division (B) of 5375
section 1.52 of the Revised Code that amendments are to be 5376
harmonized if reasonably capable of simultaneous operation, finds 5377
that the composite is the resulting version of the section in 5378
effect prior to the effective date of the section as presented in 5379
this act. 5380