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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5022  
EDU-148

6 \_\_\_\_\_ moved to amend as follows:

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7 In line 442, after "3319.612," insert "3321.041,"

8 In line 38423, after "3321.01," insert "3321.041,"

9 Between lines 43147 and 43148, insert:

10 "Sec. 3321.041. (A) As used in this section,

11 "extracurricular activity" means a pupil activity program that a

12 school or school district operates and is not included in the

13 school district's graded course of study, including an

14 interscholastic extracurricular activity that a school or school

15 district sponsors or participates in and that has participants

16 from more than one school or school district.

17 (B) Beginning in the 2009-2010 school year, if a student

18 enrolled in a school district is absent from school for the sole

19 purpose of traveling out of the state to participate in an

20 enrichment activity approved by the district board of education

21 or in an extracurricular activity, the district shall count that

22 absence as an excused absence, up to a maximum of four days per

23 school year. The district shall require any such student to

24 complete any classroom assignments that the student misses

25 because of the absence.

26 (C) If a student will be absent from school for four or  
27 more consecutive school days for a purpose described in division  
28 (B) of this section, a classroom teacher employed by the school  
29 district shall accompany the student during the travel period to  
30 provide the student with instructional assistance."

31 In line 43407, after "3321.01," insert "3321.041,"

32 In line 201 of the title, after "3319.612," insert  
33 "3321.041,"

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34 The motion was \_\_\_\_\_ agreed to.

35 SYNOPSIS

36 **Student Absences for Extracurricular Activities**

37 **R.C. 3314.03(A)(11)(d), 3321.041, and 3326.11**

38 Restores to House version, which:

39 (1) Requires school districts, community (charter)  
40 schools, and STEM schools to count as excused absences, up to  
41 four days per school year, time that a student is absent from  
42 school for the sole purpose of traveling out of state to  
43 participate in an enrichment activity approved by the district  
44 or school governing body or in an extracurricular activity.

45 (2) Requires the student to make up all missed classroom  
46 assignments.

47 (3) Specifies that if the student will be out of state for  
48 four or more consecutive school days, a classroom teacher  
49 employed by the district or school must accompany the student to  
50 provide instructional assistance.

Am. Sub. H.B. 1

As Passed by the Senate

CC-5023-1

DNR-6

moved to amend as follows:

In line 315, after "504.21," insert "505.82," 1

In line 324, after "1514.08," insert "1514.10," 2

In line 325, after "1515.183," insert "1517.02, 1517.10,  
1517.11, 1517.14, 1517.16, 1517.17, 1517.18," 3  
4

In line 332, after "1541.03," insert "1547.01, 1547.51,  
1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.99," 5  
6

In line 361, after "3714.02," insert "3714.03," 7

In line 377, after "4501.06," insert "4501.24," 8

In line 420, after the first comma insert "1517.14 (1547.81),  
1517.16 (1547.82), 1517.17 (1547.83), 1517.18 (1547.84)," 9  
10

In line 435, after "1545.073," insert "1547.02, 1547.85,  
1547.86, 1547.87," 11  
12

Between lines 20019 and 20020, insert: 13

"Sec. 505.82. (A) If a board of township trustees by a 14  
unanimous vote or, in the event of the unavoidable absence of one 15  
trustee, by an affirmative vote of two trustees adopts a 16  
resolution declaring that an emergency exists that threatens life 17  
or property within the unincorporated territory of the township or 18

that such an emergency is imminent, the board may exercise the powers described in divisions (A) (1) and (2) and (B) of this section during the emergency for a period of time not exceeding six months following the adoption of the resolution. The resolution shall state the specific time period for which the emergency powers are in effect.

(1) If an owner of an undedicated road or stream bank in the unincorporated territory of the township has not provided for the removal of snow, ice, debris, or other obstructions from the road or bank, the board may provide for that removal. Prior to providing for the removal, the board shall give, or make a good faith attempt to give, oral notice to the owner or owners of the road or bank of the board's intent to clear the road or bank and to impose a service charge for doing so. The board shall establish just and equitable service charges for the removal to be paid, except as provided in division (B) of this section, by the owners of the road or bank.

The board shall keep a record of the costs incurred by the township in removing snow, ice, debris, or other obstructions from the road or bank. The service charges shall be based on these costs and shall be in an amount sufficient to recover these costs. If there is more than one owner of the road or bank, the board, except as provided in division (B) of this section, shall allocate the service charges among the owners on an equitable basis. The board shall notify, in writing, each owner of the road or bank of the amount of the service charges and shall certify the charges to the county auditor. The service charges shall constitute a lien upon the property. The auditor shall place the service charges on a special duplicate to be collected as other taxes and returned to the township general fund.

(2) The board may contract for the immediate acquisition,

replacement, or repair of equipment needed for the emergency 50  
situation, without following the competitive bidding requirements 51  
of section 5549.21 or any other section of the Revised Code. 52

(B) In lieu of collecting service charges from owners for the 53  
removal of snow or ice from an undedicated road by the board of 54  
township trustees as provided in division (A) (1) of this section, 55  
the board may enter into a contract with a developer whereby the 56  
developer agrees to pay the service charges for the snow and ice 57  
removal instead of the owners. 58

(C) The removal of snow, ice, debris, or other obstructions 59  
from an undedicated road by a board of township trustees acting 60  
pursuant to a resolution adopted under division (A) of this 61  
section does not constitute approval or acceptance of the 62  
undedicated road. 63

(D) As used in this section, "undedicated road" means a road 64  
that has not been approved and accepted by the board of county 65  
commissioners and is not a part of the state, county, or township 66  
road systems as provided in section 5535.01 of the Revised Code. 67

(E) Nothing in this section shall be construed to waive the 68  
requirement under section ~~1517.16~~ 1547.82 of the Revised Code that 69  
approval of plans be obtained from the director of natural 70  
resources or the director's representative prior to modifying or 71  
causing the modification of the channel of any watercourse in a 72  
wild, scenic, or recreational river area outside the limits of a 73  
municipal corporation." 74

Between lines 23664 and 23665, insert: 75

"Sec. 1514.10. No person shall: 76

(A) (1) Engage in surface mining without a permit; 77

(2) Engage in in-stream mining or conduct an in-stream mining 78

operation without an in-stream mining permit issued by the chief 79  
of the division of mineral resources management. A person who, on 80  
~~the effective date of this amendment~~ March 15, 2002, holds a valid 81  
permit to conduct in-stream mining that is issued under section 10 82  
of the "Rivers and Harbors Appropriation Act of 1899," 30 Stat. 83  
1151, 33 U.S.C. 403, as amended, shall not be required to obtain 84  
an in-stream mining permit from the chief under this chapter until 85  
the existing permit expires. 86

(B) Exceed the limits of a surface or in-stream mining permit 87  
or amendment to a permit by mining land contiguous to an area of 88  
land affected under a permit or amendment, which contiguous land 89  
is not under a permit or amendment; 90

(C) Purposely misrepresent or omit any material fact in an 91  
application for a surface or in-stream mining permit or amendment, 92  
an annual or final report, or any hearing or investigation 93  
conducted by the chief or the reclamation commission; 94

(D) Fail to perform any measure set forth in the approved 95  
plan of mining and reclamation that is necessary to prevent damage 96  
to adjoining property or to achieve a performance standard 97  
required in division (A)(10) of section 1514.02 of the Revised 98  
Code, or violate any other requirement of this chapter, a rule 99  
adopted thereunder, or an order of the chief; 100

(E) Conduct surface excavations of minerals within any of the 101  
following: 102

(1) One hundred twenty feet horizontal distance outward from 103  
the highwater mark on each bank of an area designated as a wild, 104  
scenic, or recreational river area under sections ~~1517.14~~ 1547.81 105  
to ~~1517.18~~ 1547.87 of the Revised Code or of a portion of a river 106  
designated as a component of the national wild and scenic river 107  
system under the "Wild and Scenic Rivers Act," 82 Stat. 906 108  
(1968), 16 U.S.C. 1274, as amended; 109

(2) Seventy-five feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than one hundred square miles;

(3) Fifty feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than twenty-five square miles, but fewer than one hundred square miles unless a variance is obtained under rules adopted by the chief.

(F) Conduct any surface mining activity within any of the following:

(1) Seventy-five feet horizontal distance outward from the highwater mark on each bank of an area designated as a wild, scenic, or recreational river area under sections ~~1517.14~~ 1547.81 to ~~1517.18~~ 1547.87 of the Revised Code or of a portion of a river designated as a component of the national wild and scenic river system under the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended;

(2) Seventy-five feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than one hundred square miles;

(3) Fifty feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than twenty-five square miles, but fewer than one hundred square miles unless a variance is obtained under rules adopted by the chief.

A person who has been issued a surface mining permit prior to ~~the effective date of this amendment~~ March 15, 2002 may continue to operate under that permit and shall not be subject to the prohibitions established in divisions (E) and (F) of this section until the permit is renewed.

The number of square miles of surface area that a watercourse drains shall be determined by consulting the "gazetteer of Ohio streams," which is a portion of the Ohio water plan inventory published in 1960 by the division of water in the department of natural resources, or its successor, if any.

(G) Engage in any part of a process that is followed in the production of minerals from the bottom of the channel of a watercourse in any of the following circumstances or areas:

(1) In an area designated as a wild, scenic, or recreational river area under sections ~~1517.14~~ 1547.81 to ~~1517.18~~ 1547.87 of the Revised Code, in a portion of a river designated as a component of the national wild and scenic river system under the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended, or within one-half mile upstream of any portion of such an area or component;

(2) During periods other than periods of low flow, as determined by rules adopted under section 1514.08 of the Revised Code;

(3) During critical fish or mussel spawning seasons as determined by the chief of the division of wildlife under Chapter 1531. of the Revised Code and rules adopted under it;

(4) In an area known to possess critical spawning habitat for a species of fish or mussel that is on the federal endangered species list established in accordance with the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as amended, or the state endangered species list established in rules adopted under section 1531.25 of the Revised Code.

Division (G) of this section does not apply to the activities described in divisions (M) (1) and (2) of section 1514.01 of the Revised Code."



Between lines 24023 and 24024, insert: 170

"Sec. 1517.02. There is hereby created in the department of 171  
 natural resources the division of natural areas and preserves, 172  
 which shall be administered by the chief of the division of 173  
 natural areas and preserves. The chief shall take an oath of 174  
 office and shall file in the office of the secretary of state a 175  
 bond signed by the chief and by a surety approved by the governor 176  
 for a sum fixed pursuant to section 121.11 of the Revised Code. 177

The chief shall administer a system of nature preserves ~~and~~ 178  
~~wild, scenic, and recreational river areas.~~ The chief shall 179  
 establish a system of nature preserves through acquisition and 180  
 dedication of natural areas of state or national significance, 181  
 which shall include, but not be limited to, areas that represent 182  
 characteristic examples of Ohio's natural landscape types and its 183  
 natural vegetation and geological history. The chief shall 184  
 encourage landowners to dedicate areas of unusual significance as 185  
 nature preserves, and shall establish and maintain a registry of 186  
 natural areas of unusual significance. 187

The chief may ~~supervise, operate, protect, and maintain wild,~~ 188  
~~scenic, and recreational river areas, as designated by the~~ 189  
~~director of natural resources. The chief may cooperate with~~ 190  
participate in watershed planning activities with other states or 191  
~~federal agencies administering any federal program concerning~~ 192  
~~wild, scenic, or recreational river areas.~~ 193

The chief shall do the following: 194

(A) Formulate policies and plans for the acquisition, use, 195  
 management, and protection of nature preserves; 196

(B) Formulate policies for the selection of areas suitable 197  
 for registration; 198

(C) Formulate policies for the dedication of areas as nature preserves;	199
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(D) Prepare and maintain surveys and inventories of natural areas, rare and endangered species of plants and animals, and other unique natural features. The information shall be stored in the Ohio natural heritage database, established pursuant to this division, and may be made available to any individual or private or public agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species that are listed pursuant to section 1518.01 of the Revised Code and of unique natural features that are included in the Ohio natural heritage 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 unique natural feature.	201
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(E) Adopt rules for the use, visitation, and protection of nature preserves, <u>and</u> natural areas owned or managed through easement, license, or lease by the department and administered by the division, <del>and lands owned or managed through easement, license, or lease by the department and administered by the division that are within or adjacent to any wild, scenic, or recreational river area,</del> in accordance with Chapter 119. of the Revised Code;	216
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(F) Provide facilities and improvements within the state system of nature preserves that are necessary for their visitation, use, restoration, and protection and do not impair their natural character;	224
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(G) Provide interpretive programs and publish and disseminate information pertaining to nature preserves and natural areas for	228
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their visitation and use;	230
(H) Conduct and grant permits to qualified persons for the	231
conduct of scientific research and investigations within nature	232
preserves;	233
(I) Establish an appropriate system for marking nature	234
preserves;	235
(J) Publish and submit to the governor and the general	236
assembly a biennial report of the status and condition of each	237
nature preserve, activities conducted within each preserve, and	238
plans and recommendations for natural area preservation.	239
<b>Sec. 1517.10.</b> (A) As used in this section, "felony" has the	240
same meaning as in section 109.511 of the Revised Code.	241
(B) (1) Any person selected by the chief of the division of	242
natural areas and preserves for custodial or patrol service on the	243
lands and waters operated or administered by the division shall be	244
employed in conformity with the law applicable to the classified	245
civil service of the state. Subject to division (C) of this	246
section, the chief may designate that person as a preserve	247
officer. A preserve officer, in any nature preserve, in any	248
natural area owned or managed through easement, license, or lease	249
by the department of natural resources and administered by the	250
division, and on lands owned or managed through easement, license,	251
or lease by the department and administered by the division that	252
<del>are within or adjacent to any wild, scenic, or recreational river</del>	253
<del>area established under this chapter and along any trail</del>	254
established under Chapter 1519. of the Revised Code, has the	255
authority specified under section 2935.03 of the Revised Code for	256
peace officers of the department of natural resources to keep the	257
peace, to enforce all laws and rules governing those lands and	258
waters, and to make arrests for violation of those laws and rules,	259

provided that the authority shall be exercised on lands or waters 260  
administered by another division of the department only pursuant 261  
to an agreement with the chief of that division or to a request 262  
for assistance by an enforcement officer of that division in an 263  
emergency. A preserve officer, in or along any watercourse within, 264  
abutting, or upstream from the boundary of any area administered 265  
by the department, has the authority to enforce section 3767.32 of 266  
the Revised Code and any other laws prohibiting the dumping of 267  
refuse into or along waters and to make arrests for violation of 268  
those laws. The jurisdiction of a preserve officer shall be 269  
concurrent with that of the peace officers of the county, 270  
township, or municipal corporation in which the violation occurs. 271

The governor, upon the recommendation of the chief, shall 272  
issue to each preserve officer a commission indicating authority 273  
to make arrests as provided in this section. 274

The chief shall furnish a suitable badge to each commissioned 275  
preserve officer as evidence of the preserve officer's authority. 276

(2) If any person employed under this section is designated 277  
by the chief to act as an agent of the state in the collection of 278  
money resulting from the sale of licenses, fees of any nature, or 279  
other money belonging to the state, the chief shall require a 280  
surety bond from the person in an amount not less than one 281  
thousand dollars. 282

(3) A preserve officer may render assistance to a state or 283  
local law enforcement officer at the request of the officer or in 284  
the event of an emergency. Preserve officers serving outside the 285  
division of natural areas and preserves under this section or 286  
serving under the terms of a mutual aid compact authorized under 287  
section 1501.02 of the Revised Code shall be considered as 288  
performing services within their regular employment for the 289  
purposes of compensation, pension or indemnity fund rights, 290

workers' compensation, and other rights or benefits to which they  
may be entitled as incidents of their regular employment.

Preserve officers serving outside the division of natural  
areas and preserves under this section or under the terms of a  
mutual aid compact retain personal immunity from civil liability  
as specified in section 9.86 of the Revised Code and shall not be  
considered an employee of a political subdivision for purposes of  
Chapter 2744. of the Revised Code. A political subdivision that  
uses preserve officers under this section or under the terms of a  
mutual aid compact authorized under section 1501.02 of the Revised  
Code is not subject to civil liability under Chapter 2744. of the  
Revised Code as a result of any action or omission of any preserve  
officer acting under this section or under a mutual aid compact.

(C) (1) The chief of the division of natural areas and  
preserves shall not designate a person as a preserve officer  
pursuant to division (B) (1) of this section on a permanent basis,  
on a temporary basis, for a probationary term, or on other than a  
permanent basis if the person previously has been convicted of or  
has pleaded guilty to a felony.

(2) (a) The chief of the division of natural areas and  
preserves shall terminate the employment as a preserve officer of  
a person designated as a preserve officer under division (B) (1) of  
this section if that person does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section 2929.43 of  
the Revised Code in which the preserve officer agrees to surrender  
the certificate awarded to the preserve officer under section  
109.77 of the Revised Code.

(b) The chief shall suspend from employment as a preserve

officer a person designated as a preserve officer under division 321  
(B) (1) of this section if that person is convicted, after trial, 322  
of a felony. If the preserve officer files an appeal from that 323  
conviction and the conviction is upheld by the highest court to 324  
which the appeal is taken or if the preserve officer does not file 325  
a timely appeal, the chief shall terminate the employment of that 326  
preserve officer. If the preserve officer files an appeal that 327  
results in the preserve officer's acquittal of the felony or 328  
conviction of a misdemeanor, or in the dismissal of the felony 329  
charge against the preserve officer, the chief shall reinstate 330  
that preserve officer. A preserve officer who is reinstated under 331  
division (C) (2) (b) of this section shall not receive any back pay 332  
unless that preserve officer's conviction of the felony was 333  
reversed on appeal, or the felony charge was dismissed, because 334  
the court found insufficient evidence to convict the preserve 335  
officer of the felony. 336

(3) Division (C) of this section does not apply regarding an 337  
offense that was committed prior to January 1, 1997. 338

(4) The suspension from employment, or the termination of the 339  
employment, of a preserve officer under division (C) (2) of this 340  
section shall be in accordance with Chapter 119. of the Revised 341  
Code. 342

**Sec. 1517.11.** There is hereby created in the state treasury 343  
the natural areas and preserves fund, which shall consist of 344  
moneys transferred into it under section 5747.113 of the Revised 345  
Code and of contributions made directly to it. Any person may 346  
contribute directly to the fund in addition to or independently of 347  
the income tax refund contribution system established in that 348  
section. 349

Moneys in the fund shall be disbursed pursuant to vouchers 350

approved by the director of natural resources for use by the 351  
 division of natural areas and preserves solely for the following 352  
 purposes: 353

(A) The acquisition of new or expanded natural areas, and 354  
 nature preserves, ~~and wild, scenic, and recreational river areas;~~ 355

(B) Facility development in natural areas, and nature 356  
 preserves, ~~and wild, scenic, and recreational river areas;~~ 357

(C) Special projects, including, but not limited to, 358  
 biological inventories, research grants, and the production of 359  
 interpretive material related to natural areas, and nature 360  
 preserves, ~~and wild, scenic, and recreational river areas;~~ 361

(D) Routine maintenance for health and safety purposes. 362

Moneys appropriated from the fund shall not be used to fund 363  
 salaries of permanent employees or administrative costs. 364

All investment earnings of the fund shall be credited to the 365  
 fund." 366

Between lines 26787 and 26788, insert: 367

"Sec. 1547.01. (A) As used in sections 1541.03, 1547.26, 368  
 1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 369  
 1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the Revised 370  
 Code, "watercraft" means any of the following when used or capable 371  
 of being used for transportation on the water: 372

(1) A vessel operated by machinery either permanently or 373  
 temporarily affixed; 374

(2) A sailboat other than a sailboard; 375

(3) An inflatable, manually propelled boat that is required 376  
 by federal law to have a hull identification number meeting the 377  
 requirements of the United States coast guard; 378

(4) A canoe or rowboat.	379
"Watercraft" does not include ferries as referred to in Chapter 4583. of the Revised Code.	380 381
Watercraft subject to section 1547.54 of the Revised Code shall be divided into five classes as follows:	382 383
Class A: Less than sixteen feet in length;	384
Class 1: At least sixteen feet, but less than twenty-six feet in length;	385 386
Class 2: At least twenty-six feet, but less than forty feet in length;	387 388
Class 3: At least forty feet, but less than sixty-five feet in length;	389 390
Class 4: At least sixty-five feet in length.	391
(B) As used in this chapter:	392
(1) "Vessel" includes every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water.	393 394 395
(2) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.	396 397 398 399 400
(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.	401 402 403
(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.	404 405
(b) Any sailboat equipped with a detachable motor is deemed a	406



sailboat with auxiliary power.	407
(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.	408 409 410
(4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.	411 412
(5) "Person" includes any legal entity defined as a person in section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.	413 414 415 416
(6) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.	417 418 419
(7) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters in this state.	420 421 422
(8) "Visible" means visible on a dark night with clear atmosphere.	423 424
(9) "Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.	425 426 427 428 429
(10) "Navigable waters" means waters that come under the jurisdiction of the department of the army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.	430 431 432 433
(11) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this	434 435

- state. 436
- (12) "Sewage" means human body wastes and the wastes from 437  
toilets and other receptacles intended to receive or retain body 438  
waste. 439
- (13) "Canoe" means a narrow vessel of shallow draft, pointed 440  
at both ends and propelled by human muscular effort, and includes 441  
kayaks, racing shells, and rowing sculls. 442
- (14) "Coast guard approved" means bearing an approval number 443  
assigned by the United States coast guard. 444
- (15) "Type one personal flotation device" means a device that 445  
is designed to turn an unconscious person floating in water from a 446  
face downward position to a vertical or slightly face upward 447  
position and that has at least nine kilograms, approximately 448  
twenty pounds, of buoyancy. 449
- (16) "Type two personal flotation device" means a device that 450  
is designed to turn an unconscious person in the water from a face 451  
downward position to a vertical or slightly face upward position 452  
and that has at least seven kilograms, approximately fifteen and 453  
four-tenths pounds, of buoyancy. 454
- (17) "Type three personal flotation device" means a device 455  
that is designed to keep a conscious person in a vertical or 456  
slightly face upward position and that has at least seven 457  
kilograms, approximately fifteen and four-tenths pounds, of 458  
buoyancy. 459
- (18) "Type four personal flotation device" means a device 460  
that is designed to be thrown to a person in the water and not 461  
worn and that has at least seven and five-tenths kilograms, 462  
approximately sixteen and five-tenths pounds, of buoyancy. 463
- (19) "Type five personal flotation device" means a device 464  
that, unlike other personal flotation devices, has limitations on 465

its approval by the United States coast guard, including, without  
limitation, all of the following:

(a) The approval label on the type five personal flotation  
device indicates that the device is approved for the activity in  
which the vessel is being used or as a substitute for a personal  
flotation device of the type required on the vessel in use.

(b) The personal flotation device is used in accordance with  
any requirements on the approval label.

(c) The personal flotation device is used in accordance with  
requirements in its owner's manual if the approval label refers to  
such a manual.

(20) "Inflatable watercraft" means any vessel constructed of  
rubber, canvas, or other material that is designed to be inflated  
with any gaseous substance, constructed with two or more air  
cells, and operated as a vessel. Inflatable watercraft propelled  
by a motor shall be classified as powercraft and shall be  
registered by length. Inflatable watercraft propelled by a sail  
shall be classified as a sailboat and shall be registered by  
length.

(21) "Idle speed" means the slowest possible speed needed to  
maintain steerage or maneuverability.

(22) "Diver's flag" means a red flag not less than one foot  
square having a diagonal white stripe extending from the masthead  
to the opposite lower corner that when displayed indicates that  
divers are in the water.

(23) "Muffler" means an acoustical suppression device or  
system that is designed and installed to abate the sound of  
exhaust gases emitted from an internal combustion engine and that  
prevents excessive or unusual noise.

(24) "Law enforcement vessel" means any vessel used in law

enforcement and under the command of a law enforcement officer.	496
(25) "Personal watercraft" means a vessel, less than sixteen feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.	497 498 499 500 501
(26) "No wake" has the same meaning as "idle speed."	502
(27) "Watercraft dealer" means any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in vessels at an established place of business. "Watercraft dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.	503 504 505 506 507 508
(28) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.	509 510 511
(29) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.	512 513 514 515
(30) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.	516 517 518
(31) "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.	519 520
<del>(C) Unless otherwise provided, this chapter applies to all vessels operating on the waters in this state. Nothing in this chapter shall be construed in contravention of any valid federal act or regulation, but is in addition to the act or regulation where not inconsistent.</del>	521 522 523 524 525

~~The state reserves to itself the exclusive right to regulate~~ 526  
~~the minimum equipment requirements of watercraft and vessels~~ 527  
~~operated on the waters in this state.~~ 528

(32) "Watercourse" means a substantially natural channel with 529  
recognized banks and bottom in which a flow of water occurs, with 530  
an average of at least ten feet mean surface water width and at 531  
least five miles of length. 532

(33) "Impoundment" means the reservoir created by a dam or 533  
other artificial barrier across a watercourse that causes water to 534  
be stored deeper than and generally beyond the banks of the 535  
natural channel of the watercourse during periods of normal flow, 536  
but does not include water stored behind rock piles, rock riffle 537  
dams, and low channel dams where the depth of water is less than 538  
ten feet above the channel bottom and is essentially confined 539  
within the banks of the natural channel during periods of normal 540  
stream flow. 541

(34) "Wild river area" means an area declared a wild river 542  
area by the director of natural resources under this chapter and 543  
includes those rivers or sections of rivers that are free of 544  
impoundments and generally inaccessible except by trail, with 545  
watersheds or shorelines essentially primitive and waters 546  
unpolluted, representing vestiges of primitive America. 547

(35) "Scenic river area" means an area declared a scenic 548  
river area by the director under this chapter and includes those 549  
rivers or sections of rivers that are free of impoundments, with 550  
shorelines or watersheds still largely primitive and shorelines 551  
largely undeveloped, but accessible in places by roads. 552

(36) "Recreational river area" means an area declared a 553  
recreational river area by the director under this chapter and 554  
includes those rivers or sections of rivers that are readily 555  
accessible by road or railroad, that may have some development 556

along their shorelines, and that may have undergone some 557  
impoundment or diversion in the past. 558

Sec. 1547.02. Unless otherwise provided, this chapter applies 559  
to all vessels operating on the waters in this state. Nothing in 560  
this chapter shall be construed in contravention of any valid 561  
federal act or regulation, but is in addition to the act or 562  
regulation where not inconsistent. 563

The state reserves to itself the exclusive right to regulate 564  
the minimum equipment requirements of watercraft and vessels 565  
operated on the waters in this state. 566

Sec. 1547.51. There is hereby created within the department 567  
of natural resources the division of watercraft. The division 568  
shall administer do all of the following: 569

(A) Administer and enforce all laws relative to the 570  
identification, numbering, registration, titling, use, and 571  
operation of vessels operated on the waters in this state and, 572  
with the approval of the director of natural resources, educate; 573

(B) Educate and inform the citizens of the state about, and 574  
promote, conservation, navigation, safety practices, and the 575  
benefits of recreational boating; 576

(C) Provide wild, scenic, and recreational river area 577  
conservation education and provide for corridor protection, 578  
restoration, habitat enhancement, and clean-up projects in wild 579  
river areas, scenic river areas, and recreational river areas; 580

(D) Provide for and assist in the development, maintenance, 581  
and operation of marine recreational facilities, docks, launching 582  
facilities, and harbors for the benefit of public navigation, 583  
recreation, or commerce if the chief of the division of watercraft 584  
determines that they are in the best interests of the state. 585

Sec. 1547.52. (A) The division of watercraft shall be 586  
 administered by the chief of the division of watercraft. The chief 587  
 may adopt, amend, and rescind: 588

(1) Rules considered necessary by the chief to supplement the 589  
 identification, operation, titling, use, registration, and 590  
 numbering of watercraft or vessels as provided in this chapter and 591  
 Chapter 1548. of the Revised Code; 592

(2) Rules governing the navigation of vessels on waters in 593  
 this state, including, but not limited to, rules regarding 594  
 steering and sailing, the conduct of vessels in sight of one 595  
 another or in restricted visibility, lights and shapes of lights 596  
 used on vessels, and sound and light signals. As the chief 597  
 considers necessary, these navigational rules shall be consistent 598  
 with and equivalent to the regulations and interpretive rulings 599  
 governing inland waters adopted or issued under the "Inland 600  
 Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C.A. 151, 601  
 1604, 1605, 1608, 2001 to 2008, and 2071 to 2073. 602

(3) Rules governing the use, visitation, protection, and 603  
 administration of wild river areas, scenic river areas, and 604  
 recreational river areas; 605

(4) Rules establishing fees and charges for all of the 606  
 following: 607

(a) Boating skill development classes and other educational 608  
 classes; 609

(b) Law enforcement services provided at special events when 610  
 the services are in addition to normal enforcement duties; 611

(c) Inspections of vessels or motors conducted under this 612  
 chapter or Chapter 1548. of the Revised Code; 613

(d) The conducting of stream impact reviews of any planned or 614

proposed construction, modification, renovation, or development 615  
project that may potentially impact a watercourse within a 616  
designated wild, scenic, or recreational river area. 617

All rules adopted by the chief under division (A) of this 618  
section shall be adopted in accordance with Chapter 119. of the 619  
Revised Code and are subject to the prior approval of the director 620  
of natural resources. 621

(B) The chief, with the approval of the director, may employ 622  
such clerical and technical help as the chief considers necessary. 623

(C) The chief may designate license agents with the approval 624  
of the director. 625

(D) The division is hereby designated as the agency to 626  
administer the Ohio boating safety program and allocated federal 627  
funds under, and the chief shall prepare and submit reports in 628  
such form as may be required by, the "Federal Boat Safety Act of 629  
1971," 85 Stat. 222, 46 U.S.C.A. 1475 (a) (6), as amended. 630

(E) The chief may sell any of the following: 631

(1) Items related to or that promote boating safety, 632  
including, but not limited to, pins, badges, books, bulletins, 633  
maps, publications, calendars, and other educational articles; 634

(2) Artifacts pertaining to boating; 635

(3) Confiscated or forfeited items; 636

(4) Surplus equipment. 637

**Sec. 1547.531.** (A) (1) Except as provided in division (A) (2) 638  
or (B) of this section, no person shall operate or give permission 639  
for the operation of any watercraft on the waters in this state 640  
unless the watercraft is registered in the name of the current 641  
owner in accordance with section 1547.54 of the Revised Code, and 642



the registration is valid and in effect. 643

(2) On and after January 1, 1999, if a watercraft that is 644  
 required to be issued a certificate of title under Chapter 1548. 645  
 of the Revised Code is transferred to a new owner, it need not be 646  
 registered under section 1547.54 of the Revised Code for 647  
 forty-five days following the date of the transfer, provided that 648  
 the new owner purchases a temporary watercraft registration under 649  
 division (A) of this section or holds a bill of sale from a 650  
 watercraft dealer. 651

For the purposes of division (A) (2) of this section, a 652  
 temporary watercraft registration or a bill of sale from a 653  
 watercraft dealer shall contain at least all of the following 654  
 information: 655

- (a) The hull identification number or serial number of the 656  
 watercraft; 657
- (b) The make of the watercraft; 658
- (c) The length of the watercraft; 659
- (d) The type of propulsion, if any; 660
- (e) The state in which the watercraft principally is 661  
 operated; 662
- (f) The name of the owner; 663
- (g) The address of the owner, including the zip code; 664
- (h) The signature of the owner; 665
- (i) The date of purchase; 666
- (j) A notice to the owner that the temporary watercraft 667  
 registration expires forty-five days after the date of purchase of 668  
 the watercraft or that the watercraft cannot be operated on the 669  
 waters in this state solely under the bill of sale beginning 670  
 forty-five days after the date of purchase of the watercraft, as 671

applicable.

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(3) A person may purchase a temporary watercraft registration from the chief of the division of watercraft or from an authorized agent designated under section 1547.54 of the Revised Code. The chief shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (A) (2) (a) to (i) of this section, the person shall pay one of the applicable fees required under divisions (A) (2) (a) to (g) of section 1547.54 of the Revised Code as provided in that section.

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Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the waterways safety fund created in section 1547.75 of the Revised Code.

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(4) In addition to the applicable fee required under division (A) (3) of this section, the chief or an authorized agent shall charge an additional writing fee of three dollars for a temporary watercraft registration that the chief or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional writing fee. When the temporary watercraft registration is issued by the chief, the additional writing fee shall be deposited to the credit of the waterways safety fund.

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(5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under section 1547.54 of the Revised Code need not pay the fee required under division (A) (2) of that section for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration.

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(6) A person who purchases a temporary watercraft

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registration, who subsequently applies for a registration 703  
 certificate under section 1547.54 of the Revised Code, and who is 704  
 exempt from payment for the registration certificate under 705  
 division ~~(O)~~ (P) of that section may apply to the chief for a 706  
 refund of the amount paid for the temporary watercraft 707  
 registration at the time that the person applies for a 708  
 registration certificate. The chief shall refund that amount upon 709  
 issuance to the person of a registration certificate. 710

(7) All records of the division of watercraft made or 711  
 maintained for the purposes of divisions (A) (2) to (8) of this 712  
 section are public records. The records shall be available for 713  
 inspection at reasonable hours and in a manner that is compatible 714  
 with normal operations of the division. 715

(8) Pursuant to division (A) (1) of section 1547.52 of the 716  
 Revised Code, the chief may adopt rules establishing all of the 717  
 following: 718

(a) Record-keeping requirements governing the issuance of 719  
 temporary watercraft registrations and the use of bills of sale 720  
 from watercraft dealers for the purposes of division (A) (2) of 721  
 this section; 722

(b) Procedures and requirements for the refund of fees under 723  
 division (A) (6) of this section; 724

(c) Any other procedures and requirements necessary for the 725  
 administration and enforcement of divisions (A) (2) to (8) of this 726  
 section. 727

(B) All of the following watercraft are exempt from 728  
 registration: 729

(1) Those that are exempt from numbering by the state under 730  
 divisions (B) to (G) of section 1547.53 of the Revised Code; 731

(2) Those that have been issued a commercial documentation by 732

the United States coast guard or its successor and are used 733  
exclusively for commercial purposes; 734

(3) Those that have been documented by the United States 735  
coast guard or its successor as temporarily transitting, whose 736  
principal use is not on the waters in this state, and that have 737  
not been used within this state for more than sixty days. 738

(C) No person shall operate a watercraft documented by the 739  
United States coast guard or its successor unless the certificate 740  
of documentation is valid, is on the watercraft for which it has 741  
been issued, and is available for inspection whenever the 742  
watercraft is in operation. In accordance with 46 C.F.R. part 67, 743  
as amended, the watercraft shall display the official number, the 744  
vessel name, and the home port listed on the certificate of 745  
documentation. 746

(D) (1) For the purposes of this section and section 1547.53 747  
of the Revised Code, a watercraft is principally using the waters 748  
in this state if any of the following applies: 749

(a) The owner resides in this state and declares that the 750  
watercraft principally is using the waters in this state. 751

(b) The owner resides in another state, but declares that the 752  
watercraft principally is using the waters in this state. 753

(c) The watercraft is registered in another state or 754  
documented by the United States coast guard and is used within 755  
this state for more than sixty days regardless of whether it has 756  
been assigned a seasonal or permanent mooring at any public or 757  
private docking facility in this state. 758

(2) Notwithstanding division (D) (1) (c) of this section, a 759  
person on active duty in the armed forces of the United States may 760  
register a watercraft in the person's state of permanent residence 761  
in lieu of registering it in this state regardless of the number 762

of days that the watercraft is used in this state.

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**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 provided by the chief or by an electronic means approved by the chief. The application shall be signed by the following:

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

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

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

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(2) An application for a triennial registration of a

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watercraft filed under division (A) (1) of this section shall be 793  
accompanied by the following fee: 794

(a) For canoes, rowboats, and inflatable watercraft that are 795  
numbered under section 1547.53 of the Revised Code, twelve 796  
dollars; 797

(b) For canoes, row boats, and inflatable watercraft that are 798  
not numbered under section 1547.53 of the Revised Code, seventeen 799  
dollars; 800

(c) For class A watercraft, including motorized canoes, 801  
thirty dollars; 802

(d) For class 1 watercraft, forty-five dollars; 803

(e) For class 2 watercraft, sixty dollars; 804

(f) For class 3 watercraft, seventy-five dollars; 805

(g) For class 4 watercraft, ninety dollars. 806

(3) For the purpose of registration, any watercraft operated 807  
by means of power, sail, or any other mechanical or electrical 808  
means of propulsion, except motorized canoes, shall be registered 809  
by length as prescribed in this section. 810

(4) If an application for registration is filed by two 811  
persons as owners under division (A) (1) (a) of this section, the 812  
person who is listed first on the title shall serve as and perform 813  
the duties of the "owner" and shall be considered the person "in 814  
whose name the watercraft is registered" for purposes of divisions 815  
(B) to ~~(Q)~~(R) of this section and for purposes of all other 816  
sections in this chapter. 817

(B) All registration certificates issued under this section 818  
are valid for three years and are renewable on a triennial basis 819  
unless sooner terminated or discontinued in accordance with this 820  
chapter. The renewal date shall be printed on the registration 821

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.

(C) In addition to the fees set forth in this section, the chief, or any authorized agent, shall charge an additional writing fee of three dollars for any registration certificate the chief or authorized agent issues. When the registration certificate is issued by an authorized agent, the additional writing fee of three dollars shall be retained by the issuing agent. When the registration certificate is issued by the chief, the additional writing fee of three dollars shall be deposited to the credit of the waterways safety fund established in section 1547.75 of the Revised Code.

(D) In addition to the fees established in this section, watercraft that are not powercraft shall be charged a waterways conservation assessment fee of five dollars. The fee shall be collected at the time of the issuance of a triennial watercraft registration under division (A)(2) of this section and deposited in the state treasury and credited to a distinct account in the waterways safety fund created in section 1547.75 of the Revised Code.

(E)(1) Upon receipt of the application in approved form, the chief shall enter the same upon the records of the office of the division of watercraft, assign a number to the watercraft if a number is required under section 1547.53 of the Revised Code, and issue to the applicant a registration certificate. If a number is assigned by the chief, it shall be set forth on the certificate. The registration certificate shall be on the watercraft for which it is issued and available at all times for inspection whenever the watercraft is in operation, except that livery operators may

retain the registration certificate at the livery where it shall 853  
remain available for inspection at all times and except as 854  
otherwise provided in division ~~(D)~~(E) (2) of this section. 855

(2) A person who is operating on the waters of this state a 856  
canoe, rowboat, or inflatable watercraft that has not been 857  
numbered under section 1547.53 of the Revised Code and who is 858  
stopped by a law enforcement officer in the enforcement of this 859  
chapter or rules adopted under it shall present to the officer, 860  
not later than seventy-two hours after being stopped, a 861  
registration certificate. The registration certificate shall have 862  
been obtained under this section for the canoe, rowboat, or 863  
inflatable watercraft prior to the time that it was stopped. 864  
Failure of the person to present the registration certificate 865  
within seventy-two hours constitutes prima-facie evidence of a 866  
violation of this section. 867

~~(E)~~(F) No person shall issue or be issued a registration 868  
certificate for a watercraft that is required to be issued a 869  
certificate of title under Chapter 1548. of the Revised Code 870  
except upon presentation of a certificate of title for the 871  
watercraft as provided in that chapter, proof of current 872  
documentation by the United States coast guard, a renewal 873  
registration form provided by the division of watercraft, or a 874  
certificate of registration issued under this section that has 875  
expired if there is no change in the ownership or description of 876  
the watercraft. 877

~~(F)~~(G) Whenever the ownership of a watercraft changes, a new 878  
application form together with the prescribed fee shall be filed 879  
with the chief or the chief's agent and a new registration 880  
certificate shall be issued. The application shall be signed 881  
manually by the person or persons specified in divisions (A) (1) (a) 882  
to (c) of this section and shall be accompanied by a two-dollar 883



transfer fee. Any remaining time on the registration shall be transferred. An authorized agent of the chief shall charge an additional writing fee of three dollars, which shall be retained by the issuing agent. If the certificate is issued by the chief, an additional writing fee of three dollars for each certificate issued shall be collected and deposited to the credit of the waterways safety fund.

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

~~(H)~~(I)(1) The chief may assign any registration certificates to any authorized agent for the assignment of the registration certificates. If a person accepts that authorization, the person may be assigned a block of numbers and certificates that upon assignment, in conformity with this chapter and Chapter 1548. of the Revised Code and with rules of the division, shall be valid as if assigned directly by the division. Any person so designated as an agent by the chief shall post with the division security as may be required by the director of natural resources. The chief may issue an order temporarily or permanently restricting or suspending an agent's authorization without a hearing if the chief finds that the agent has violated this chapter or Chapter 1548. of the Revised Code, rules adopted under them, or any agreements prescribed by the chief.

(2) A clerk of the court of common pleas may apply for designation as an authorized agent of the chief. The division shall accept the clerk's bond that is required under section 2303.02 of the Revised Code for any security that is required for agents under this division, provided that the bond includes a

rider or other provision specifically covering the clerk's duties 915  
as an authorized agent of the chief. 916

~~(I)~~(J) All records of the division made or kept pursuant to 917  
this section shall be public records. Those records shall be 918  
available for inspection at reasonable hours and in a manner 919  
compatible with normal operations of the division. 920

~~(J)~~(K) The owner shall furnish the division notice within 921  
fifteen days of the following: 922

(1) The transfer, other than through the creation of a 923  
security interest in any watercraft, of all or any part of the 924  
owner's interest or, if the watercraft is owned by two persons 925  
under joint ownership with right of survivorship established under 926  
section 2131.12 of the Revised Code, of all or any part of the 927  
joint interest of either of the two persons. The transfer shall 928  
not terminate the registration certificate. 929

(2) Any change in the address appearing on the certificate . 930  
As a part of the notification, the owner shall furnish the chief 931  
with the owner's new address. 932

(3) The destruction or abandonment of the watercraft. 933

~~(K)~~(L) The chief may issue duplicate registration 934  
certificates or duplicate tags to owners of currently registered 935  
watercraft, the fee for which shall be four dollars. 936

~~(L)~~(M) If the chief finds that a registration certificate 937  
previously issued to an owner is in error to a degree that would 938  
impair its basic purpose and use, the chief may issue a corrected 939  
certificate to the owner without charge. 940

~~(M)~~(N) No authorized agent shall issue and no person shall 941  
receive or accept from an authorized agent a registration 942  
certificate assigned to the authorized agent under division ~~(H)~~(I) 943  
of this section unless the exact month, day, and year of issue are 944

plainly written on the certificate by the agent. Certificates 945  
 issued with incorrect dates of issue are void from the time they 946  
 are issued. 947

~~(N)~~(O) The chief, in accordance with Chapter 119. of the 948  
 Revised Code, shall adopt rules governing the renewal of 949  
 watercraft registrations by electronic means. 950

~~(O)~~(P) As used in this section: 951

(1) "Disabled veteran" means a person who is included in 952  
 either of the following categories: 953

(a) Because of a service-connected disability, has been or is 954  
 awarded funds for the purchase of a motor vehicle under the 955  
 "Disabled Veterans' and Servicemen's Automobile Assistance Act of 956  
 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 957

(b) Has a service-connected disability rated at one hundred 958  
 per cent by the veterans administration. 959

(2) "Prisoner of war" means any regularly appointed, 960  
 enrolled, enlisted, or inducted member of the military forces of 961  
 the United States who was captured, separated, and incarcerated by 962  
 an enemy of the United States at any time, and any regularly 963  
 appointed, enrolled, or enlisted member of the military forces of 964  
 Great Britain, France, Australia, Belgium, Brazil, Canada, China, 965  
 Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 966  
 South Africa, or the republics formerly associated with the Union 967  
 of Soviet Socialist Republics or Yugoslavia who was a citizen of 968  
 the United States at the time of the appointment, enrollment, or 969  
 enlistment, and was captured, separated, and incarcerated by an 970  
 enemy of this country during World War II. 971

~~(P)~~(O) Any disabled veteran, congressional medal of honor 972  
 awardee, or prisoner of war may apply to the chief for a 973  
 certificate of registration, or for a renewal of the certificate 974

of registration, without the payment of any fee required by this 975  
 section. The application for a certificate of registration shall 976  
 be accompanied by evidence of disability or by documentary 977  
 evidence in support of a congressional medal of honor that the 978  
 chief requires by rule. The application for a certificate of 979  
 registration by any person who has been a prisoner of war shall be 980  
 accompanied by written evidence in the form of a record of 981  
 separation, a letter from one of the armed forces of a country 982  
 listed in division ~~(O)~~(P)(2) of this section, or other evidence 983  
 that the chief may require by rule, that the person was honorably 984  
 discharged or is currently residing in this state on active duty 985  
 with one of the branches of the armed forces of the United States, 986  
 or was a prisoner of war and was honorably discharged or received 987  
 an equivalent discharge or release from one of the armed forces of 988  
 a country listed in division ~~(O)~~(P)(2) of this section. 989

~~(O)~~(R) Annually by the fifteenth day of January, the director 990  
 of natural resources shall determine the amount of fees that would 991  
 have been collected in the prior calendar year for each 992  
 certificate of registration issued or renewed pursuant to division 993  
~~(P)~~(O) of this section and shall certify the total amount of 994  
 foregone revenue to the director of budget and management for 995  
 reimbursement. The director of budget and management shall 996  
 transfer the amount certified from the general revenue fund to the 997  
 waterways safety fund ~~created pursuant to section 1547.75 of the~~ 998  
~~Revised Code.~~ 999

**Sec. 1547.542.** Any person or organization owning any number 1000  
 of canoes, rowboats, inflatable watercraft, or sailboats for the 1001  
 purpose of rental to the public may apply with the chief of the 1002  
 division of watercraft for and receive an annual certificate of 1003  
 livery registration. No watercraft shall be rented to the public 1004  
 from a livery or other place of business in this state unless it 1005

first has been numbered and registered in accordance with this 1006  
section or section 1547.54 of the Revised Code. Certificates of 1007  
livery registration shall be issued by an authorized agent who is 1008  
selected by the chief from among those designated under section 1009  
1547.54 of the Revised Code. The certificate shall display the 1010  
name of the owner of the livery, the date of issuance, the date of 1011  
expiration, the number of watercraft registered, the fee paid, an 1012  
authorized facsimile of the signature of the chief provided by the 1013  
authorized agent who is selected to issue the certificate, and the 1014  
signature of the livery owner. The certificate shall bear the 1015  
livery watercraft registration number assigned to the livery 1016  
owner, which shall be displayed in accordance with section 1547.57 1017  
of the Revised Code on each watercraft in the fleet for which the 1018  
certificate was issued. The owner of a livery shall obtain an 1019  
amended certificate of livery registration from the chief whenever 1020  
the composition of the fleet changes. 1021

The fee for each watercraft registered under this section 1022  
shall be an annual registration fee. The fee shall be one-third of 1023  
the triennial registration fees prescribed in section 1547.54 of 1024  
the Revised Code. However, if the size of the fleet does not 1025  
increase, the fee for an amended certificate of livery 1026  
registration shall be the fee prescribed for issuing a duplicate 1027  
registration certificate under section 1547.54 of the Revised 1028  
Code, and the chief shall not refund to the livery owner all or 1029  
any portion of an annual registration fee applicable to a 1030  
watercraft transferred or abandoned by the livery owner. If the 1031  
size of the fleet increases, the livery owner shall be required to 1032  
pay the applicable annual registration fee for each watercraft 1033  
registered under an amended certificate of livery registration 1034  
that is in excess of the number of watercraft contained in the 1035  
annual certificate of livery registration. 1036

In addition to the fees established in this section. 1037

watercraft that are not powercraft shall be charged a waterways conservation assessment fee. The fee shall be collected at the time of the issuance of an annual livery registration under this section and shall be one dollar and fifty cents for each watercraft included in the registration. The fee shall be deposited in the state treasury and credited to a distinct account in the waterways safety fund created in section 1547.75 of the Revised Code.

The certificate of livery registration, rental receipts, and required safety equipment are subject to inspection at any time at the livery's place of business by any authorized representative of the division of watercraft or any law enforcement officer in accordance with section 1547.63 of the Revised Code.

Except as provided in this section, all watercraft registered under this section are subject to this chapter and Chapter 1548. of the Revised Code.

The chief may issue an order temporarily or permanently restricting or suspending a livery certificate of registration and the privileges associated with it without a hearing if the chief finds that the holder of the certificate has violated this chapter.

**Sec. 1547.73.** There is hereby created in the division of watercraft, a waterways safety council composed of five members appointed by the governor with the advice and consent of the senate. Not more than three of such appointees shall belong to the same political party. Terms of office shall be for five years, commencing on the first day of February and ending on the thirty-first day of January, ~~except that upon expiration of the term ending February 4, 1973, the new term which succeeds it shall commence on February 5, 1973 and end on January 31, 1978; upon~~

~~expiration of the term ending February 3, 1974, the new term which~~ 1068  
~~succeeds it shall commence on February 4, 1974 and end on January~~ 1069  
~~31, 1979; upon expiration of the term ending February 2, 1975, the~~ 1070  
~~new term which succeeds it shall commence on February 3, 1975 and~~ 1071  
~~end on January 31, 1980; and upon expiration of the term ending~~ 1072  
~~February 6, 1977, the new term which succeeds it shall commence on~~ 1073  
~~February 7, 1977 and end on January 31, 1982. Each member shall~~ 1074  
 hold office from the date of his appointment until the end of the 1075  
 term for which he the member was appointed. The chief of the 1076  
 division of watercraft shall act as secretary of the council. In 1077  
 the event of the death, removal, resignation, or incapacity of a 1078  
 member of the council, the governor, with the advice and consent 1079  
 of the senate, shall appoint a successor to fill the unexpired 1080  
 term who shall hold office for the remainder of the term for which 1081  
~~his~~ the member's predecessor was appointed. Any member shall 1082  
 continue in office subsequent to the expiration date of ~~his~~ the 1083  
member's term until ~~his~~ the member's successor takes office, or 1084  
 until a period of sixty days has elapsed, whichever occurs first. 1085  
 The governor may remove any appointed member of the council for 1086  
 misfeasance, nonfeasance, or malfeasance in office. 1087

The council may: 1088

(A) Advise with and recommend to the chief as to plans and 1089  
~~program~~ programs for the construction, maintenance, repair, and 1090  
 operation of refuge harbors and other projects for the harboring, 1091  
 mooring, docking, and storing of light draft vessels as provided 1092  
 in sections 1547.71, 1547.72, and 1547.78 of the Revised Code; 1093

(B) Advise with and recommend to the chief as to the methods 1094  
 of coordinating the shore erosion projects of the department of 1095  
 natural resources with the refuge of light draft vessel harbor 1096  
 projects; 1097

(C) Advise with and recommend to the chief as to plans and 1098

programs for the acquisition, protection, construction, 1099  
maintenance, and administration of wild river areas, scenic river 1100  
areas, and recreational river areas; 1101

(D) Consider and make recommendations upon any matter which 1102  
 is brought to its attention by any person or ~~which~~ that the chief 1103  
 may submit to it; 1104

~~(D)~~ (E) Submit to the governor biennially recommendations for 1105  
 amendments to the laws of the state relative to refuge and light 1106  
 draft vessel harbor projects. 1107

Before entering upon the discharge of ~~his~~ official duties, 1108  
 each member of the council shall take and subscribe to an oath of 1109  
 office, which oath, in writing, shall be filed in the office of 1110  
 the secretary of state. 1111

The members of the council shall serve without compensation, 1112  
 but shall be entitled to receive their actual and necessary 1113  
 expenses incurred in the performance of their official duties from 1114  
 the waterways safety fund as provided in section 1547.75 of the 1115  
 Revised Code. 1116

The council shall, by a majority vote of all its members, 1117  
 adopt and amend bylaws. 1118

To be eligible for appointment as a member of the council, a 1119  
 person shall be a citizen of the United States, and an elector of 1120  
 the state, and possess a knowledge of and have an interest in 1121  
 small boat operations. 1122

The council shall hold at least four regular quarterly 1123  
 meetings each year. Special meetings shall be held at such times 1124  
 as the bylaws of the council provide, or at the behest of a 1125  
 majority of its members. Notices of all meetings shall be given in 1126  
 such manner as the bylaws provide. The council shall choose 1127  
 annually from among its members a ~~chairman~~ chairperson to preside 1128



over its meetings. A majority of the members of the council shall 1129  
 constitute a quorum. No advice shall be given or recommendation 1130  
 made without a majority of the members of the council concurring 1131  
 therein. 1132

Sec. 1517.14 1547.81. ~~As used in sections 1517.14 to 1517.18~~ 1133  
~~of the Revised Code, "watercourse" means a substantially natural~~ 1134  
~~channel with recognized banks and bottom, in which a flow of water~~ 1135  
~~occurs, with an average of at least ten feet mean surface water~~ 1136  
~~width and at least five miles of length. The director of natural~~ 1137  
~~resources or the director's representative may create, supervise,~~ 1138  
~~operate, protect, and maintain wild, scenic, and recreational~~ 1139  
~~river areas under the classifications established in section~~ 1140  
~~1517.15 of the Revised Code. In creating wild, scenic, and~~ 1141  
~~recreational river areas, the director shall classify each such~~ 1142  
~~area as either a wild river area, a scenic river area, or a~~ 1143  
~~recreational river area. The director or the director's~~ 1144  
~~representative may prepare and maintain a plan for the~~ 1145  
~~establishment, development, use, and administration of those areas~~ 1146  
~~as a part of the comprehensive state plans for water management~~ 1147  
~~and outdoor recreation. The director or the director's~~ 1148  
~~representative may cooperate with federal agencies administering~~ 1149  
~~any federal program concerning wild, scenic, or recreational river~~ 1150  
~~areas.~~ 1151

The director may propose for establishment as a wild, scenic, 1152  
 or recreational river area a part or parts of any watercourse in 1153  
 this state, with adjacent lands, that in the director's judgment 1154  
 possesses water conservation, scenic, fish, wildlife, historic, or 1155  
 outdoor recreation values that should be preserved, ~~using the~~ 1156  
~~classifications established in section 1517.15 of the Revised~~ 1157  
~~Code. The area shall include lands adjacent to the watercourse in~~ 1158  
~~sufficient width to preserve, protect, and develop the natural~~ 1159

character of the watercourse, but shall not include any lands more 1160  
 than one thousand feet from the normal waterlines of the 1161  
 watercourse unless an additional width is necessary to preserve 1162  
 water conservation, scenic, fish, wildlife, historic, or outdoor 1163  
 recreation values. 1164

The director shall publish the intention to declare an area a 1165  
 wild, scenic, or recreational river area at least once in a 1166  
 newspaper of general circulation in each county, any part of which 1167  
 is within the area, and shall send written notice of the intention 1168  
 to the legislative authority of each county, township, and 1169  
 municipal corporation and to each conservancy district established 1170  
 under Chapter 6101. of the Revised Code, any part of which is 1171  
 within the area, and to the director of transportation, the 1172  
 director of development, the director of administrative services, 1173  
 and the director of environmental protection. The notices shall 1174  
 include a copy of a map and description of the area. 1175

After thirty days from the last date of publication or 1176  
 dispatch of written notice as required in this section, the 1177  
 director shall enter a declaration in the director's journal that 1178  
 the area is a wild river area, scenic river area, or recreational 1179  
 river area. When so entered, the area is a wild, scenic, or 1180  
 recreational river area, as applicable. The director, after thirty 1181  
 days' notice as prescribed in this section and upon the approval 1182  
 of the recreation and resources commission created in section 1183  
 1501.04 of the Revised Code, may terminate the status of an area 1184  
 as a wild river area, scenic river area, or recreational river 1185  
 area by an entry in the director's journal. 1186

Declaration by the director that an area is a wild, scenic, 1187  
 or recreational river area does not authorize the director or any 1188  
 governmental agency or political subdivision to restrict the use 1189  
 of land by the owner thereof or any person acting under the 1190

landowner's authority or to enter upon the land and does not  
 expand or abridge the regulatory authority of any governmental  
 agency or political subdivision over the area.

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The director may enter into a lease or other agreement with a  
 political subdivision to administer all or part of a wild, scenic,  
 or recreational river area and may acquire real property or any  
 estate, right, or interest therein in order to provide for the  
 protection and public recreational use of a wild, scenic, or  
 recreational river area.

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The chief of the division of ~~natural areas and preserves~~  
~~watercraft~~ or the chief's representative may participate in  
 watershed-wide planning with federal, state, and local agencies in  
 order to protect the values of wild, scenic, and recreational  
 river areas.

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Sec. ~~1517.16~~ 1547.82. No state department, state agency, or  
 political subdivision shall build or enlarge any highway, road, or  
 structure or modify or cause the modification of the channel of  
 any watercourse within a wild, scenic, or recreational river area  
 outside the limits of a municipal corporation without first having  
 obtained approval of the plans for the highway, road, or structure  
 or channel modification from the director of natural resources or  
~~his~~ the director's representative. The court of common pleas  
 having jurisdiction, upon petition by the director, shall enjoin  
 work on any highway, road, or structure or channel modification  
 for which such approval has not been obtained.

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Sec. ~~1517.17~~ 1547.83. The chief of the division of ~~natural~~  
~~areas and preserves~~ watercraft shall administer the state programs  
for wild river areas, scenic river areas, and recreational river  
areas. The chief may accept and administer state and federal  
 financial assistance ~~programs~~ for the maintenance, protection, and

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administration of wild, scenic, and recreational river areas and 1221  
for construction of facilities within those areas. The chief, with 1222  
the approval of the director of natural resources, may expend for 1223  
the purpose of administering the state programs for wild, scenic, 1224  
and recreational river areas money that is appropriated by the 1225  
general assembly for that purpose, money that is in the scenic 1226  
rivers protection fund created in section 4501.24 of the Revised 1227  
Code, and money that is in the waterways safety fund created in 1228  
section 1547.75 of the Revised Code, including money generated by 1229  
the waterways conservation assessment fee levied by sections 1230  
1547.54 and 1547.542 of the Revised Code, as determined to be 1231  
necessary by the division of watercraft not to exceed six hundred 1232  
fifty thousand dollars per fiscal year. The chief may condition 1233  
any expenditures, maintenance activities, or construction of 1234  
facilities on the adoption and enforcement of adequate floodplain 1235  
zoning or land use rules. 1236

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~~The director of natural resources may make a lease or~~ 1238  
~~agreement with a political subdivision to administer all or part~~ 1239  
~~of a wild, scenic, or recreational river area.~~ 1240

~~The director may acquire real property or any estate, right,~~ 1241  
~~or interest therein for protection and public recreational use as~~ 1242  
~~a wild, scenic, or recreational river area.~~ 1243

~~The chief may expend funds for the acquisition, protection,~~ 1244  
~~construction, maintenance, and administration of real property and~~ 1245  
~~public use facilities in wild, scenic, or recreational river areas~~ 1246  
~~when the funds are so appropriated by the general assembly. The~~ 1247  
~~chief may condition such expenditures, acquisition of land or~~ 1248  
~~easements, or construction of facilities within a wild, scenic, or~~ 1249  
~~recreational river area upon adoption and enforcement of adequate~~ 1250  
~~floodplain zoning rules.~~ 1251

Any instrument by which real property is acquired pursuant to 1252  
 this section shall identify the agency of the state that has the 1253  
 use and benefit of the real property as specified in section 1254  
 5301.012 of the Revised Code. 1255

The chief may cooperate with federal agencies administering 1256  
any federal program concerning wild, scenic, or recreational river 1257  
areas. 1258

~~Sec. 1517.18~~ 1547.84. The director of natural resources shall 1259  
 appoint an advisory council for each wild, scenic, or recreational 1260  
 river area, composed of not more than ten persons who are 1261  
 representative of local government and local organizations and 1262  
 interests in the vicinity of the wild, scenic, or recreational 1263  
 river area, who shall serve without compensation. The chief of the 1264  
 division of ~~natural areas and preserves~~ watercraft or ~~his~~ the 1265  
~~chief's~~ representative shall serve as an ex officio member of each 1266  
 council. 1267

~~The terms of all members serving on any advisory council 1268~~  
~~under this section on the effective date of this amendment shall 1269~~  
~~end on January 31, 1995. The director shall appoint new members to 1270~~  
~~serve on each council for terms beginning on February 1, 1995, 1271~~  
~~provided that a member serving on a council on the effective date 1272~~  
~~of this amendment may be appointed to such a new term. The initial 1273~~  
 members appointed to each council shall serve for terms of not 1274  
 more than three years, with the terms of not more than four 1275  
 members of any council ending in the same year. Thereafter, terms 1276  
 of office shall be for three years commencing on the first day of 1277  
 February and ending on the last day of January. 1278

Each council shall advise the chief on the acquisition of 1279  
 land and easements and on the lands and waters that should be 1280  
 included in a wild, scenic, or recreational river area or a 1281

proposed wild, scenic, or recreational river area, facilities 1282  
 therein, and other aspects of establishment and administration of 1283  
 the area that may affect the local interest. 1284

Sec. 1547.85. The director of natural resources may 1285  
participate in the federal program for the protection of certain 1286  
selected rivers that are located within the boundaries of the 1287  
state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 1288  
906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may 1289  
authorize the chief of the division of watercraft to participate 1290  
in any other federal program established for the purpose of 1291  
protecting, conserving, or developing recreational access to 1292  
waters in this state that possess outstanding scenic, 1293  
recreational, geologic, fish and wildlife, historic, cultural, or 1294  
other similar values. 1295

Sec. 1547.86. Any action taken by the chief of the division 1296  
of watercraft under sections 1547.81 to 1547.87 of the Revised 1297  
Code shall not be deemed in conflict with certain powers and 1298  
duties conferred on and delegated to federal agencies and to 1299  
municipal corporations under Section 7 of Article XVIII, Ohio 1300  
Constitution, or as provided by sections 721.04 to 721.11 of the 1301  
Revised Code. 1302

Sec. 1547.87. The division of watercraft, in carrying out 1303  
sections 1547.81 to 1547.87 of the Revised Code, may accept, 1304  
receive, and expend gifts, devises, or bequests of money, lands, 1305  
or other properties under the terms established in section 9.20 of 1306  
the Revised Code. 1307

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 1308  
Revised Code is guilty of a felony of the fourth degree. 1309

(B) Whoever violates division (F) of section 1547.08, section 1310  
 1547.10, division (I) of section 1547.111, section 1547.13, or 1311  
 section 1547.66 of the Revised Code is guilty of a misdemeanor of 1312  
 the first degree. 1313

(C) Whoever violates a provision of this chapter or a rule 1314  
 adopted thereunder, for which no penalty is otherwise provided, is 1315  
 guilty of a minor misdemeanor. 1316

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 1317  
 the Revised Code without causing injury to persons or damage to 1318  
 property is guilty of a misdemeanor of the fourth degree. 1319

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 1320  
 the Revised Code causing injury to persons or damage to property 1321  
 is guilty of a misdemeanor of the third degree. 1322

(F) Whoever violates division ~~(M)~~(N) of section 1547.54, 1323  
 division (G) of section 1547.30, or section 1547.131, 1547.25, 1324  
 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 1325  
 of the Revised Code or a rule adopted under division (A) (2) of 1326  
 section 1547.52 of the Revised Code is guilty of a misdemeanor of 1327  
 the fourth degree. 1328

(G) Whoever violates section 1547.11 of the Revised Code is 1329  
 guilty of a misdemeanor of the first degree and shall be punished 1330  
 as provided in division (G) (1), (2), or (3) of this section. 1331

(1) Except as otherwise provided in division (G) (2) or (3) of 1332  
 this section, the court shall sentence the offender to a jail term 1333  
 of three consecutive days and may sentence the offender pursuant 1334  
 to section 2929.24 of the Revised Code to a longer jail term. In 1335  
 addition, the court shall impose upon the offender a fine of not 1336  
 less than one hundred fifty nor more than one thousand dollars. 1337

The court may suspend the execution of the mandatory jail 1338  
 term of three consecutive days that it is required to impose by 1339

division (G) (1) of this section if the court, in lieu of the  
suspended jail term, places the offender under a community control  
sanction pursuant to section 2929.25 of the Revised Code and  
requires the offender to attend, for three consecutive days, a  
drivers' intervention program that is certified pursuant to  
section 3793.10 of the Revised Code. The court also may suspend  
the execution of any part of the mandatory jail term of three  
consecutive days that it is required to impose by division (G) (1)  
of this section if the court places the offender under a community  
control sanction pursuant to section 2929.25 of the Revised Code  
for part of the three consecutive days; requires the offender to  
attend, for that part of the three consecutive days, a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code; and sentences the offender to a jail term  
equal to the remainder of the three consecutive days that the  
offender does not spend attending the drivers' intervention  
program. The court may require the offender, as a condition of  
community control, to attend and satisfactorily complete any  
treatment or education programs, in addition to the required  
attendance at a drivers' intervention program, that the operators  
of the drivers' intervention program determine that the offender  
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 or one other equivalent offense, 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.

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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.

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(3) If, within six years of the offense, the offender has been convicted of or pleaded guilty to more than one violation or offense 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.

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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.

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(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.

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(5) Notwithstanding any section of the Revised Code that 1403  
authorizes the suspension of the imposition or execution of a 1404  
sentence or the placement of an offender in any treatment program 1405  
in lieu of being imprisoned or serving a jail term, no court shall 1406  
suspend the mandatory jail term of ten or thirty consecutive days 1407  
required to be imposed by division (G)(2) or (3) of this section 1408  
or place an offender who is sentenced pursuant to division (G)(2) 1409  
or (3) of this section in any treatment program in lieu of being 1410  
imprisoned or serving a jail term until after the offender has 1411  
served the mandatory jail term of ten or thirty consecutive days 1412  
required to be imposed pursuant to division (G)(2) or (3) of this 1413  
section. Notwithstanding any section of the Revised Code that 1414  
authorizes the suspension of the imposition or execution of a 1415  
sentence or the placement of an offender in any treatment program 1416  
in lieu of being imprisoned or serving a jail term, no court, 1417  
except as specifically authorized by division (G)(1) of this 1418  
section, shall suspend the mandatory jail term of three 1419  
consecutive days required to be imposed by division (G)(1) of this 1420  
section or place an offender who is sentenced pursuant to division 1421  
(G)(1) of this section in any treatment program in lieu of 1422  
imprisonment until after the offender has served the mandatory 1423  
jail term of three consecutive days required to be imposed 1424  
pursuant to division (G)(1) of this section. 1425

(6) As used in division (G) of this section: 1426

(a) "Equivalent offense" has the same meaning as in section 1427  
4511.181 of the Revised Code. 1428

(b) "Jail term" and "mandatory jail term" have the same 1429  
meanings as in section 2929.01 of the Revised Code. 1430

(H) Whoever violates section 1547.304 of the Revised Code is 1431  
guilty of a misdemeanor of the fourth degree and also shall be 1432  
assessed any costs incurred by the state or a county, township, 1433

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,  
or damage to property and a misdemeanor of the third degree if the  
violation is related to a collision, injury to a person, or damage  
to property.

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

Between lines 50660 and 50661, insert:

"Sec. 3714.03. (A) As used in this section:

(1) "Aquifer system" means one or more geologic units or formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.

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(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

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(3) "Natural area" means either of the following:

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(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under section ~~1517.14~~ 1547.81 of the Revised Code;

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(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.

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(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child day-care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.

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(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.

(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:

(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B) (1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year flood plain shall be determined by the applicant for a permit based upon standard methodologies set forth in "urban hydrology for small watersheds" (soil conservation service technical release number 55) and section 4 of the "national engineering hydrology handbook" of the soil conservation service of the United States department of agriculture.

(2) Within the boundaries of a sole source aquifer designated by the administrator of the United States environmental protection agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.

(C) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the horizontal limits of construction and demolition debris placement

at the new facility are proposed to be located in any of the 1525  
following locations: 1526

(1) Within one hundred feet of a perennial stream as defined 1527  
by the United States geological survey seven and one-half minute 1528  
quadrangle map or a category 3 wetland; 1529

(2) Within one hundred feet of the facility's property line; 1530

(3) (a) Except as provided in division (C) (3) (b) of this 1531  
section, within five hundred feet of a residential or public water 1532  
supply well. 1533

(b) Division (C) (3) (a) of this section does not apply to a 1534  
residential well under any of the circumstances specified in 1535  
divisions (C) (3) (b) (i) to (iii) of this section as follows: 1536

(i) The well is controlled by the owner or operator of the 1537  
construction and demolition debris facility. 1538

(ii) The well is hydrologically separated from the horizontal 1539  
limits of construction and demolition debris placement. 1540

(iii) The well is at least three hundred feet upgradient from 1541  
the horizontal limits of construction and demolition debris 1542  
placement and division (D) of this section does not prohibit the 1543  
issuance of the permit to install. 1544

(4) Within five hundred feet of a park created or operated 1545  
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 1546  
of the Revised Code, a state park established or dedicated under 1547  
Chapter 1541. of the Revised Code, a state park purchase area 1548  
established under section 1541.02 of the Revised Code, a national 1549  
recreation area, any unit of the national park system, or any 1550  
property that lies within the boundaries of a national park or 1551  
recreation area, but that has not been acquired or is not 1552  
administered by the secretary of the United States department of 1553  
the interior, located in this state, or any area located in this 1554

state that is recommended by the secretary for study for potential  
inclusion in the national park system in accordance with "The Act  
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;

(5) Within five hundred feet of a natural area, any area  
established by the department of natural resources as a state  
wildlife area under Chapter 1531. of the Revised Code and rules  
adopted under it, any area that is formally dedicated as a nature  
preserve under section 1517.05 of the Revised Code, or any area  
designated by the United States department of the interior as a  
national wildlife refuge;

(6) Within five hundred feet of a lake or reservoir of one  
acre or more that is hydrogeologically connected to ground water.  
For purposes of division (C) (6) of this section, a lake or  
reservoir does not include a body of water constructed and used  
for purposes of surface water drainage or sediment control.

(7) Within five hundred feet of a state forest purchased or  
otherwise acquired under Chapter 1503. of the Revised Code;

(8) Within five hundred feet of land that is placed on the  
state registry of historic landmarks under section 149.55 of the  
Revised Code;

(9) Within five hundred feet of an occupied dwelling unless  
written permission is given by the owner of the dwelling.

(D) Neither the director nor any board shall issue a permit  
to install under section 3714.051 of the Revised Code to establish  
a new construction and demolition debris facility when the limits  
of construction and demolition debris placement at the new  
facility are proposed to have an isolation distance of less than  
five feet from the uppermost aquifer system that consists of  
material that has a maximum hydraulic conductivity of  $1 \times 10^{-5}$   
cm/sec and all of the geologic material comprising the isolation

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distance has a hydraulic conductivity equivalent to or less than  $1 \times 10^{-6}$  cm/sec. 1585  
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(E) Neither the director nor any board shall issue a permit 1587  
to install under section 3714.051 of the Revised Code to establish 1588  
a new construction and demolition debris facility when the road 1589  
that is designated by the owner or operator as the main hauling 1590  
road at the facility to and from the limits of construction and 1591  
demolition debris placement is proposed to be located within five 1592  
hundred feet of an occupied dwelling unless written permission is 1593  
given by the owner of the occupied dwelling. 1594

(F) Neither the director nor any board shall issue a permit 1595  
to install under section 3714.051 of the Revised Code to establish 1596  
a new construction and demolition debris facility unless the new 1597  
facility will have all of the following: 1598

(1) Access roads that shall be constructed in a manner that 1599  
allows use in all weather conditions and will withstand the 1600  
anticipated degree of use and minimize erosion and generation of 1601  
dust; 1602

(2) Surface water drainage and sediment controls that are 1603  
required by the director; 1604

(3) If the facility is proposed to be located in an area in 1605  
which an applicable zoning resolution allows residential 1606  
construction, vegetated earthen berms or an equivalent barrier 1607  
with a minimum height of six feet separating the facility from 1608  
adjoining property. 1609

(G) (1) The siting criteria established in this section shall 1610  
be applied to an application for a permit to install at the time 1611  
that the application is submitted to the director or a board of 1612  
health, as applicable. Circumstances related to the siting 1613  
criteria that change after the application is submitted shall not 1614  
be considered in approving or disapproving the application. 1615



(2) The siting criteria established in this section by this amendment do not apply to an expansion of a construction and demolition debris facility that was in operation prior to the ~~effective date of this amendment~~ December 22, 2005, onto property within the property boundaries identified in the application for the initial license for that facility or any subsequent license issued for that facility up to and including the license issued for that facility for calendar year 2005. The siting criteria established in this section prior to the ~~effective date of this amendment~~ December 22, 2005, apply to such an expansion."

Between lines 62481 and 62482, insert:

"**Sec. 4501.24.** There is hereby created in the state treasury the scenic rivers protection fund. The fund shall consist of the contributions not to exceed forty dollars that are paid to the registrar of motor vehicles by applicants who voluntarily choose to obtain scenic rivers license plates pursuant to section 4503.56 of the Revised Code.

The contributions deposited in the fund shall be used by the department of natural resources to help finance wild, scenic, and recreational river areas conservation, education, ~~scenic river~~ corridor protection ~~and~~, restoration, ~~scenic river~~ and habitat enhancement, and clean-up projects along scenic rivers in those areas. The chief of the division of watercraft in the department may expend money in the fund for the acquisition of wild, scenic, and recreational river areas, for the maintenance, protection, and administration of such areas, and for construction of facilities within those areas. All investment earnings of the fund shall be credited to the fund.

As used in this section, "wild river areas," "scenic river areas," and "recreational river areas" have the same meanings as

<u>in section 1547.01 of the Revised Code.</u>	1646
In line 90817, after "504.21," insert "505.82,"	1647
In line 90826, after "1514.08," insert "1514.10,"	1648
In line 90827, after "1515.183," insert "1517.02, 1517.10, 1517.11, 1517.14, 1517.16, 1517.17, 1517.18,"	1649 1650
In line 90834, after "1541.03," insert "1547.01, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.99,"	1651 1652
In line 90863, after "3714.02," insert "3714.03,"	1653
In line 90879, after "4501.06," insert "4501.24,"	1654
In line 90943, after "1504.04," insert "1517.15,"	1655
In line 99696, delete "\$19,784,181 \$19,784,181" and insert "\$19,949,181 \$19,949,181"	1656 1657
In line 99698, add \$165,000 to each fiscal year	1658
In line 99708, add \$165,000 to each fiscal year	1659
Between lines 99814 and 99815, insert:	1660
"SCENIC RIVERS PROGRAM	1661
On July 1 of each fiscal year or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the Waterways Safety Fund (Fund 7086) to the Scenic Rivers Protection Fund (Fund 4U60) for use by the Division of Watercraft in administering the Wild, Scenic, and Recreational Rivers Program pursuant to Chapter 1547. of the Revised Code. The amount transferred is hereby appropriated in appropriation item 725668, Scenic Rivers Protection."	1662 1663 1664 1665 1666 1667 1668 1669
Between lines 105442 and 105443, insert:	1670
"Section 715.____. A wild, scenic, or recreational river area that was declared as such by the Director of Natural Resources	1671 1672

under Chapter 1517. of the Revised Code prior to the effective 1673  
date of this section shall retain its declaration as a wild, 1674  
scenic, or recreational river area for purposes of sections 1675  
1547.81 to 1547.87 of the Revised Code, as amended or enacted by 1676  
this act. In addition, an advisory council for a wild, scenic, or 1677  
recreational river area that was appointed by the Director under 1678  
Chapter 1517. of the Revised Code prior to the effective date of 1679  
this section shall continue to be the advisory council for the 1680  
applicable wild, scenic, or recreational river area for purposes 1681  
of sections 1547.81 to 1547.87 of the Revised Code, as amended or 1682  
enacted by this act." 1683

In line 106523, after "504.21," insert "505.82," 1684

In line 106531, after "1514.08," insert "1514.10," 1685

In line 106532, after "1515.183," insert "1517.02, 1517.10, 1686  
1517.11, 1517.14 (1547.81), 1517.15, 1517.16 (1547.82), 1517.17 1687  
(1547.83), 1517.18 (1547.84)," 1688

In line 106538, after "1541.03," insert "1547.01, 1547.02, 1689  
1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.85, 1690  
1547.86, 1547.87, 1547.99," 1691

In line 106543, after "3712.03," insert "3714.03," 1692

In line 106544, after "4117.24," insert "4501.24," 1693

Between lines 106630 and 106631, insert: 1694

"Section 1547.99 of the Revised Code as amended by Am. Sub. 1695  
S.B. 17 and Am. Sub. S.B. 271, both of the 127th General 1696  
Assembly." 1697

In line 30 of the title, after "504.21," insert "505.82," 1698

In line 42 of the title, after "1514.08," insert "1514.10," 1699

In line 43 of the title, after "1515.183," insert "1517.02, 1700  
1517.10, 1517.11, 1517.14, 1517.16, 1517.17, 1517.18," 1701

In line 53 of the title, after "1541.03," insert "1547.01, 1702  
 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.99," 1703

In line 93 of the title, after "3714.02," insert "3714.03," 1704

In line 115 of the title, after "4501.06," insert "4501.24," 1705

In line 176 of the title, after the first comma insert 1706  
 "1517.14 (1547.81), 1517.16 (1547.82), 1517.17 (1547.83), 1517.18 1707  
 (1547.84)," 1708

In line 194 of the title, after "1545.073," insert "1547.02, 1709  
 1547.85, 1547.86, 1547.87," 1710

In line 233 of the title, after "1504.04," insert "1517.15," 1711

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Wild, Scenic, and Recreational River Areas 1712

R.C. 505.82, 1514.10, 1517.02, 1517.10, 1517.11, 1517.14 1713  
 (1547.81), 1517.15, 1517.16 (1547.82), 1517.17 (1547.83), 1517.18 1714  
 (1547.84), 1547.01, 1547.02, 1547.51, 1547.52, 1547.531, 1547.54, 1715  
 1547.542, 1547.73, 1547.85, 1547.86, 1547.87, 1547.99, 3714.03, 1716  
 and 4501.24; Section 715.\_\_\_\_ 1717

Transfers the administration of the state programs for wild, 1718  
 scenic, and recreational river areas from the Division of Natural 1719  
 Areas and Preserves in the Department of Natural Resources to the 1720  
 Division of Watercraft in the Department as in the House-passed 1721  
 version of the bill, generally retains the statutory requirements 1722  
 and procedures governing the programs and adds other provisions 1723  
 for the program's administration, imposes a waterways conservation 1724  
 assessment fee and authorizes the Chief of the Division of 1725

Watercraft to adopt rules establishing fees for the conducting of stream impact reviews for purposes of the programs, and expands the authority of the Waterways Safety Council. 1726  
 1727  
 1728

**Department of Natural Resources** 1729

**Sections 343.10 and 343.50** 1730

Restores Fund 7086 appropriation item 739401, Division of Watercraft, to as-introduced appropriations of \$19,949,181 in each fiscal year to reflect the restoration of the waterways conservation assessment on non-powered watercraft. 1731  
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Requires the Director of Budget and Management to transfer \$500,000 in each fiscal year from the Waterways Safety Fund (Fund 7086) to the Scenic Rivers Protection Fund (Fund 4U60) for use by the Division of Watercraft in administering the Wild, Scenic, and Recreational Rivers Program. 1735  
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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5026  
SFC-16

6 \_\_\_\_\_ moved to amend as follows:

7 In line 346, delete "3318.37,"

8 Delete lines 41139 through 41227

9 In line 90848, delete "3318.37,"

10 In line 101825, delete "years" and insert "year"; delete  
11 "through 2012"

12 In line 101826, delete "one or more projects" and insert "a  
13 project"

14 In line 72 of the title, delete "3318.37,"

15 The motion was \_\_\_\_\_ agreed to.

16 SYNOPSIS

17 **Eligibility for Exceptional Needs Program**

18 **R.C. 3318.37; Section 385.85**

19 Restores the House version restricting the School  
20 Facilities Commission to approving a classroom facilities  
21 project in FY 2010 (instead of one or more projects in FY 2010  
22 through 2012, in the Senate version) under the Exceptional Needs  
23 Program (ENP) for a school district that (1) initially applied  
24 for ENP in FY 2008 and (2) is ranked higher than 360 on the  
25 equity list for FY 2009.

26 Eliminates the Senate version's repeal of the current  
27 prohibition against school districts participating in ENP if  
28 they are within three fiscal years of eligibility for the main  
29 Classroom Facilities Assistance Program. (That is, the  
30 amendment retains the prohibition in current law.)

6 \_\_\_\_\_ moved to amend as follows:

7 In line 75689, after the underlined period delete the  
8 balance of the line

9 Delete lines 75690 through 75700

10 In line 75704, after "objectives" delete the balance of the  
11 line

12 Delete line 75705

13 In line 75706, delete "division (A) of this section"

14 In line 75710, after the underlined period insert "The  
15 department shall submit a copy of each report to the governor  
16 and, in accordance with section 101.68 of the Revised Code, the  
17 general assembly."; after "report" insert "also"

18 The motion was \_\_\_\_\_ agreed to.

19 SYNOPSIS

20 **Medicaid Fraud, Waste, and Abuse Report**

21 **R.C. 5111.092**

22 Revises the bill's provision that requires ODJFS to prepare  
23 an annual Medicaid fraud, waste, and abuse report as follows:

24 (1) Eliminates the requirement that ODJFS prepare the  
25 report in collaboration with fraud and investigative personnel



26 from the Attorney General's office, State Auditor's office, and  
27 other state and local agencies that administer Medicaid  
28 services;

29 (2) Requires ODJFS to submit a copy of each report to the  
30 Governor and General Assembly.

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5028

\_\_\_\_\_ moved to amend as follows.

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- |   |    |
|---|----|
| In line 322, delete "1505.07,"                              | 1  |
| In line 331, delete "1531.06,"                              | 2  |
| In line 360, delete "3706.01,"                              | 3  |
| In line 435, delete "1501.50, 1501.51,"                     | 4  |
| In line 445, delete "3745.50,"                              | 5  |
| In line 8786, after "(17)" reinsert the balance of the line | 6  |
| Reinsert lines 8787 through 8793                            | 7  |
| In line 8794, reinsert "(18)"                               | 8  |
| Delete lines 22856 through 22959                            | 9  |
| Delete lines 22982 through 23008                            | 10 |
| Delete lines 26261 through 26389                            | 11 |
| Delete lines 49914 through 50143                            | 12 |
| Delete lines 57458 through 57468                            | 13 |
| In line 90824, delete "1505.07,"                            | 14 |
| In line 90833, delete "1531.06,"                            | 15 |
| In line 90862, delete "3706.01,"                            | 16 |
| In line 90950, after "4753.101," insert "and"; delete ",    | 17 |

5119.40, 5120.12, and 5123.23" 18

Delete lines 105398 through 105442 19

In line 40 of the title, delete "1505.07," 20

In line 52 of the title, delete "1531.06," 21

In line 92 of the title, delete "3706.01," 22

In line 194 of the title, delete "1501.50, 1501.51," 23

In line 205 of the title, delete "3745.50," 24

In line 243 of the title, after "4753.101," insert "and";  
delete ", 5119.40, 5120.12, and" 25  
26

In line 244 of the title, delete "5123.23" 27

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Removal of Leasing Program for Oil and Gas Drilling on State 28  
Land; Removal of Streamlined Permitting Process for Certain Energy 29  
Related Facilities; Removal of Revisions to Definition of "Air 30  
Quality Facility" in Air Quality Development Authority Law; 31  
Removal of Energy Planning Task Force 32

R.C. 123.01, 1501.50, 1501.51, 1505.07, 1531.06, 3706.01, 33  
3745.50, 5119.40, 5120.12, and 5123.23 34

Removes the provisions of the bill that do all of the 35  
following: 36

(1) Vest with the Department of Natural Resources exclusive 37  
authority to enter into leases for the drilling for oil or gas on 38  
all land that is owned by the state and administered by a state 39  
agency, and repeal the authority of certain state agencies to 40

enter into such leases; 41

(2) Create the Oil and Gas Lease Fund consisting of money 42  
from oil and gas leases entered into under the bill, require the 43  
Director of Natural Resources to distribute money in the Fund from 44  
a lease to the state agency that administers the state-owned land 45  
from which the extraction of oil or natural gas has occurred 46  
pursuant to the lease, require a state agency that receives such 47  
money to use it only to pay the costs of capital projects and 48  
improvements of that agency, and authorize a state agency that has 49  
the authority to issue bonds to pay the debt service for those 50  
bonds with money received from oil and gas leases entered into 51  
under the bill; 52

(3) Require the Director of Natural Resources to adopt rules 53  
governing the oil and gas leasing program, and require the rules 54  
to establish certain procedures, requirements, and standards 55  
regarding oil and gas leases, including procedures and standards 56  
for establishing the terms and conditions of oil and gas leases; 57

(4) Require the Directors of Environmental Protection, 58  
Natural Resources, and Development jointly to establish a 59  
streamlined permitting process for permits issued by the 60  
Environmental Protection Agency and any other state agency that 61  
are related to the siting or expansion of oil and gas refineries, 62  
coal gasification facilities, and other energy resource related 63  
facilities; 64

(5) Expand the definition of "air quality facility" in the 65  
Air Quality Development Authority Law to include facilities or 66  
projects that will assist Ohio in achieving energy independence 67  
through the utilization of the state's resources, thus making 68  
those types of facilities and projects eligible for construction 69  
and operation by, or funding from, the Ohio Air Quality 70  
Development Authority; and 71

(6) Create the Energy Planning Task Force to develop a state energy plan, and require the Task Force to present the plan to the Governor and the General Assembly not later than 18 months after the effective date of the applicable provision.

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2 Am. Sub. H.B. 1  
3 As Passed by the Senate  
4 CC-5029  
5 JFS-113

6 \_\_\_\_\_ moved to amend as follows:

7 In line 98010, delete "STUDY OF" and insert "REPORT ON"

8 Delete lines 98011 through 98033 and insert:

9 "If the Department of Job and Family Services conducts a  
10 study on the issue of funding the Medicaid program through  
11 franchise permit fees on providers of health-care services, the  
12 Department shall submit a copy of a report regarding the study  
13 to the General Assembly in accordance with section 101.68 of the  
14 Revised Code."

15 The motion was \_\_\_\_\_ agreed to.

16 SINOPSIS

17 **Study of Provider Franchise Permit Fees**

18 **Section 309.31.55**

19 Replaces the bill's provision that creates a committee to  
20 study the issue of funding the Medicaid program through  
21 franchise permit fees on providers of health-care services with  
22 a provision that requires ODJFS, if it studies that issue, to  
23 submit a copy of a report regarding the study to the General  
24 Assembly.



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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5030  
COM-29

6 \_\_\_\_\_ moved to amend as follows:

7 In line 5455, after "superintendent" insert ", or in the  
8 absence of both the superintendent and an available deputy  
9 superintendent, the director of commerce,"

10 The motion was \_\_\_\_\_ agreed to.

11

SYNOPSIS

12 **Independence of the Superintendent of Financial**  
13 **Institutions**

14 **R.C. 121.07**

15 Provides that in the absence of both the Superintendent of  
16 Financial Institutions and an available deputy superintendent,  
17 the Director of Commerce may perform any of the examination or  
18 regulatory functions vested in the Superintendent by Title XI  
19 (governing financial institutions), Chapter 1733. (governing  
20 credit unions), Chapter 1761. (governing credit union guaranty  
21 corporations), and R.C. 1315.01 to 1315.18 (governing money  
22 transmitters).



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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5031  
MIS-23

6 \_\_\_\_\_ moved to amend as follows:

7 In line 375, delete "4115.04,"

8 Delete lines 60898 through 60960

9 In line 90877, delete "4115.04,"

10 Delete lines 106643 and 106644

11 In line 113 of the title, delete "4115.04,"

12 The motion was \_\_\_\_\_ agreed to.

13 SYNOPSIS

14 **Prevailing Schedule of Wages**

15 **R.C. 4115.04**

16 Removes the Senate-passed amendment that gives any public  
17 authority not just the Department of Natural Resources the  
18 option of including language in contracts to require wage rate  
19 determinations and updates be obtained directly from the  
20 Department of Commerce electronically.



1 128HB1-CC5032.docx/cc

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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5032  
BOR-82

6 \_\_\_\_\_ moved to amend as follows:

7 In line 442, delete "3333.91,"

8 Delete lines 44792 through 44909

9 In line 106542, delete "3333.91,"

10 In line 202 of the title, delete "3333.91,"

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **Employee Training Grant Program**

14 **R.C. 3333.91**

15 Removes the bill's provision requiring the Chancellor to  
16 administer a grant program to provide training for individuals  
17 seeking employment in the biotechnology or bioscience fields or  
18 in other fields in which critical demands exist for certain  
19 skills.

1 128HB1-CC5034.docx/ss

2 Am. Sub. H.B. 1  
3 As Passed by the Senate  
4 CC-5034  
5 JFS-101

6 \_\_\_\_\_ moved to amend as follows:

7 In line 450, delete "5111.035,"

8 Delete lines 75371 through 75384

9 In line 212 of the title, delete "5111.035,"

10 The motion was \_\_\_\_\_ agreed to.

11 SYNOPSIS

12 **Surety Bond for Medicaid Providers**

13 **R.C. 5111.035**

14 Removes the bill's provision added by the Senate that  
15 requires each Medicaid provider selected by ODJFS to give a  
16 surety bond against the risk of fraud.

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5035-4

\_\_\_\_\_ moved to amend as follows:

In line 359, after "3702.94," insert "3704.03," 1

In line 370, after "3737.71," insert "3745.05," 2

Between lines 49639 and 49640, insert: 3

"Sec. 3704.03. The director of environmental protection may do any of the following: 4  
5

(A) Develop programs for the prevention, control, and abatement of air pollution; 6  
7

(B) Advise, consult, contract, and cooperate with any governmental or private agency in the furtherance of the purposes of this chapter; 8  
9  
10

(C) Encourage, participate in, or conduct studies, investigations, and research relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution; 11  
12  
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15

(D) Adopt, modify, and rescind rules prescribing ambient air quality standards for the state as a whole or for various areas of the state that are consistent with and no more stringent than the national ambient air quality standards in effect under the federal 16  
17  
18  
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Clean Air Act; 20

(E) Adopt, modify, suspend, and rescind rules for the 21  
prevention, control, and abatement of air pollution, including 22  
rules prescribing for the state as a whole or for various areas of 23  
the state emission standards for air contaminants, and other 24  
necessary rules for the purpose of achieving and maintaining 25  
compliance with ambient air quality standards in all areas within 26  
the state as expeditiously as practicable, but not later than any 27  
deadlines applicable under the federal Clean Air Act; rules for 28  
the prevention or control of the emission of hazardous or toxic 29  
air contaminants; rules prescribing fugitive dust limitations and 30  
standards that are related, on an areawide basis, to attainment 31  
and maintenance of ambient air quality standards; rules 32  
prescribing shade, density, or opacity limitations and standards 33  
for emissions, provided that with regard to air contaminant 34  
sources for which there are particulate matter emission standards 35  
in addition to a shade, density, or opacity rule, upon 36  
demonstration by such a source of compliance with those other 37  
standards, the shade, density, or opacity rule shall provide for 38  
establishment of a shade, density, or opacity limitation for that 39  
source that does not require the source to reduce emissions below 40  
the level specified by those other standards; rules for the 41  
prevention or control of odors and air pollution nuisances; rules 42  
that prevent significant deterioration of air quality to the 43  
extent required by the federal Clean Air Act; rules for the 44  
protection of visibility as required by the federal Clean Air Act; 45  
and rules prescribing open burning limitations and standards. In 46  
adopting, modifying, suspending, or rescinding any such rules, the 47  
director, to the extent consistent with the federal Clean Air Act, 48  
shall hear and give consideration to evidence relating to all of 49  
the following: 50

(1) Conditions calculated to result from compliance with the 51  
rules, the overall cost within this state of compliance with the 52  
rules, and their relation to benefits to the people of the state 53  
to be derived from that compliance; 54

(2) The quantity and characteristics of air contaminants, the 55  
frequency and duration of their presence in the ambient air, and 56  
the dispersion and dilution of those contaminants; 57

(3) Topography, prevailing wind directions and velocities, 58  
physical conditions, and other factors that may or may combine to 59  
affect air pollution. 60

Consistent with division (K) of section 3704.036 of the 61  
Revised Code, the director shall consider alternative emission 62  
limits proposed by the owner or operator of an air contaminant 63  
source that is subject to an emission limit established in rules 64  
adopted under this division and shall accept those alternative 65  
emission limits that the director determines to be equivalent to 66  
emission limits established in rules adopted under this division. 67

(F) (1) Adopt, modify, suspend, and rescind rules consistent 68  
with the purposes of this chapter prohibiting the location, 69  
installation, construction, or modification of any air contaminant 70  
source or any machine, equipment, device, apparatus, or physical 71  
facility intended primarily to prevent or control the emission of 72  
air contaminants unless an installation permit therefor has been 73  
obtained from the director or the director's authorized 74  
representative. 75

(2) (a) Applications for installation permits shall be 76  
accompanied by plans, specifications, construction schedules, and 77  
such other pertinent information and data, including data on 78  
ambient air quality impact and a demonstration of best available 79  
technology, as the director may require. Installation permits 80  
shall be issued for a period specified by the director and are 81

transferable. The director shall specify in each permit the 82  
applicable emission standards and that the permit is conditioned 83  
upon payment of the applicable fees as required by section 3745.11 84  
of the Revised Code and upon the right of the director's 85  
authorized representatives to enter upon the premises of the 86  
person to whom the permit has been issued, at any reasonable time 87  
and subject to safety requirements of the person in control of the 88  
premises, for the purpose of determining compliance with such 89  
standards, this chapter, the rules adopted thereunder, and the 90  
conditions of any permit, variance, or order issued thereunder. 91  
Each proposed new or modified air contaminant source shall provide 92  
such notice of its proposed installation or modification to other 93  
states as is required under the federal Clean Air Act. 94  
Installation permits shall include the authorization to operate 95  
sources installed and operated in accordance with terms and 96  
conditions of the installation permits for a period not to exceed 97  
one year from commencement of operation, which authorization shall 98  
constitute an operating permit under division (G) of this section 99  
and rules adopted under it. 100

No installation permit shall be required for activities that 101  
are subject to and in compliance with a plant-wide applicability 102  
limit issued by the director in accordance with rules adopted 103  
under this section. 104

No installation permit shall be issued except in accordance 105  
with all requirements of this chapter and rules adopted 106  
thereunder. No application shall be denied or permit revoked or 107  
modified without a written order stating the findings upon which 108  
denial, revocation, or modification is based. A copy of the order 109  
shall be sent to the applicant or permit holder by certified mail. 110

(b) An air contaminant source that is the subject of an 111  
installation permit shall be installed or modified in accordance 112

with the permit not later than eighteen months after the permit's 113  
effective date at which point the permit shall terminate unless 114  
one of the following applies: 115

(i) The owner or operator has undertaken a continuing program 116  
of installation or modification during the eighteen-month period. 117

(ii) The owner or operator has entered into a binding 118  
contractual obligation to undertake and complete within a 119  
reasonable period of time a continuing program of installation or 120  
modification of the air contaminant source during the 121  
eighteen-month period. 122

(iii) The director has extended the date by which the air 123  
contaminant source that is the subject of the installation permit 124  
must be installed or modified. 125

(iv) The installation permit is the subject of an appeal by a 126  
party other than the owner or operator of the air contaminant 127  
source that is the subject of the installation permit, in which 128  
case the date of termination of the permit is not later than 129  
eighteen months after the effective date of the permit plus the 130  
number of days between the date in which the permit was appealed 131  
and the date on which all appeals concerning the permit have been 132  
resolved. 133

(v) The installation permit has been superseded by a 134  
subsequent installation permit, in which case the original 135  
installation permit terminates on the effective date of the 136  
superseding installation permit. 137

Division (F) (2) (b) of this section applies to an installation 138  
permit that has not terminated as of the effective date of this 139  
amendment. 140

The director may adopt rules in accordance with Chapter 119. 141  
of the Revised Code for the purpose of establishing additional 142

requirements that are necessary for the implementation of division 143  
(F) (2) (b) of this section. 144

(3) Not later than two years after August 3, 2006, the 145  
 director shall adopt a rule in accordance with Chapter 119. of the 146  
 Revised Code specifying that a permit to install is required only 147  
 for new or modified air contaminant sources that emit any of the 148  
 following air contaminants: 149

(a) An air contaminant or precursor of an air contaminant for 150  
 which a national ambient air quality standard has been adopted 151  
 under the federal Clean Air Act; 152

(b) An air contaminant for which the air contaminant source 153  
 is regulated under the federal Clean Air Act; 154

(c) An air contaminant that presents, or may present, through 155  
 inhalation or other routes of exposure, a threat of adverse human 156  
 health effects, including, but not limited to, substances that are 157  
 known to be, or may reasonably be anticipated to be, carcinogenic, 158  
 mutagenic, teratogenic, or neurotoxic, that cause reproductive 159  
 dysfunction, or that are acutely or chronically toxic, or a threat 160  
 of adverse environmental effects whether through ambient 161  
 concentrations, bioaccumulation, deposition, or otherwise, and 162  
 that is identified in the rule by chemical name and chemical 163  
 abstract service number. 164

The director may modify the rule adopted under division 165  
 (F) (3) (c) of this section for the purpose of adding or deleting 166  
 air contaminants. For each air contaminant that is contained in or 167  
 deleted from the rule adopted under division (F) (3) (c) of this 168  
 section, the director shall include in a notice accompanying any 169  
 proposed or final rule an explanation of the director's 170  
 determination that the air contaminant meets the criteria 171  
 established in that division and should be added to, or no longer 172  
 meets the criteria and should be deleted from, the list of air 173



contaminants. The explanation shall include an identification of 174  
the scientific evidence on which the director relied in making the 175  
determination. Until adoption of the rule under division (F) (3) (c) 176  
of this section, nothing shall affect the director's authority to 177  
issue, deny, modify, or revoke permits to install under this 178  
chapter and rules adopted under it. 179

(4) (a) Applications for permits to install new or modified 180  
air contaminant sources shall contain sufficient information 181  
regarding air contaminants for which the director may require a 182  
permit to install to determine conformity with the environmental 183  
protection agency's document entitled "Review of New Sources of 184  
Air Toxics Emissions, Option A," dated May 1986, which the 185  
director shall use to evaluate toxic emissions from new or 186  
modified air contaminant sources. The director shall make copies 187  
of the document available to the public upon request at no cost 188  
and post the document on the environmental protection agency's web 189  
site. Any inconsistency between the document and division (F) (4) 190  
of this section shall be resolved in favor of division (F) (4) of 191  
this section. 192

(b) The maximum acceptable ground level concentration of an 193  
air contaminant shall be calculated in accordance with the 194  
document entitled "Review of New Sources of Air Toxics Emissions, 195  
Option A." Modeling shall be conducted to determine the increase 196  
in the ground level concentration of an air contaminant beyond the 197  
facility's boundary caused by the emissions from a new or modified 198  
source that is the subject of an application for a permit to 199  
install. Modeling shall be based on the maximum hourly rate of 200  
emissions from the source using information including, but not 201  
limited to, any emission control devices or methods, operational 202  
restrictions, stack parameters, and emission dispersion devices or 203  
methods that may affect ground level concentrations, either 204

individually or in combination. The director shall determine  
whether the activities for which a permit to install is sought  
will cause an increase in the ground level concentration of one or  
more relevant air contaminants beyond the facility's boundary by  
an amount in excess of the maximum acceptable ground level  
concentration. In making the determination as to whether the  
maximum acceptable ground level concentration will be exceeded,  
the director shall give consideration to the modeling conducted  
under division (F) (4) (b) of this section and other relevant  
information submitted by the applicant.

(c) If the modeling conducted under division (F) (4) (b) of  
this section with respect to an application for a permit to  
install demonstrates that the maximum ground level concentration  
from a new or modified source will be greater than or equal to  
eighty per cent, but less than one hundred per cent of the maximum  
acceptable ground level concentration for an air contaminant, the  
director may establish terms and conditions in the permit to  
install for the air contaminant source that will require the owner  
or operator of the air contaminant source to maintain emissions of  
that air contaminant commensurate with the modeled level, which  
shall be expressed as allowable emissions per day. In order to  
calculate the allowable emissions per day, the director shall  
multiply the hourly emission rate modeled under division (F) (4) (b)  
of this section to determine the ground level concentration by the  
operating schedule that has been identified in the permit to  
install application. Terms and conditions imposed under division  
(F) (4) (c) of this section are not federally enforceable  
requirements and, if included in a Title V permit, shall be placed  
in the portion of the permit that is only enforceable by the  
state.

(d) If the modeling conducted under division (F) (4) (b) of

this section with respect to an application for a permit to  
install demonstrates that the maximum ground level concentration  
from a new or modified source will be less than eighty per cent of  
the maximum acceptable ground level concentration, the owner or  
operator of the source annually shall report to the director, on a  
form prescribed by the director, whether operations of the source  
are consistent with the information regarding the operations that  
was used to conduct the modeling with regard to the permit to  
install application. The annual report to the director shall be in  
lieu of an emission limit or other permit terms and conditions  
imposed pursuant to division (F) (4) of this section. The director  
may consider any significant departure from the operations of the  
source described in the permit to install application that results  
in greater emissions than the emissions rate modeled to determine  
the ground level concentration as a modification and require the  
owner or operator to submit a permit to install application for  
the increased emissions. The requirements established in division  
(F) (4) (d) of this section are not federally enforceable  
requirements and, if included in a Title V permit, shall be placed  
in the portion of the permit that is only enforceable by the  
state.

(e) Division (F) (4) of this section and the document entitled  
"Review of New Sources of Air Toxics Emissions, Option A" shall  
not be included in the state implementation plan under section 110  
of the federal Clean Air Act and do not apply to an air  
contaminant source that is subject to a maximum achievable control  
technology standard or residual risk standard under section 112 of  
the federal Clean Air Act, to a particular air contaminant  
identified under 40 C.F.R. 51.166, division (b) (23), for which the  
director has determined that the owner or operator of the source  
is required to install best available control technology for that  
particular air contaminant, or to a particular air contaminant for

which the director has determined that the source is required to 268  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 269  
part 51, Appendix S, for that particular air contaminant. 270

(f) (i) Division (F) (4) of this section and the document 271  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 272  
do not apply to parking lots, storage piles, storage tanks, 273  
transfer operations, grain silos, grain dryers, emergency 274  
generators, gasoline dispensing operations, air contaminant 275  
sources that emit air contaminants solely from the combustion of 276  
fossil fuels, or the emission of wood dust, sand, glass dust, coal 277  
dust, silica, and grain dust. 278

(ii) Notwithstanding division (F) (4) (f) (i) of this section, 279  
the director may require an individual air contaminant source that 280  
is within one of the source categories identified in division 281  
(F) (4) (f) (i) of this section to submit information in an 282  
application for a permit to install a new or modified source in 283  
order to determine the source's conformity to the document if the 284  
director has information to conclude that the particular new or 285  
modified source will potentially cause an increase in ground level 286  
concentration beyond the facility's boundary that exceeds the 287  
maximum acceptable ground level concentration as set forth in the 288  
document. 289

(iii) The director may adopt rules in accordance with Chapter 290  
119. of the Revised Code that are consistent with the purposes of 291  
this chapter and that add to or delete from the source category 292  
exemptions established in division (F) (4) (f) (i) of this section. 293

(5) Not later than one year after August 3, 2006, the 294  
director shall adopt rules in accordance with Chapter 119. of the 295  
Revised Code specifying activities that do not, by themselves, 296  
constitute beginning actual construction activities related to the 297  
installation or modification of an air contaminant source for 298

which a permit to install is required such as the grading and  
clearing of land, on-site storage of portable parts and equipment,  
and the construction of foundations or buildings that do not  
themselves emit air contaminants. The rules also shall allow  
specified initial activities that are part of the installation or  
modification of an air contaminant source, such as the  
installation of electrical and other utilities for the source,  
prior to issuance of a permit to install, provided that the owner  
or operator of the source has filed a complete application for a  
permit to install, the director or the director's designee has  
determined that the application is complete, and the owner or  
operator of the source has notified the director that this  
activity will be undertaken prior to the issuance of a permit to  
install. Any activity that is undertaken by the source under those  
rules shall be at the risk of the owner or operator. The rules  
shall not apply to activities that are precluded prior to permit  
issuance under section 111, section 112, Part C of Title I, and  
Part D of Title I of the federal Clean Air Act.

(G) Adopt, modify, suspend, and rescind rules prohibiting the  
operation or other use of any new, modified, or existing air  
contaminant source unless an operating permit has been obtained  
from the director or the director's authorized representative, or  
the air contaminant source is being operated in compliance with  
the conditions of a variance issued pursuant to division (H) of  
this section. Applications for operating permits shall be  
accompanied by such plans, specifications, and other pertinent  
information as the director may require. Operating permits may be  
issued for a period determined by the director not to exceed ten  
years, are renewable, and are transferable. The director shall  
specify in each operating permit that the permit is conditioned  
upon payment of the applicable fees as required by section 3745.11

of the Revised Code and upon the right of the director's 331  
authorized representatives to enter upon the premises of the 332  
person to whom the permit has been issued, at any reasonable time 333  
and subject to safety requirements of the person in control of the 334  
premises, for the purpose of determining compliance with this 335  
chapter, the rules adopted thereunder, and the conditions of any 336  
permit, variance, or order issued thereunder. Operating permits 337  
may be denied or revoked for failure to comply with this chapter 338  
or the rules adopted thereunder. An operating permit shall be 339  
issued only upon a showing satisfactory to the director or the 340  
director's representative that the air contaminant source is being 341  
operated in compliance with applicable emission standards and 342  
other rules or upon submission of a schedule of compliance 343  
satisfactory to the director for a source that is not in 344  
compliance with all applicable requirements at the time of permit 345  
issuance, provided that the compliance schedule shall be 346  
consistent with and at least as stringent as that contained in any 347  
judicial consent decree or administrative order to which the air 348  
contaminant source is subject. The rules shall provide for the 349  
issuance of conditional operating permits for such reasonable 350  
periods as the director may determine to allow the holder of an 351  
installation permit, who has constructed, installed, located, or 352  
modified a new air contaminant source in accordance with the 353  
provisions of an installation permit, to make adjustments or 354  
modifications necessary to enable the new air contaminant source 355  
to comply with applicable emission standards and other rules. 356  
Terms and conditions of operating permits issued pursuant to this 357  
division shall be federally enforceable for the purpose of 358  
establishing the potential to emit of a stationary source and 359  
shall be expressly designated as federally enforceable. Any such 360  
federally enforceable restrictions on a source's potential to emit 361  
shall include both an annual limit and a short-term limit of not 362

more than thirty days for each pollutant to be restricted together  
with adequate methods for establishing compliance with the  
restrictions. In other respects, operating permits issued pursuant  
to this division are enforceable as state law only. No application  
shall be denied or permit revoked or modified without a written  
order stating the findings upon which denial, revocation, or  
modification is based. A copy of the order shall be sent to the  
applicant or permit holder by certified mail.

(H) Adopt, modify, and rescind rules governing the issuance,  
revocation, modification, or denial of variances that authorize  
emissions in excess of the applicable emission standards.

No variance shall be issued except pursuant to those rules.  
The rules shall prescribe conditions and criteria in furtherance  
of the purposes of this chapter and consistent with the federal  
Clean Air Act governing eligibility for issuance of variances,  
which shall include all of the following:

(1) Provisions requiring consistency of emissions authorized  
by a variance with timely attainment and maintenance of ambient  
air quality standards;

(2) Provisions prescribing the classes and categories of air  
contaminants and air contaminant sources for which variances may  
be issued;

(3) Provisions defining the circumstances under which an  
applicant shall demonstrate that compliance with applicable  
emission standards is technically infeasible, economically  
unreasonable, or impossible because of conditions beyond the  
control of the applicant;

(4) Other provisions prescribed in furtherance of the goals  
of this chapter.

The rules shall prohibit the issuance of variances from any

emission limitation that was applicable to a source pursuant to an 393  
installation permit and shall prohibit issuance of variances that 394  
conflict with the federal Clean Air Act. 395

Applications for variances shall be accompanied by such 396  
information as the director may require. In issuing variances, the 397  
director may order the person to whom a variance is issued to 398  
furnish plans and specifications and such other information and 399  
data, including interim reports, as the director may require and 400  
to proceed to take such action within such time as the director 401  
may determine to be appropriate and reasonable to prevent, 402  
control, or abate the person's existing emissions of air 403  
contaminants. The director shall specify in each variance that the 404  
variance is conditioned upon payment of the applicable fees as 405  
required by section 3745.11 of the Revised Code and upon the right 406  
of the director's authorized representatives to enter upon the 407  
premises of the person to whom the variance has been issued, at 408  
any reasonable time and subject to safety requirements of the 409  
person in control of the premises, for the purpose of determining 410  
compliance with this chapter, the rules adopted thereunder, and 411  
the conditions of any permit, variance, or order issued 412  
thereunder. 413

The director may hold a public hearing on an application for 414  
a variance or renewal thereof at a location in the county where 415  
the variance is sought. The director shall give not less than 416  
twenty days' notice of the hearing to the applicant by certified 417  
mail and cause at least one publication of notice in a newspaper 418  
with general circulation in the county where the variance is 419  
sought. The director shall keep available for public inspection at 420  
the principal office of the environmental protection agency a 421  
current schedule of pending applications for variances and a 422  
current schedule of pending variance hearings. The director shall 423



make a complete stenographic record of testimony and other  
evidence submitted at the hearing. The director shall make a  
written determination to issue, renew, or deny the variance and  
shall enter the determination and the basis therefor into the  
record of the hearing. The director shall issue, renew, or deny an  
application for a variance or renewal thereof, or issue a proposed  
action upon the application pursuant to section 3745.07 of the  
Revised Code, within six months of the date upon which the  
director receives a complete application with all pertinent  
information and data required by the director.

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Any variance granted pursuant to rules adopted under this  
division shall be for a period specified by the director, not to  
exceed three years, and may be renewed from time to time on such  
terms and for such periods, not to exceed three years each, as the  
director determines to be appropriate. A variance may be revoked,  
or renewal denied, for failure to comply with conditions specified  
in the variance. No variance shall be issued, denied, revoked, or  
modified without a written order stating the findings upon which  
the issuance, denial, revocation, or modification is based. A copy  
of the order shall be sent to the applicant or variance holder by  
certified mail.

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(I) Require the owner or operator of an air contaminant  
source to install, employ, maintain, and operate such emissions,  
ambient air quality, meteorological, or other monitoring devices  
or methods as the director shall prescribe; to sample those  
emissions at such locations, at such intervals, and in such manner  
as the director prescribes; to maintain records and file periodic  
reports with the director containing information as to location,  
size, and height of emission outlets, rate, duration, and  
composition of emissions, and any other pertinent information the  
director prescribes; and to provide such written notice to other

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states as the director shall prescribe. In requiring monitoring  
devices, records, and reports, the director, to the extent  
consistent with the federal Clean Air Act, shall give  
consideration to technical feasibility and economic reasonableness  
and allow reasonable time for compliance. For sources where a  
specific monitoring, record-keeping, or reporting requirement is  
specified for a particular air contaminant from a particular air  
contaminant source in an applicable regulation adopted by the  
United States environmental protection agency under the federal  
Clean Air Act or in an applicable rule adopted by the director,  
the director shall not impose an additional requirement in a  
permit that is a different monitoring, record-keeping, or  
reporting requirement other than the requirement specified in the  
applicable regulation or rule for that air contaminant except as  
otherwise agreed to by the owner or operator of the air  
contaminant source and the director. If two or more regulations or  
rules impose different monitoring, record-keeping, or reporting  
requirements for the same air contaminant from the same air  
contaminant source, the director may impose permit terms and  
conditions that consolidate or streamline the monitoring,  
record-keeping, or reporting requirements in a manner that  
conforms with each applicable requirement. To the extent  
consistent with the federal Clean Air Act and except as otherwise  
agreed to by the owner or operator of an air contaminant source  
and the director, the director shall not require an operating  
restriction that has the practical effect of increasing the  
stringency of an existing applicable emission limitation or  
standard.

(J) Establish, operate, and maintain monitoring stations and  
other devices designed to measure air pollution and enter into  
contracts with any public or private agency for the establishment,  
operation, or maintenance of such stations and devices;

(K) By rule adopt procedures for giving reasonable public notice and conducting public hearings on any plans for the prevention, control, and abatement of air pollution that the director is required to submit to the federal government;

(L) Through any employee, agent, or authorized representative of the director or the environmental protection agency, enter upon private or public property, including improvements thereon, at any reasonable time, to make inspections, take samples, conduct tests, and examine records or reports pertaining to any emission of air contaminants and any monitoring equipment or methods and to determine if there are any actual or potential emissions from such premises and, if so, to determine the sources, amounts, contents, and extent of those emissions, or to ascertain whether there is compliance with this chapter, any orders issued or rules adopted thereunder, or any other determination of the director. The director, at reasonable times, may have access to and copy any such records. If entry or inspection authorized by this division is refused, hindered, or thwarted, the director or the director's authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

(M) Accept and administer gifts or grants from the federal government and from any other source, public or private, for carrying out any of the functions under this chapter;

(N) Obtain necessary scientific, technical, and laboratory services;

(O) Establish advisory boards in accordance with section 121.13 of the Revised Code;

(P) Delegate to any city or general health district or political subdivision of the state any of the director's

enforcement and monitoring powers and duties, other than 518  
rule-making powers, as the director elects to delegate, and in 519  
addition employ, compensate, and prescribe the powers and duties 520  
of such officers, employees, and consultants as are necessary to 521  
enable the director to exercise the authority and perform duties 522  
imposed upon the director by law. Technical and other services 523  
shall be performed, insofar as practical, by personnel of the 524  
environmental protection agency. 525

(Q) Certify to the government of the United States or any 526  
agency thereof that an industrial air pollution facility is in 527  
conformity with the state program or requirements for control of 528  
air pollution whenever such certificate is required for a taxpayer 529  
pursuant to any federal law or requirements; 530

(R) Issue, modify, or revoke orders requiring abatement of or 531  
prohibiting emissions that violate applicable emission standards 532  
or other requirements of this chapter and rules adopted 533  
thereunder, or requiring emission control devices or measures in 534  
order to comply with applicable emission standards or other 535  
requirements of this chapter and rules adopted thereunder. Any 536  
such order shall require compliance with applicable emission 537  
standards by a specified date and shall not conflict with any 538  
requirement of the federal Clean Air Act. In the making of such 539  
orders, the director, to the extent consistent with the federal 540  
Clean Air Act, shall give consideration to, and base the 541  
determination on, evidence relating to the technical feasibility 542  
and economic reasonableness of compliance with such orders and 543  
their relation to benefits to the people of the state to be 544  
derived from such compliance. If, under the federal Clean Air Act, 545  
any such order shall provide for the posting of a bond or surety 546  
to secure compliance with the order as a condition of issuance of 547  
the order, the order shall so provide, but only to the extent 548

required by the federal Clean Air Act. 549

(S) To the extent provided by the federal Clean Air Act, 550  
adopt, modify, and rescind rules providing for the administrative 551  
assessment and collection of monetary penalties, not in excess of 552  
those required pursuant to the federal Clean Air Act, for failure 553  
to comply with any emission limitation or standard, compliance 554  
schedule, or other requirement of any rule, order, permit, or 555  
variance issued or adopted under this chapter or required under 556  
the applicable implementation plan whether or not the source is 557  
subject to a federal or state consent decree. The director may 558  
require the submission of compliance schedules, calculations of 559  
penalties for noncompliance, and related information. Any orders, 560  
payments, sanctions, or other requirements imposed pursuant to 561  
rules adopted under this division shall be in addition to any 562  
other permits, orders, payments, sanctions, or other requirements 563  
established under this chapter and shall not affect any civil or 564  
criminal enforcement proceedings brought under any provision of 565  
this chapter or any other provision of state or local law. This 566  
division does not apply to any requirement of this chapter 567  
regarding the prevention or abatement of odors. 568

(T) Require new or modified air contaminant sources to 569  
install best available technology, but only in accordance with 570  
this division. With respect to permits issued pursuant to division 571  
(F) of this section beginning three years after August 3, 2006, 572  
best available technology for air contaminant sources and air 573  
contaminants emitted by those sources that are subject to 574  
standards adopted under section 112, Part C of Title I, and Part D 575  
of Title I of the federal Clean Air Act shall be equivalent to and 576  
no more stringent than those standards. For an air contaminant or 577  
precursor of an air contaminant for which a national ambient air 578  
quality standard has been adopted under the federal Clean Air Act, 579

best available technology only shall be required to the extent 580  
 required by rules adopted under Chapter 119. of the Revised Code 581  
 for permit to install applications filed three or more years after 582  
 August 3, 2006. 583

Best available technology requirements established in rules 584  
 adopted under this division shall be expressed only in one of the 585  
 following ways that is most appropriate for the applicable source 586  
 or source categories: 587

(1) Work practices; 588

(2) Source design characteristics or design efficiency of 589  
 applicable air contaminant control devices; 590

(3) Raw material specifications or throughput limitations 591  
 averaged over a twelve-month rolling period; 592

(4) Monthly allowable emissions averaged over a twelve-month 593  
 rolling period. 594

Best available technology requirements shall not apply to an 595  
 air contaminant source that has the potential to emit, taking into 596  
 account air pollution controls installed on the source, less than 597  
 ten tons per year of emissions of an air contaminant or precursor 598  
 of an air contaminant for which a national ambient air quality 599  
 standard has been adopted under the federal Clean Air Act. In 600  
 addition, best available technology requirements established in 601  
 rules adopted under this division shall not apply to any existing, 602  
 new, or modified air contaminant source that is subject to a 603  
 plant-wide applicability limit that has been approved by the 604  
 director. Further, best available technology requirements 605  
 established in rules adopted under this division shall not apply 606  
 to general permits issued prior to January 1, 2006, under rules 607  
 adopted under this chapter. 608

For permits to install issued three or more years after 609

August 3, 2006, any new or modified air contaminant source that  
has the potential to emit, taking into account air pollution  
controls installed on the source, ten or more tons per year of  
volatile organic compounds or nitrogen oxides shall meet, at a  
minimum, the requirements of any applicable reasonably available  
control technology rule in effect as of January 1, 2006,  
regardless of the location of the source.

(U) Consistent with section 507 of the federal Clean Air Act,  
adopt, modify, suspend, and rescind rules for the establishment of  
a small business stationary source technical and environmental  
compliance assistance program as provided in section 3704.18 of  
the Revised Code;

(V) Provide for emissions trading, marketable permits,  
auctions of emission rights, and economic incentives that would  
reduce the cost or increase the efficiency of achieving a  
specified level of environmental protection;

(W) Provide for the construction of an air contaminant source  
prior to obtaining a permit to install pursuant to division (F) of  
this section if the applicant demonstrates that the source will be  
installed to comply with all applicable emission limits and will  
not adversely affect public health or safety or the environment  
and if the director determines that such an action will avoid an  
unreasonable hardship on the owner or operator of the source. Any  
such determination shall be consistent with the federal Clean Air  
Act.

(X) Exercise all incidental powers, including adoption of  
rules, required to carry out this chapter.

The environmental protection agency shall develop a plan to  
control air pollution resulting from state-operated facilities and  
property."

Between lines 56185 and 56186, insert: 640

"Sec. 3745.05. (A) In hearing the appeal, if an adjudication 641  
hearing was conducted by the director of environmental protection 642  
in accordance with sections 119.09 and 119.10 of the Revised Code 643  
or conducted by a board of health, the environmental review 644  
appeals commission is confined to the record as certified to it by 645  
the director or the board of health, as applicable. The commission 646  
may grant a request for the admission of additional evidence when 647  
satisfied that such additional evidence is newly discovered and 648  
could not with reasonable diligence have been ascertained prior to 649  
the hearing before the director or the board, as applicable. If no 650  
adjudication hearing was conducted in accordance with sections 651  
119.09 and 119.10 of the Revised Code or conducted by a board of 652  
health, the commission shall conduct a hearing de novo on the 653  
appeal. 654

For the purpose of conducting a de novo hearing, or where the 655  
commission has granted a request for the admission of additional 656  
evidence, the commission may require the attendance of witnesses 657  
and the production of written or printed materials. 658

When conducting a de novo hearing, or when a request for the 659  
admission of additional evidence has been granted, the commission 660  
may, and at the request of any party it shall, issue subpoenas for 661  
witnesses or for books, papers, correspondence, memoranda, 662  
agreements, or other documents or records relevant or material to 663  
the inquiry directed to the sheriff of the counties where the 664  
witnesses or documents or records are found, which subpoenas shall 665  
be served and returned in the same manner as those allowed by the 666  
court of common pleas in criminal cases. 667

(B) The fees of sheriffs shall be the same as those allowed 668  
by the court of common pleas in criminal cases. Witnesses shall be 669



paid the fees and mileage provided for under section 119.094 of 670  
the Revised Code. The fee and mileage expenses incurred at the 671  
request of the appellant shall be paid in advance by the 672  
appellant, and the remainder of the expenses shall be paid out of 673  
funds appropriated for the expenses of the commission. 674

(C) In case of disobedience or neglect of any subpoena served 675  
on any person, or the refusal of any witness to testify to any 676  
matter regarding which the witness may be lawfully interrogated, 677  
the court of common pleas of the county in which the disobedience, 678  
neglect, or refusal occurs, or any judge thereof, on application 679  
of the commission or any member thereof, may compel obedience by 680  
attachment proceedings for contempt as in the case of disobedience 681  
of the requirements of a subpoena issued from the court or a 682  
refusal to testify therein. 683

(D) A witness at any hearing shall testify under oath or 684  
affirmation, which any member of the commission may administer. A 685  
witness, if the witness requests, shall be permitted to be 686  
accompanied, represented, and advised by an attorney, whose 687  
participation in the hearing shall be limited to the protection of 688  
the rights of the witness, and who may not examine or 689  
cross-examine witnesses. A witness shall be advised of the right 690  
to counsel before the witness is interrogated. 691

(E) A stenographic record of the testimony and other evidence 692  
submitted shall be taken by an official court shorthand reporter. 693  
The record shall include all of the testimony and other evidence 694  
and the rulings on the admissibility thereof presented at the 695  
hearing. The commission shall pass upon the admissibility of 696  
evidence, but any party may at the time object to the admission of 697  
any evidence and except to the rulings of the commission thereon, 698  
and if the commission refuses to admit evidence the party offering 699  
same may make a proffer thereof, and such proffer shall be made a 700

part of the record of such hearing. 701

Any party may request the stenographic record of the hearing. 702  
Promptly after receiving such a request, the commission shall 703  
prepare and provide the stenographic record of the hearing to the 704  
party who requested it. The commission may charge a fee to the 705  
party who requested the stenographic record that does not exceed 706  
the cost to the commission for preparing and transcribing it. 707

(F) If, upon completion of the hearing, the commission finds 708  
that the action appealed from was lawful and reasonable, it shall 709  
make a written order affirming the action, or if the commission 710  
finds that the action was unreasonable or unlawful, it shall make 711  
a written order vacating or modifying the action appealed from. 712  
Every 713

The commission shall issue a written order affirming, 714  
vacating, or modifying an action pursuant to the following 715  
schedule: 716

(1) For an appeal that was filed with the commission before 717  
April 15, 2008, the commission shall issue a written order not 718  
later than December 15, 2009. 719

(2) For all other appeals that have been filed with the 720  
commission as of October 15, 2009, the commission shall issue a 721  
written order not later than July 15, 2010. 722

(3) For an appeal that is filed with the commission after 723  
October 15, 2009, the commission shall issue a written order not 724  
later than twelve months after the filing of the appeal with the 725  
commission. 726

(G) Every order made by the commission shall contain a 727  
written finding by the commission of the facts upon which the 728  
order is based. Notice of the making of the order shall be given 729  
forthwith to each party to the appeal by mailing a certified copy 730

thereof to each party by certified mail, with a statement of the time and method by which an appeal may be perfected. 731 732

(H) The order of the commission is final unless vacated or modified upon judicial review." 733 734

In line 90861, after "3702.94," insert "3704.03," 735

In line 90872, after "3737.71," insert "3745.05," 736

Delete lines 96292 and 96292a 737

In line 96307, delete "\$134,505,201 \$134,960,492" and insert "\$134,018,201 \$134,473,492" 738 739

In line 96311, delete "\$190,359,657 \$188,987,875" and insert "\$189,872,657 \$188,500,875" 740 741

Between lines 96340 and 96341, insert: 742

"Section \_\_\_\_\_. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 743

General Revenue Fund 744

GRF 172321 Operating Expenses \$ 487,000 \$ 487,000 745

TOTAL GRF General Revenue Fund \$ 487,000 \$ 487,000 746

TOTAL ALL BUDGET FUND GROUPS \$ 487,000 \$ 487,000" 747

In line 91 of the title, after "3702.94," insert "3704.03," 749

In line 106 of the title, after "3737.71," insert "3745.05," 750

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Air Contaminant Source Installation Permits; Environmental Review Appeals Commission 751 752

R.C. 3704.03 and 3745.05 753

Specifies that an air contaminant source that is the subject 754

of an installation permit must be installed or modified in accordance with the permit not later than 18 months after the permit's effective date at which point the permit must terminate unless any of specified circumstances exists.

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Establishes statutory deadlines by which the Environmental Review Appeals Commission must issue written orders regarding appeals pending before the Commission.

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**Environmental Protection Agency and Environmental Review Appeals Commission**

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763

**Sections 277.10 and \_\_\_\_\_.**

764

Deletes a \$487,000 appropriation in each fiscal year for the Environmental Review Appeals Commission within the Environmental Protection Agency, and instead reestablishes the Environmental Review Appeals Commission as a free-standing agency under GRF appropriation item 172321, Operating Expenses, with funding of \$487,000 in each fiscal year.

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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5036-1  
DEV-5



\_\_\_\_\_ moved to amend as follows:

In line 309, after "174.03," insert "174.06," 1

In line 16701, after "homeless" insert "and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger" 2  
3  
4

In line 16769, after "rents" insert "; 5

(4) Improving the quality of life of tenants by providing education for tenants and residents of manufactured home communities regarding their rights and responsibilities, planning and implementing activities designed to improve conflict resolution and the capacity of tenants to negotiate and mediate with landlords, and developing tenant and resident councils and organizations; 6  
7  
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(5) Promoting capacity building initiatives related to the creation of county housing trust funds" 13  
14

In line 16770 after "(B)" strike through the balance of the line 15  
16

Strike through lines 16771 and 16772 17

In line 16773 strike through "(C)" 18

In line 16779, strike through "(D)" and insert "(C)" 19

In line 16788, strike through "(E)" and insert " <u>(D)</u> "	20
In line 16815, strike through "(F)" and insert " <u>(E)</u> "	21
In line 16838, strike through "(G)" and insert " <u>(F)</u> "	22
In line 16845, strike through "(H)" and insert " <u>(G)</u> "	23
Between lines 16849 and 16850, insert:	24
"Sec. 174.06. (A) There is hereby created the housing trust	25
fund advisory committee. The committee consists of fourteen	26
members the governor appoints as follows to represent	27
organizations committed to housing and housing assistance for low-	28
and moderate-income persons:	29
(1) One member to represent lenders.	30
(2) One member to represent for-profit builders and	31
developers.	32
(3) One member to represent the families and individuals	33
included in the income groups targeted for housing and housing	34
assistance under divisions <u>(E)</u> and <u>(F)</u> and <del>(G)</del> of section 174.03	35
of the Revised Code.	36
(4) One member to represent religious, civic, or social	37
service organizations.	38
(5) One member to represent counties.	39
(6) One member to represent municipal corporations.	40
(7) One member to represent townships.	41
(8) One member to represent local housing authorities.	42
(9) One member to represent fair housing organizations.	43
(10) Three members to represent nonprofit organizations.	44
(11) One member to represent real estate brokers licensed	45
under Chapter 4735. of the Revised Code.	46

(12) One member to represent the for-profit rental housing industry. 47  
48

(B) (1) Terms of office are for four years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner prescribed for the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of a term shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration of a term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first. 49  
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(2) The governor may remove a member for misfeasance, malfeasance, or willful neglect of duty. 60  
61

(C) (1) The committee shall select a chairperson from among its members. The committee shall meet at least once each calendar year and upon the call of the chair. Members of the committee serve without compensation, but shall be reimbursed for reasonable and necessary expenses incurred in the discharge of duties. 62  
63  
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66

(2) The department of development shall provide the committee with a meeting place, supplies, and staff assistance as the committee requests. 67  
68  
69

(D) The committee shall assist the department and the Ohio housing finance agency in defining housing needs and priorities, recommend to the department and agency at least annually how the programs developed under section 174.02 of the Revised Code should be designed to most effectively benefit low- and moderate-income persons, consider an allocation of funds for projects of fifteen units or less, and advise the director of development on whether and how to reallocate money in the low- and moderate-income 70  
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housing trust fund under division (B) of section 174.02 of the	78
Revised Code."	79

In line 90811, after "174.03," insert "174.06,"	80
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In line 22 of the title, after "174.03," insert "174.06,"	81
---	----

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Emergency Shelter Facilities Serving Unaccompanied Youths	82
Ages Seventeen and Younger and Support for Tenants' Rights and	83
Organizations	84

R.C. 174.02, 174.03, and 174.06	85
---------------------------------	----

Restores the House-passed provisions relating to permissible	86
uses of the Ohio Trust Fund to include (1) emergency shelter	87
facilities for unaccompanied youth ages 17 and younger and (2)	88
allowance of moneys in the Fund to support tenant right and	89
responsibility education, conflict resolution and mediation	90
activities, the development of tenants councils and organization,	91
and the promotion of capacity building initiatives for county	92
trust funds.	93



1 128HB1-CC5037.docx/ss

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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-5037  
JFS-65

6 \_\_\_\_\_ moved to amend as follows:

7 Delete lines 98276 through 98292, and insert:

8 "The foregoing appropriation item 600541, Kinship  
9 Permanency Incentive Program, shall be used to support the  
10 Kinship Permanency Incentive Program created under section  
11 5101.802 of the Revised Code."

12 The motion was \_\_\_\_\_ agreed to.

13

SYNOPSIS

14 **Ohio Department of Job and Family Services**

15 **Section 309.40.55**

16 Removes the earmark of federally funded line item 600689,  
17 TANF Block Grant, for the Kinship Permanency Incentive Program  
18 and the reporting requirements related to outcomes for children  
19 in the program and financial impact of the program. Earmarks  
20 GRF line item 600541, Kinship Permanency Incentive Program, to  
21 support the Kinship Permanency Incentive Program.

6 \_\_\_\_\_ moved to amend as follows:

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7 In line 44295, reinsert "2005" and delete "2009"

8 In line 44298, reinsert "Fifty" and delete "Seventy-five"

9 Reinsert line 44330

10 In line 44331, reinsert "to students enrolled in"; reinsert  
11 "nurse education"

12 In line 44332, reinsert "programs"

13 In line 44333, after "~~Code~~" insert "as determined by the  
14 chancellor, with preference given to programs aimed at  
15 increasing enrollment in an area of need"; reinsert the period

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16 The motion was \_\_\_\_\_ agreed to.

17 SYNOPSIS

18 **Nurse Education Assistance Loan Program**

19 **R.C. 3333.28**

20 Restores the House version that re-allocates 25% of the  
21 Nurse Education Assistance Fund from loans to students in  
22 prelicensure programs for licensed practical nurses to loans to  
23 students in any nurse education programs, as determined by the  
24 Chancellor (instead of to loans to students in postlicensure  
25 programs for registered nurses who intend to become nursing  
26 instructors, as in the Senate version).



Am. Sub. H.B. 1

As Passed by the Senate

CC-5039

JSC-15

\_\_\_\_\_ moved to amend as follows.

In line 335, after "1907.24," insert "2101.01, 2301.02,  
2301.03," 1  
2

Between lines 29366 and 29367, insert: 3

"Sec. 2101.01. (A) A probate division of the court of common 4  
pleas shall be held at the county seat in each county in an office 5  
furnished by the board of county commissioners, in which the 6  
books, records, and papers pertaining to the probate division 7  
shall be deposited and safely kept by the probate judge. The board 8  
shall provide suitable cases or other necessary items for the 9  
safekeeping and preservation of the books, records, and papers of 10  
the court and shall furnish any blankbooks, blanks, and 11  
stationery, and any machines, equipment, and materials for the 12  
keeping or examining of records, that the probate judge requires 13  
in the discharge of official duties. The board also shall 14  
authorize expenditures for accountants, financial consultants, and 15  
other agents required for auditing or financial consulting by the 16  
probate division whenever the probate judge considers these 17  
services and expenditures necessary for the efficient performance 18  
of the division's duties. The probate judge shall employ and 19  
supervise all clerks, deputies, magistrates, and other employees 20

of the probate division. The probate judge shall supervise all  
probate court investigators and assessors in the performance of  
their duties as investigators and assessors and shall employ,  
appoint, or designate all probate court investigators and  
assessors in the manner described in divisions (A) (2) and (3) of  
section 2101.11 of the Revised Code.

(B) As used in the Revised Code:

(1) Except as provided in division (B) (2) of this section,  
"probate court" means the probate division of the court of common  
pleas, and "probate judge" means the judge of the court of common  
pleas who is judge of the probate division.

(2) With respect to Lorain county:

~~(a) From January 1, 2006, through February 8, 2009, "probate  
court" means both the probate division and the domestic relations  
division of the court of common pleas, and "probate judge" means  
both the judge of the court of common pleas who is judge of the  
probate division and each of the judges of the court of common  
pleas who are judges of the domestic relations division.~~

~~(b) On and after February 9, 2009, through September 28,  
2009, "probate court" means the domestic relations division of the  
court of common pleas, and "probate judge" means each of the  
judges of the court of common pleas who are judges of the domestic  
relations division.~~

(b) The judge of the court of common pleas, division of  
domestic relations, whose term begins on February 9, 2009, and  
successors, shall be the probate judge beginning September 29,  
2009, and shall be elected and designated as judge of the court of  
common pleas, probate division.

(C) Except as otherwise provided in this division, all  
pleadings, forms, journals, and other records filed or used in the

probate division shall be entitled "In the Court of Common Pleas,  
 Probate Division," but are not defective if entitled "In the  
 Probate Court." In Lorain county, ~~on and after~~ from February 9,  
 2009, through September 28, 2009, all pleadings, forms, journals,  
 and other records filed or used in probate matters shall be  
 entitled "In the Court of Common Pleas, Domestic Relations  
 Division," but are not defective if entitled "In the Probate  
 Division" or "In the Probate Court."

Sec. 2301.02. The number of judges of the court of common  
 pleas for each county, the time for the next election of the  
 judges in the several counties, and the beginning of their terms  
 shall be as follows:

(A) In Adams, Ashland, Fayette, and Pike counties, one judge,  
 elected in 1956, term to begin February 9, 1957;

In Brown, Crawford, Defiance, Highland, Holmes, Morgan,  
 Ottawa, and Union counties, one judge, to be elected in 1954, term  
 to begin February 9, 1955;

In Auglaize county, one judge, to be elected in 1956, term to  
 begin January 9, 1957;

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,  
 Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and  
 Wyandot counties, one judge, to be elected in 1956, term to begin  
 January 1, 1957;

In Morrow county, two judges, one to be elected in 1956, term  
 to begin January 1, 1957, and one to be elected in 2006, term to  
 begin January 1, 2007;

In Logan county, two judges, one to be elected in 1956, term  
 to begin January 1, 1957, and one to be elected in 2004, term to  
 begin January 2, 2005;

In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;	80 81 82
In Champaign county, two judges, one to be elected in 1952, term to begin January 1, 1953, and one to be elected in 2008, term to begin February 10, 2009.	83 84 85
In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	86 87
In Henry county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;	88 89 90
In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;	91 92
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	93 94
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	95 96
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	97 98 99
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	100 101 102 103
In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;	104 105 106 107
In Athens county, two judges, one to be elected in 1954, term	108

to begin February 9, 1955, and one to be elected in 1990, term to	109
begin July 1, 1991;	110
In Erie county, four judges, one to be elected in 1956, term	111
to begin January 1, 1957, the second to be elected in 1970, term	112
to begin January 2, 1971, the third to be elected in 2004, term to	113
begin January 2, 2005, and the fourth to be elected in 2008, term	114
to begin February 9, 2009;	115
In Fairfield county, three judges, one to be elected in 1954,	116
term to begin February 9, 1955, the second to be elected in 1970,	117
term to begin January 1, 1971, and the third to be elected in	118
1994, term to begin January 2, 1995;	119
In Geauga county, two judges, one to be elected in 1956, term	120
to begin January 1, 1957, and the second to be elected in 1976,	121
term to begin January 6, 1977;	122
In Greene county, four judges, one to be elected in 1956,	123
term to begin February 9, 1957, the second to be elected in 1960,	124
term to begin January 1, 1961, the third to be elected in 1978,	125
term to begin January 2, 1979, and the fourth to be elected in	126
1994, term to begin January 1, 1995;	127
In Hancock county, two judges, one to be elected in 1952,	128
term to begin January 1, 1953, and the second to be elected in	129
1978, term to begin January 1, 1979;	130
In Lawrence county, two judges, one to be elected in 1954,	131
term to begin February 9, 1955, and the second to be elected in	132
1976, term to begin January 1, 1977;	133
In Marion county, three judges, one to be elected in 1952,	134
term to begin January 1, 1953, the second to be elected in 1976,	135
term to begin January 2, 1977, and the third to be elected in	136
1998, term to begin February 9, 1999;	137
In Medina county, three judges, one to be elected in 1956,	138

term to begin January 1, 1957, the second to be elected in 1966,	139
term to begin January 1, 1967, and the third to be elected in	140
1994, term to begin January 1, 1995;	141
In Miami county, two judges, one to be elected in 1954, term	142
to begin February 9, 1955, and one to be elected in 1970, term to	143
begin on January 1, 1971;	144
In Muskingum county, three judges, one to be elected in 1968,	145
term to begin August 9, 1969, one to be elected in 1978, term to	146
begin January 1, 1979, and one to be elected in 2002, term to	147
begin January 2, 2003;	148
In Portage county, three judges, one to be elected in 1956,	149
term to begin January 1, 1957, the second to be elected in 1960,	150
term to begin January 1, 1961, and the third to be elected in	151
1986, term to begin January 2, 1987;	152
In Ross county, two judges, one to be elected in 1956, term	153
to begin February 9, 1957, and the second to be elected in 1976,	154
term to begin January 1, 1977;	155
In Scioto county, three judges, one to be elected in 1954,	156
term to begin February 10, 1955, the second to be elected in 1960,	157
term to begin January 1, 1961, and the third to be elected in	158
1994, term to begin January 2, 1995;	159
In Seneca county, two judges, one to be elected in 1956, term	160
to begin January 1, 1957, and the second to be elected in 1986,	161
term to begin January 2, 1987;	162
In Warren county, four judges, one to be elected in 1954,	163
term to begin February 9, 1955, the second to be elected in 1970,	164
term to begin January 1, 1971, the third to be elected in 1986,	165
term to begin January 1, 1987, and the fourth to be elected in	166
2004, term to begin January 2, 2005;	167
In Washington county, two judges, one to be elected in 1952,	168



term to begin January 1, 1953, and one to be elected in 1986, term	169
to begin January 1, 1987;	170
In Wood county, three judges, one to be elected in 1968, term	171
beginning January 1, 1969, the second to be elected in 1970, term	172
to begin January 2, 1971, and the third to be elected in 1990,	173
term to begin January 1, 1991;	174
In Belmont and Jefferson counties, two judges, to be elected	175
in 1954, terms to begin January 1, 1955, and February 9, 1955,	176
respectively;	177
In Clark county, four judges, one to be elected in 1952, term	178
to begin January 1, 1953, the second to be elected in 1956, term	179
to begin January 2, 1957, the third to be elected in 1986, term to	180
begin January 3, 1987, and the fourth to be elected in 1994, term	181
to begin January 2, 1995.	182
In Clermont county, five judges, one to be elected in 1956,	183
term to begin January 1, 1957, the second to be elected in 1964,	184
term to begin January 1, 1965, the third to be elected in 1982,	185
term to begin January 2, 1983, the fourth to be elected in 1986,	186
term to begin January 2, 1987; and the fifth to be elected in	187
2006, term to begin January 3, 2007;	188
In Columbiana county, two judges, one to be elected in 1952,	189
term to begin January 1, 1953, and the second to be elected in	190
1956, term to begin January 1, 1957;	191
In Delaware county, two judges, one to be elected in 1990,	192
term to begin February 9, 1991, the second to be elected in 1994,	193
term to begin January 1, 1995;	194
In Lake county, six judges, one to be elected in 1958, term	195
to begin January 1, 1959, the second to be elected in 1960, term	196
to begin January 2, 1961, the third to be elected in 1964, term to	197
begin January 3, 1965, the fourth and fifth to be elected in 1978,	198

terms to begin January 4, 1979, and January 5, 1979, respectively, 199  
 and the sixth to be elected in 2000, term to begin January 6, 200  
 2001; 201

In Licking county, four judges, one to be elected in 1954, 202  
 term to begin February 9, 1955, one to be elected in 1964, term to 203  
 begin January 1, 1965, one to be elected in 1990, term to begin 204  
 January 1, 1991, and one to be elected in 2004, term to begin 205  
 January 1, 2005; 206

In Lorain county, ~~ten~~ nine judges, two to be elected in 1952, 207  
 terms to begin January 1, 1953, and January 2, 1953, respectively, 208  
 one to be elected in 1958, term to begin January 3, 1959, one to 209  
 be elected in 1968, term to begin January 1, 1969, two to be 210  
 elected in 1988, terms to begin January 4, 1989, and January 5, 211  
 1989, respectively, two to be elected in 1998, terms to begin 212  
 January 2, 1999, and January 3, 1999, respectively; and one to be 213  
 elected in 2006, term to begin January 6, 2007; ~~and one to be~~ 214  
~~elected in 2008, term to begin February 9, 2009, as described in~~ 215  
~~division (C) (1) (c) of section 2301.03 of the Revised Code;~~ 216

In Butler county, eleven judges, one to be elected in 1956, 217  
 term to begin January 1, 1957; two to be elected in 1954, terms to 218  
 begin January 1, 1955, and February 9, 1955, respectively; one to 219  
 be elected in 1968, term to begin January 2, 1969; one to be 220  
 elected in 1986, term to begin January 3, 1987; two to be elected 221  
 in 1988, terms to begin January 1, 1989, and January 2, 1989, 222  
 respectively; one to be elected in 1992, term to begin January 4, 223  
 1993; two to be elected in 2002, terms to begin January 2, 2003, 224  
 and January 3, 2003, respectively; and one to be elected in 2006, 225  
 term to begin January 3, 2007; 226

In Richland county, four judges, one to be elected in 1956, 227  
 term to begin January 1, 1957, the second to be elected in 1960, 228  
 term to begin February 9, 1961, the third to be elected in 1968, 229

term to begin January 2, 1969, and the fourth to be elected in	230
2004, term to begin January 3, 2005;	231
In Tuscarawas county, two judges, one to be elected in 1956,	232
term to begin January 1, 1957, and the second to be elected in	233
1960, term to begin January 2, 1961;	234
In Wayne county, two judges, one to be elected in 1956, term	235
beginning January 1, 1957, and one to be elected in 1968, term to	236
begin January 2, 1969;	237
In Trumbull county, six judges, one to be elected in 1952,	238
term to begin January 1, 1953, the second to be elected in 1954,	239
term to begin January 1, 1955, the third to be elected in 1956,	240
term to begin January 1, 1957, the fourth to be elected in 1964,	241
term to begin January 1, 1965, the fifth to be elected in 1976,	242
term to begin January 2, 1977, and the sixth to be elected in	243
1994, term to begin January 3, 1995;	244
(C) In Cuyahoga county, thirty-nine judges; eight to be	245
elected in 1954, terms to begin on successive days beginning from	246
January 1, 1955, to January 7, 1955, and February 9, 1955,	247
respectively; eight to be elected in 1956, terms to begin on	248
successive days beginning from January 1, 1957, to January 8,	249
1957; three to be elected in 1952, terms to begin from January 1,	250
1953, to January 3, 1953; two to be elected in 1960, terms to	251
begin on January 8, 1961, and January 9, 1961, respectively; two	252
to be elected in 1964, terms to begin January 4, 1965, and January	253
5, 1965, respectively; one to be elected in 1966, term to begin on	254
January 10, 1967; four to be elected in 1968, terms to begin on	255
successive days beginning from January 9, 1969, to January 12,	256
1969; two to be elected in 1974, terms to begin on January 18,	257
1975, and January 19, 1975, respectively; five to be elected in	258
1976, terms to begin on successive days beginning January 6, 1977,	259
to January 10, 1977; two to be elected in 1982, terms to begin	260

January 11, 1983, and January 12, 1983, respectively; and two to  
 be elected in 1986, terms to begin January 13, 1987, and January  
 14, 1987, respectively;

In Franklin county, twenty-two judges; two to be elected in  
 1954, terms to begin January 1, 1955, and February 9, 1955,  
 respectively; four to be elected in 1956, terms to begin January  
 1, 1957, to January 4, 1957; four to be elected in 1958, terms to  
 begin January 1, 1959, to January 4, 1959; three to be elected in  
 1968, terms to begin January 5, 1969, to January 7, 1969; three to  
 be elected in 1976, terms to begin on successive days beginning  
 January 5, 1977, to January 7, 1977; one to be elected in 1982,  
 term to begin January 8, 1983; one to be elected in 1986, term to  
 begin January 9, 1987; two to be elected in 1990, terms to begin  
 July 1, 1991, and July 2, 1991, respectively; one to be elected in  
 1996, term to begin January 2, 1997; and one to be elected in  
 2004, term to begin July 1, 2005;

In Hamilton county, twenty-one judges; eight to be elected in  
 1966, terms to begin January 1, 1967, January 2, 1967, and from  
 February 9, 1967, to February 14, 1967, respectively; five to be  
 elected in 1956, terms to begin from January 1, 1957, to January  
 5, 1957; one to be elected in 1964, term to begin January 1, 1965;  
 one to be elected in 1974, term to begin January 15, 1975; one to  
 be elected in 1980, term to begin January 16, 1981; two to be  
 elected at large in the general election in 1982, terms to begin  
 April 1, 1983; one to be elected in 1990, term to begin July 1,  
 1991; and two to be elected in 1996, terms to begin January 3,  
 1997, and January 4, 1997, respectively;

In Lucas county, fourteen judges; two to be elected in 1954,  
 terms to begin January 1, 1955, and February 9, 1955,  
 respectively; two to be elected in 1956, terms to begin January 1,  
 1957, and October 29, 1957, respectively; two to be elected in

1952, terms to begin January 1, 1953, and January 2, 1953, 292  
 respectively; one to be elected in 1964, term to begin January 3, 293  
 1965; one to be elected in 1968, term to begin January 4, 1969; 294  
 two to be elected in 1976, terms to begin January 4, 1977, and 295  
 January 5, 1977, respectively; one to be elected in 1982, term to 296  
 begin January 6, 1983; one to be elected in 1988, term to begin 297  
 January 7, 1989; one to be elected in 1990, term to begin January 298  
 2, 1991; and one to be elected in 1992, term to begin January 2, 299  
 1993; 300

In Mahoning county, seven judges; three to be elected in 301  
 1954, terms to begin January 1, 1955, January 2, 1955, and 302  
 February 9, 1955, respectively; one to be elected in 1956, term to 303  
 begin January 1, 1957; one to be elected in 1952, term to begin 304  
 January 1, 1953; one to be elected in 1968, term to begin January 305  
 2, 1969; and one to be elected in 1990, term to begin July 1, 306  
 1991; 307

In Montgomery county, fifteen judges; three to be elected in 308  
 1954, terms to begin January 1, 1955, January 2, 1955, and January 309  
 3, 1955, respectively; four to be elected in 1952, terms to begin 310  
 January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 311  
 respectively; one to be elected in 1964, term to begin January 3, 312  
 1965; one to be elected in 1968, term to begin January 3, 1969; 313  
 three to be elected in 1976, terms to begin on successive days 314  
 beginning January 4, 1977, to January 6, 1977; two to be elected 315  
 in 1990, terms to begin July 1, 1991, and July 2, 1991, 316  
 respectively; and one to be elected in 1992, term to begin January 317  
 1, 1993. 318

In Stark county, eight judges; one to be elected in 1958, 319  
 term to begin on January 2, 1959; two to be elected in 1954, terms 320  
 to begin on January 1, 1955, and February 9, 1955, respectively; 321  
 two to be elected in 1952, terms to begin January 1, 1953, and 322

April 16, 1953, respectively; one to be elected in 1966, term to  
begin on January 4, 1967; and two to be elected in 1992, terms to  
begin January 1, 1993, and January 2, 1993, respectively;

In Summit county, thirteen judges; four to be elected in  
1954, terms to begin January 1, 1955, January 2, 1955, January 3,  
1955, and February 9, 1955, respectively; three to be elected in  
1958, terms to begin January 1, 1959, January 2, 1959, and May 17,  
1959, respectively; one to be elected in 1966, term to begin  
January 4, 1967; one to be elected in 1968, term to begin January  
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one  
to be elected in 1992, term to begin January 6, 1993; and two to  
be elected in 2008, terms to begin January 5, 2009, and January 6,  
2009, respectively.

Notwithstanding the foregoing provisions, in any county  
having two or more judges of the court of common pleas, in which  
more than one-third of the judges plus one were previously elected  
at the same election, if the office of one of those judges so  
elected becomes vacant more than forty days prior to the second  
general election preceding the expiration of that judge's term,  
the office that that judge had filled shall be abolished as of the  
date of the next general election, and a new office of judge of  
the court of common pleas shall be created. The judge who is to  
fill that new office shall be elected for a six-year term at the  
next general election, and the term of that judge shall commence  
on the first day of the year following that general election, on  
which day no other judge's term begins, so that the number of  
judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas  
are judges of the court of common pleas but shall be elected  
pursuant to sections 2101.02 and 2101.021 of the Revised Code,  
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot

counties in which the judge of the court of common pleas elected 354  
pursuant to this section also shall serve as judge of the probate 355  
division, except in Lorain county in which the judges of the 356  
domestic relations division of the Lorain county court of common 357  
pleas elected pursuant to this section also shall perform the 358  
duties and functions of the judge of the probate division from 359  
February 9, 2009, through September 28, 2009, and except in Morrow 360  
county in which the judges of the court of common pleas elected 361  
pursuant to this section also shall perform the duties and 362  
functions of the judge of the probate division. 363

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 364  
of common pleas whose terms begin on January 1, 1953, January 2, 365  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 366  
successors, shall have the same qualifications, exercise the same 367  
powers and jurisdiction, and receive the same compensation as 368  
other judges of the court of common pleas of Franklin county and 369  
shall be elected and designated as judges of the court of common 370  
pleas, division of domestic relations. They shall have all the 371  
powers relating to juvenile courts, and all cases under Chapters 372  
2151. and 2152. of the Revised Code, all parentage proceedings 373  
under Chapter 3111. of the Revised Code over which the juvenile 374  
court has jurisdiction, and all divorce, dissolution of marriage, 375  
legal separation, and annulment cases shall be assigned to them. 376  
In addition to the judge's regular duties, the judge who is senior 377  
in point of service shall serve on the children services board and 378  
the county advisory board and shall be the administrator of the 379  
domestic relations division and its subdivisions and departments. 380

(B) In Hamilton county: 381

(1) The judge of the court of common pleas, whose term begins 382  
on January 1, 1957, and successors, and the judge of the court of 383  
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common pleas, whose term begins on February 14, 1967, and 385  
 successors, shall be the juvenile judges as provided in Chapters 386  
 2151. and 2152. of the Revised Code, with the powers and 387  
 jurisdiction conferred by those chapters. 388

(2) The judges of the court of common pleas whose terms begin 389  
 on January 5, 1957, January 16, 1981, and July 1, 1991, and 390  
 successors, shall be elected and designated as judges of the court 391  
 of common pleas, division of domestic relations, and shall have 392  
 assigned to them all divorce, dissolution of marriage, legal 393  
 separation, and annulment cases coming before the court. On or 394  
 after the first day of July and before the first day of August of 395  
 1991 and each year thereafter, a majority of the judges of the 396  
 division of domestic relations shall elect one of the judges of 397  
 the division as administrative judge of that division. If a 398  
 majority of the judges of the division of domestic relations are 399  
 unable for any reason to elect an administrative judge for the 400  
 division before the first day of August, a majority of the judges 401  
 of the Hamilton county court of common pleas, as soon as possible 402  
 after that date, shall elect one of the judges of the division of 403  
 domestic relations as administrative judge of that division. The 404  
 term of the administrative judge shall begin on the earlier of the 405  
 first day of August of the year in which the administrative judge 406  
 is elected or the date on which the administrative judge is 407  
 elected by a majority of the judges of the Hamilton county court 408  
 of common pleas and shall terminate on the date on which the 409  
 administrative judge's successor is elected in the following year. 410

In addition to the judge's regular duties, the administrative 411  
 judge of the division of domestic relations shall be the 412  
 administrator of the domestic relations division and its 413  
 subdivisions and departments and shall have charge of the 414  
 employment, assignment, and supervision of the personnel of the 415



division engaged in handling, servicing, or investigating divorce, 416  
 dissolution of marriage, legal separation, and annulment cases, 417  
 including any referees considered necessary by the judges in the 418  
 discharge of their various duties. 419

The administrative judge of the division of domestic 420  
 relations also shall designate the title, compensation, expense 421  
 allowances, hours, leaves of absence, and vacations of the 422  
 personnel of the division, and shall fix the duties of its 423  
 personnel. The duties of the personnel, in addition to those 424  
 provided for in other sections of the Revised Code, shall include 425  
 the handling, servicing, and investigation of divorce, dissolution 426  
 of marriage, legal separation, and annulment cases and counseling 427  
 and conciliation services that may be made available to persons 428  
 requesting them, whether or not the persons are parties to an 429  
 action pending in the division. 430

The board of county commissioners shall appropriate the sum 431  
 of money each year as will meet all the administrative expenses of 432  
 the division of domestic relations, including reasonable expenses 433  
 of the domestic relations judges and the division counselors and 434  
 other employees designated to conduct the handling, servicing, and 435  
 investigation of divorce, dissolution of marriage, legal 436  
 separation, and annulment cases, conciliation and counseling, and 437  
 all matters relating to those cases and counseling, and the 438  
 expenses involved in the attendance of division personnel at 439  
 domestic relations and welfare conferences designated by the 440  
 division, and the further sum each year as will provide for the 441  
 adequate operation of the division of domestic relations. 442

The compensation and expenses of all employees and the salary 443  
 and expenses of the judges shall be paid by the county treasurer 444  
 from the money appropriated for the operation of the division, 445  
 upon the warrant of the county auditor, certified to by the 446

administrative judge of the division of domestic relations. 447

The summonses, warrants, citations, subpoenas, and other 448  
writs of the division may issue to a bailiff, constable, or staff 449  
investigator of the division or to the sheriff of any county or 450  
any marshal, constable, or police officer, and the provisions of 451  
law relating to the subpoenaing of witnesses in other cases shall 452  
apply insofar as they are applicable. When a summons, warrant, 453  
citation, subpoena, or other writ is issued to an officer, other 454  
than a bailiff, constable, or staff investigator of the division, 455  
the expense of serving it shall be assessed as a part of the costs 456  
in the case involved. 457

(3) The judge of the court of common pleas of Hamilton county 458  
whose term begins on January 3, 1997, and the successors to that 459  
judge shall each be elected and designated as the drug court judge 460  
of the court of common pleas of Hamilton county. The drug court 461  
judge may accept or reject any case referred to the drug court 462  
judge under division (B)(3) of this section. After the drug court 463  
judge accepts a referred case, the drug court judge has full 464  
authority over the case, including the authority to conduct 465  
arraignment, accept pleas, enter findings and dispositions, 466  
conduct trials, order treatment, and if treatment is not 467  
successfully completed pronounce and enter sentence. 468

A judge of the general division of the court of common pleas 469  
of Hamilton county and a judge of the Hamilton county municipal 470  
court may refer to the drug court judge any case, and any 471  
companion cases, the judge determines meet the criteria described 472  
under divisions (B)(3)(a) and (b) of this section. If the drug 473  
court judge accepts referral of a referred case, the case, and any 474  
companion cases, shall be transferred to the drug court judge. A 475  
judge may refer a case meeting the criteria described in divisions 476  
(B)(3)(a) and (b) of this section that involves a violation of a 477

condition of a community control sanction to the drug court judge, 478  
 and, if the drug court judge accepts the referral, the referring 479  
 judge and the drug court judge have concurrent jurisdiction over 480  
 the case. 481

A judge of the general division of the court of common pleas 482  
 of Hamilton county and a judge of the Hamilton county municipal 483  
 court may refer a case to the drug court judge under division 484  
 (B) (3) of this section if the judge determines that both of the 485  
 following apply: 486

(a) One of the following applies: 487

(i) The case involves a drug abuse offense, as defined in 488  
 section 2925.01 of the Revised Code, that is a felony of the third 489  
 or fourth degree if the offense is committed prior to July 1, 490  
 1996, a felony of the third, fourth, or fifth degree if the 491  
 offense is committed on or after July 1, 1996, or a misdemeanor. 492

(ii) The case involves a theft offense, as defined in section 493  
 2913.01 of the Revised Code, that is a felony of the third or 494  
 fourth degree if the offense is committed prior to July 1, 1996, a 495  
 felony of the third, fourth, or fifth degree if the offense is 496  
 committed on or after July 1, 1996, or a misdemeanor, and the 497  
 defendant is drug or alcohol dependent or in danger of becoming 498  
 drug or alcohol dependent and would benefit from treatment. 499

(b) All of the following apply: 500

(i) The case involves an offense for which a community 501  
 control sanction may be imposed or is a case in which a mandatory 502  
 prison term or a mandatory jail term is not required to be 503  
 imposed. 504

(ii) The defendant has no history of violent behavior. 505

(iii) The defendant has no history of mental illness. 506

(iv) The defendant's current or past behavior, or both, is 507  
drug or alcohol driven. 508

(v) The defendant demonstrates a sincere willingness to 509  
participate in a fifteen-month treatment process. 510

(vi) The defendant has no acute health condition. 511

(vii) If the defendant is incarcerated, the county prosecutor 512  
approves of the referral. 513

(4) If the administrative judge of the court of common pleas 514  
of Hamilton county determines that the volume of cases pending 515  
before the drug court judge does not constitute a sufficient 516  
caseload for the drug court judge, the administrative judge, in 517  
accordance with the Rules of Superintendence for Courts of Common 518  
Pleas, shall assign individual cases to the drug court judge from 519  
the general docket of the court. If the assignments so occur, the 520  
administrative judge shall cease the assignments when the 521  
administrative judge determines that the volume of cases pending 522  
before the drug court judge constitutes a sufficient caseload for 523  
the drug court judge. 524

(5) As used in division (B) of this section, "community 525  
control sanction," "mandatory prison term," and "mandatory jail 526  
term" have the same meanings as in section 2929.01 of the Revised 527  
Code. 528

(C) (1) In Lorain county: 529

(a) The judges of the court of common pleas whose terms begin 530  
on January 3, 1959, January 4, 1989, and January 2, 1999, and 531  
February 9, 2009, and successors, and the judge of the court of 532  
common pleas whose term begins on February 9, 2009, shall have the 533  
same qualifications, exercise the same powers and jurisdiction, 534  
and receive the same compensation as the other judges of the court 535  
of common pleas of Lorain county and shall be elected and 536

designated as the judges of the court of common pleas, division of 537  
domestic relations. ~~They~~ The judges of the court of common pleas 538  
whose terms begin on January 3, 1959, January 4, 1989, and January 539  
2, 1999, and successors, shall have all of the powers relating to 540  
juvenile courts, and all cases under Chapters 2151. and 2152. of 541  
the Revised Code, all parentage proceedings over which the 542  
juvenile court has jurisdiction, and all divorce, dissolution of 543  
marriage, legal separation, and annulment cases shall be assigned 544  
to them, except cases that for some special reason are assigned to 545  
some other judge of the court of common pleas. From February 9, 546  
2009, through September 28, 2009, the judge of the court of common 547  
pleas whose term begins on February 9, 2009, shall have all the 548  
powers relating to juvenile courts, and cases under Chapters 2151. 549  
and 2152. of the Revised Code, parentage proceedings over which 550  
the juvenile court has jurisdiction, and divorce, dissolution of 551  
marriage, legal separation, and annulment cases shall be assigned 552  
to that judge, except cases that for some special reason are 553  
assigned to some other judge of the court of common pleas. 554

(b) ~~On and after~~ From January 1, 2006, through September 28, 555  
~~2009,~~ the judges of the court of common pleas, division of 556  
domestic relations, in addition to the powers and jurisdiction set 557  
forth in division (C)(1)(a) of this section, shall have 558  
jurisdiction over matters that are within the jurisdiction of the 559  
probate court under Chapter 2101. and other provisions of the 560  
Revised Code. ~~From January 1, 2006, through February 8, 2009, the~~ 561  
~~judges of the court of common pleas, division of domestic~~ 562  
~~relations, shall exercise probate jurisdiction concurrently with~~ 563  
~~the probate judge.~~ 564

(c) The judge of the court of common pleas, division of 565  
domestic relations, whose term begins on February 9, 2009, is the 566  
successor to the probate judge who was elected in 2002 for a term 567  
that began on February 9, 2003. After September 28, 2009, the 568

judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, shall be the probate judge. 569  
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(2) (a) ~~From January 1, 2006, through February 8, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to both the probate court and the court of common pleas, division of domestic relations, and all references in law to the probate judge shall be construed as references to both the probate judge and the judges of the court of common pleas, division of domestic relations. On and after~~ From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations. 572  
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(b) ~~On and after~~ From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the clerk of the probate court shall be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations. 585  
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(D) In Lucas county: 591  
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(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal 593  
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separation, and annulment cases shall be assigned to them.

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The judge of the division of domestic relations, senior in point of service, shall be considered as the presiding judge of the court of common pleas, division of domestic relations, and shall be charged exclusively with the assignment and division of the work of the division and the employment and supervision of all other personnel of the domestic relations division.

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(2) The judges of the court of common pleas whose terms begin on January 5, 1977, and January 2, 1991, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judges of the division in the discharge of their various duties.

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The judge of the court of common pleas, juvenile division, senior in point of service, also shall designate the title, compensation, expense allowance, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties include the handling, servicing, and investigation of juvenile cases and counseling and

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conciliation services that may be made available to persons 631  
requesting them, whether or not the persons are parties to an 632  
action pending in the division. 633

(3) If one of the judges of the court of common pleas, 634  
division of domestic relations, or one of the judges of the 635  
juvenile division is sick, absent, or unable to perform that 636  
judge's judicial duties or the volume of cases pending in that 637  
judge's division necessitates it, the duties shall be performed by 638  
the judges of the other of those divisions. 639

(E) In Mahoning county: 640

(1) The judge of the court of common pleas whose term began 641  
on January 1, 1955, and successors, shall have the same 642  
qualifications, exercise the same powers and jurisdiction, and 643  
receive the same compensation as other judges of the court of 644  
common pleas of Mahoning county, shall be elected and designated 645  
as judge of the court of common pleas, division of domestic 646  
relations, and shall be assigned all the divorce, dissolution of 647  
marriage, legal separation, and annulment cases coming before the 648  
court. In addition to the judge's regular duties, the judge of the 649  
court of common pleas, division of domestic relations, shall be 650  
the administrator of the domestic relations division and its 651  
subdivisions and departments and shall have charge of the 652  
employment, assignment, and supervision of the personnel of the 653  
division engaged in handling, servicing, or investigating divorce, 654  
dissolution of marriage, legal separation, and annulment cases, 655  
including any referees considered necessary in the discharge of 656  
the various duties of the judge's office. 657

The judge also shall designate the title, compensation, 658  
expense allowances, hours, leaves of absence, and vacations of the 659  
personnel of the division and shall fix the duties of the 660  
personnel of the division. The duties of the personnel, in 661



addition to other statutory duties, include the handling, 662  
servicing, and investigation of divorce, dissolution of marriage, 663  
legal separation, and annulment cases and counseling and 664  
conciliation services that may be made available to persons 665  
requesting them, whether or not the persons are parties to an 666  
action pending in the division. 667

(2) The judge of the court of common pleas whose term began 668  
on January 2, 1969, and successors, shall have the same 669  
qualifications, exercise the same powers and jurisdiction, and 670  
receive the same compensation as other judges of the court of 671  
common pleas of Mahoning county, shall be elected and designated 672  
as judge of the court of common pleas, juvenile division, and 673  
shall be the juvenile judge as provided in Chapters 2151. and 674  
2152. of the Revised Code, with the powers and jurisdictions 675  
conferred by those chapters. In addition to the judge's regular 676  
duties, the judge of the court of common pleas, juvenile division, 677  
shall be the administrator of the juvenile division and its 678  
subdivisions and departments and shall have charge of the 679  
employment, assignment, and supervision of the personnel of the 680  
division engaged in handling, servicing, or investigating juvenile 681  
cases, including any referees considered necessary by the judge in 682  
the discharge of the judge's various duties. 683

The judge also shall designate the title, compensation, 684  
expense allowances, hours, leaves of absence, and vacation of the 685  
personnel of the division and shall fix the duties of the 686  
personnel of the division. The duties of the personnel, in 687  
addition to other statutory duties, include the handling, 688  
servicing, and investigation of juvenile cases and counseling and 689  
conciliation services that may be made available to persons 690  
requesting them, whether or not the persons are parties to an 691  
action pending in the division. 692

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties, or the volume of cases pending in that judge's division necessitates it, that judge's duties shall be performed by another judge of the court of common pleas.

(F) In Montgomery county:

(1) The judges of the court of common pleas whose terms begin on January 2, 1953, and January 4, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. These judges shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall

have the same qualifications, exercise the same powers and  
 jurisdiction, and receive the same compensation as other judges of  
 the court of common pleas of Montgomery county, shall be elected  
 and designated as judges of the court of common pleas, juvenile  
 division, and shall be, and have the powers and jurisdiction of,  
 the juvenile judge as provided in Chapters 2151. and 2152. of the  
 Revised Code.

In addition to the judge's regular duties, the judge of the  
 court of common pleas, juvenile division, senior in point of  
 service, shall be the administrator of the juvenile division and  
 its subdivisions and departments and shall have charge of the  
 employment, assignment, and supervision of the personnel of the  
 juvenile division, including any necessary referees, who are  
 engaged in handling, servicing, or investigating juvenile cases.  
 The judge, senior in point of service, also shall designate the  
 title, compensation, expense allowances, hours, leaves of absence,  
 and vacation of the personnel of the division and shall fix their  
 duties. The duties of the personnel, in addition to other  
 statutory duties, shall include the handling, servicing, and  
 investigation of juvenile cases and of any counseling and  
 conciliation services that are available upon request to persons,  
 whether or not they are parties to an action pending in the  
 division.

If one of the judges of the court of common pleas, division  
 of domestic relations, or one of the judges of the court of common  
 pleas, juvenile division, is sick, absent, or unable to perform  
 that judge's duties or the volume of cases pending in that judge's  
 division necessitates it, the duties of that judge may be  
 performed by the judge or judges of the other of those divisions.

(G) In Richland county:

(1) The judge of the court of common pleas whose term begins

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on January 1, 1957, and successors, shall have the same 755  
qualifications, exercise the same powers and jurisdiction, and 756  
receive the same compensation as the other judges of the court of 757  
common pleas of Richland county and shall be elected and 758  
designated as judge of the court of common pleas, division of 759  
domestic relations. That judge shall be assigned and hear all 760  
divorce, dissolution of marriage, legal separation, and annulment 761  
cases, all domestic violence cases arising under section 3113.31 762  
of the Revised Code, and all post-decree proceedings arising from 763  
any case pertaining to any of those matters. The division of 764  
domestic relations has concurrent jurisdiction with the juvenile 765  
division of the court of common pleas of Richland county to 766  
determine the care, custody, or control of any child not a ward of 767  
another court of this state, and to hear and determine a request 768  
for an order for the support of any child if the request is not 769  
ancillary to an action for divorce, dissolution of marriage, 770  
annulment, or legal separation, a criminal or civil action 771  
involving an allegation of domestic violence, or an action for 772  
support brought under Chapter 3115. of the Revised Code. Except in 773  
cases that are subject to the exclusive original jurisdiction of 774  
the juvenile court, the judge of the division of domestic 775  
relations shall be assigned and hear all cases pertaining to 776  
paternity or parentage, the care, custody, or control of children, 777  
parenting time or visitation, child support, or the allocation of 778  
parental rights and responsibilities for the care of children, all 779  
proceedings arising under Chapter 3111. of the Revised Code, all 780  
proceedings arising under the uniform interstate family support 781  
act contained in Chapter 3115. of the Revised Code, and all 782  
post-decree proceedings arising from any case pertaining to any of 783  
those matters. 784

In addition to the judge's regular duties, the judge of the 785  
court of common pleas, division of domestic relations, shall be 786

the administrator of the domestic relations division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the domestic relations division, including any magistrates the judge considers necessary for the discharge of the judge's duties. The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence, vacation, and other employment-related matters of the personnel of the division and shall fix their duties.

(2) The judge of the court of common pleas whose term begins on January 3, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Richland county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

In addition to the judge's regular duties, the judge of the juvenile division shall be the administrator of the juvenile

division and its subdivisions and departments. The judge shall  
 have charge of the employment, assignment, and supervision of the  
 personnel of the juvenile division who are engaged in handling,  
 servicing, or investigating juvenile cases, including any  
 magistrates whom the judge considers necessary for the discharge  
 of the judge's various duties.

The judge of the juvenile division also shall designate the  
 title, compensation, expense allowances, hours, leaves of absence,  
 and vacation of the personnel of the division and shall fix their  
 duties. The duties of the personnel, in addition to other  
 statutory duties, include the handling, servicing, and  
 investigation of juvenile cases and providing any counseling,  
 conciliation, and mediation services that the court makes  
 available to persons, whether or not the persons are parties to an  
 action pending in the court, who request the services.

(H) In Stark county, the judges of the court of common pleas  
 whose terms begin on January 1, 1953, January 2, 1959, and January  
 1, 1993, and successors, shall have the same qualifications,  
 exercise the same powers and jurisdiction, and receive the same  
 compensation as other judges of the court of common pleas of Stark  
 county and shall be elected and designated as judges of the court  
 of common pleas, division of domestic relations. They shall have  
 all the powers relating to juvenile courts, and all cases under  
 Chapters 2151. and 2152. of the Revised Code, all parentage  
 proceedings over which the juvenile court has jurisdiction, and  
 all divorce, dissolution of marriage, legal separation, and  
 annulment cases, except cases that are assigned to some other  
 judge of the court of common pleas for some special reason, shall  
 be assigned to the judges.

The judge of the division of domestic relations, second most  
 senior in point of service, shall have charge of the employment

and supervision of the personnel of the division engaged in 849  
 handling, servicing, or investigating divorce, dissolution of 850  
 marriage, legal separation, and annulment cases, and necessary 851  
 referees required for the judge's respective court. 852

The judge of the division of domestic relations, senior in 853  
 point of service, shall be charged exclusively with the 854  
 administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 855  
 of the Revised Code and with the assignment and division of the 856  
 work of the division and the employment and supervision of all 857  
 other personnel of the division, including, but not limited to, 858  
 that judge's necessary referees, but excepting those employees who 859  
 may be appointed by the judge second most senior in point of 860  
 service. The senior judge further shall serve in every other 861  
 position in which the statutes permit or require a juvenile judge 862  
 to serve. 863

(I) In Summit county: 864

(1) The judges of the court of common pleas whose terms begin 865  
 on January 4, 1967, and January 6, 1993, and successors, shall 866  
 have the same qualifications, exercise the same powers and 867  
 jurisdiction, and receive the same compensation as other judges of 868  
 the court of common pleas of Summit county and shall be elected 869  
 and designated as judges of the court of common pleas, division of 870  
 domestic relations. The judges of the division of domestic 871  
 relations shall have assigned to them and hear all divorce, 872  
 dissolution of marriage, legal separation, and annulment cases 873  
 that come before the court. Except in cases that are subject to 874  
 the exclusive original jurisdiction of the juvenile court, the 875  
 judges of the division of domestic relations shall have assigned 876  
 to them and hear all cases pertaining to paternity, custody, 877  
 visitation, child support, or the allocation of parental rights 878  
 and responsibilities for the care of children and all post-decree 879

proceedings arising from any case pertaining to any of those 880  
matters. The judges of the division of domestic relations shall 881  
have assigned to them and hear all proceedings under the uniform 882  
interstate family support act contained in Chapter 3115. of the 883  
Revised Code. 884

The judge of the division of domestic relations, senior in 885  
point of service, shall be the administrator of the domestic 886  
relations division and its subdivisions and departments and shall 887  
have charge of the employment, assignment, and supervision of the 888  
personnel of the division, including any necessary referees, who 889  
are engaged in handling, servicing, or investigating divorce, 890  
dissolution of marriage, legal separation, and annulment cases. 891  
That judge also shall designate the title, compensation, expense 892  
allowances, hours, leaves of absence, and vacations of the 893  
personnel of the division and shall fix their duties. The duties 894  
of the personnel, in addition to other statutory duties, shall 895  
include the handling, servicing, and investigation of divorce, 896  
dissolution of marriage, legal separation, and annulment cases and 897  
of any counseling and conciliation services that are available 898  
upon request to all persons, whether or not they are parties to an 899  
action pending in the division. 900

(2) The judge of the court of common pleas whose term begins 901  
on January 1, 1955, and successors, shall have the same 902  
qualifications, exercise the same powers and jurisdiction, and 903  
receive the same compensation as other judges of the court of 904  
common pleas of Summit county, shall be elected and designated as 905  
judge of the court of common pleas, juvenile division, and shall 906  
be, and have the powers and jurisdiction of, the juvenile judge as 907  
provided in Chapters 2151. and 2152. of the Revised Code. Except 908  
in cases that are subject to the exclusive original jurisdiction 909  
of the juvenile court, the judge of the juvenile division shall 910



not have jurisdiction or the power to hear, and shall not be  
assigned, any case pertaining to paternity, custody, visitation,  
child support, or the allocation of parental rights and  
responsibilities for the care of children or any post-decree  
proceeding arising from any case pertaining to any of those  
matters. The judge of the juvenile division shall not have  
jurisdiction or the power to hear, and shall not be assigned, any  
proceeding under the uniform interstate family support act  
contained in Chapter 3115. of the Revised Code.

The juvenile judge shall be the administrator of the juvenile  
division and its subdivisions and departments and shall have  
charge of the employment, assignment, and supervision of the  
personnel of the juvenile division, including any necessary  
referees, who are engaged in handling, servicing, or investigating  
juvenile cases. The judge also shall designate the title,  
compensation, expense allowances, hours, leaves of absence, and  
vacation of the personnel of the division and shall fix their  
duties. The duties of the personnel, in addition to other  
statutory duties, shall include the handling, servicing, and  
investigation of juvenile cases and of any counseling and  
conciliation services that are available upon request to persons,  
whether or not they are parties to an action pending in the  
division.

(J) In Trumbull county, the judges of the court of common  
pleas whose terms begin on January 1, 1953, and January 2, 1977,  
and successors, shall have the same qualifications, exercise the  
same powers and jurisdiction, and receive the same compensation as  
other judges of the court of common pleas of Trumbull county and  
shall be elected and designated as judges of the court of common  
pleas, division of domestic relations. They shall have all the  
powers relating to juvenile courts, and all cases under Chapters

2151. and 2152. of the Revised Code, all parentage proceedings 942  
over which the juvenile court has jurisdiction, and all divorce, 943  
dissolution of marriage, legal separation, and annulment cases 944  
shall be assigned to them, except cases that for some special 945  
reason are assigned to some other judge of the court of common 946  
pleas. 947

(K) In Butler county: 948

(1) The judges of the court of common pleas whose terms begin 949  
on January 1, 1957, and January 4, 1993, and successors, shall 950  
have the same qualifications, exercise the same powers and 951  
jurisdiction, and receive the same compensation as other judges of 952  
the court of common pleas of Butler county and shall be elected 953  
and designated as judges of the court of common pleas, division of 954  
domestic relations. The judges of the division of domestic 955  
relations shall have assigned to them all divorce, dissolution of 956  
marriage, legal separation, and annulment cases coming before the 957  
court, except in cases that for some special reason are assigned 958  
to some other judge of the court of common pleas. The judge senior 959  
in point of service shall be charged with the assignment and 960  
division of the work of the division and with the employment and 961  
supervision of all other personnel of the domestic relations 962  
division. 963

The judge senior in point of service also shall designate the 964  
title, compensation, expense allowances, hours, leaves of absence, 965  
and vacations of the personnel of the division and shall fix their 966  
duties. The duties of the personnel, in addition to other 967  
statutory duties, shall include the handling, servicing, and 968  
investigation of divorce, dissolution of marriage, legal 969  
separation, and annulment cases and providing any counseling and 970  
conciliation services that the division makes available to 971  
persons, whether or not the persons are parties to an action 972

pending in the division, who request the services. 973

(2) The judges of the court of common pleas whose terms begin 974  
 on January 3, 1987, and January 2, 2003, and successors, shall 975  
 have the same qualifications, exercise the same powers and 976  
 jurisdiction, and receive the same compensation as other judges of 977  
 the court of common pleas of Butler county, shall be elected and 978  
 designated as judges of the court of common pleas, juvenile 979  
 division, and shall be the juvenile judges as provided in Chapters 980  
 2151. and 2152. of the Revised Code, with the powers and 981  
 jurisdictions conferred by those chapters. The judge of the court 982  
 of common pleas, juvenile division, who is senior in point of 983  
 service, shall be the administrator of the juvenile division and 984  
 its subdivisions and departments. The judge, senior in point of 985  
 service, shall have charge of the employment, assignment, and 986  
 supervision of the personnel of the juvenile division who are 987  
 engaged in handling, servicing, or investigating juvenile cases, 988  
 including any referees whom the judge considers necessary for the 989  
 discharge of the judge's various duties. 990

The judge, senior in point of service, also shall designate 991  
 the title, compensation, expense allowances, hours, leaves of 992  
 absence, and vacation of the personnel of the division and shall 993  
 fix their duties. The duties of the personnel, in addition to 994  
 other statutory duties, include the handling, servicing, and 995  
 investigation of juvenile cases and providing any counseling and 996  
 conciliation services that the division makes available to 997  
 persons, whether or not the persons are parties to an action 998  
 pending in the division, who request the services. 999

(3) If a judge of the court of common pleas, division of 1000  
 domestic relations or juvenile division, is sick, absent, or 1001  
 unable to perform that judge's judicial duties or the volume of 1002  
 cases pending in the judge's division necessitates it, the duties 1003

of that judge shall be performed by the other judges of the domestic relations and juvenile divisions. 1004  
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(L) (1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason. 1006  
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(2) The administrative judge is administrator of the domestic relations division and its subdivisions and departments and has the following powers concerning division personnel: 1018  
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(a) Full charge of the employment, assignment, and supervision; 1021  
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(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations. 1023  
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(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters. 1025  
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(M) In Lake county: 1029

(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of 1030  
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common pleas of Lake county and shall be elected and designated as  
 judge of the court of common pleas, division of domestic  
 relations. The judge shall be assigned all the divorce,  
 dissolution of marriage, legal separation, and annulment cases  
 coming before the court, except in cases that for some special  
 reason are assigned to some other judge of the court of common  
 pleas. The judge shall be charged with the assignment and division  
 of the work of the division and with the employment and  
 supervision of all other personnel of the domestic relations  
 division.

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The judge also shall designate the title, compensation,  
 expense allowances, hours, leaves of absence, and vacations of the  
 personnel of the division and shall fix their duties. The duties  
 of the personnel, in addition to other statutory duties, shall  
 include the handling, servicing, and investigation of divorce,  
 dissolution of marriage, legal separation, and annulment cases and  
 providing any counseling and conciliation services that the  
 division makes available to persons, whether or not the persons  
 are parties to an action pending in the division, who request the  
 services.

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(2) The judge of the court of common pleas whose term begins  
 on January 4, 1979, and successors, shall have the same  
 qualifications, exercise the same powers and jurisdiction, and  
 receive the same compensation as other judges of the court of  
 common pleas of Lake county, shall be elected and designated as  
 judge of the court of common pleas, juvenile division, and shall  
 be the juvenile judge as provided in Chapters 2151. and 2152. of  
 the Revised Code, with the powers and jurisdictions conferred by  
 those chapters. The judge of the court of common pleas, juvenile  
 division, shall be the administrator of the juvenile division and  
 its subdivisions and departments. The judge shall have charge of

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the employment, assignment, and supervision of the personnel of  
the juvenile division who are engaged in handling, servicing, or  
investigating juvenile cases, including any referees whom the  
judge considers necessary for the discharge of the judge's various  
duties.

The judge also shall designate the title, compensation,  
expense allowances, hours, leaves of absence, and vacation of the  
personnel of the division and shall fix their duties. The duties  
of the personnel, in addition to other statutory duties, include  
the handling, servicing, and investigation of juvenile cases and  
providing any counseling and conciliation services that the  
division makes available to persons, whether or not the persons  
are parties to an action pending in the division, who request the  
services.

(3) If a judge of the court of common pleas, division of  
domestic relations or juvenile division, is sick, absent, or  
unable to perform that judge's judicial duties or the volume of  
cases pending in the judge's division necessitates it, the duties  
of that judge shall be performed by the other judges of the  
domestic relations and juvenile divisions.

(N) In Erie county:

(1) The judge of the court of common pleas whose term begins  
on January 2, 1971, and the successors to that judge whose terms  
begin before January 2, 2007, shall have the same qualifications,  
exercise the same powers and jurisdiction, and receive the same  
compensation as the other judge of the court of common pleas of  
Erie county and shall be elected and designated as judge of the  
court of common pleas, division of domestic relations. The judge  
shall have all the powers relating to juvenile courts, and shall  
be assigned all cases under Chapters 2151. and 2152. of the  
Revised Code, parentage proceedings over which the juvenile court

has jurisdiction, and divorce, dissolution of marriage, legal 1096  
 separation, and annulment cases, except cases that for some 1097  
 special reason are assigned to some other judge. 1098

On or after January 2, 2007, the judge of the court of common 1099  
 pleas who is elected in 2006 shall be the successor to the judge 1100  
 of the domestic relations division whose term expires on January 1101  
 1, 2007, shall be designated as judge of the court of common 1102  
 pleas, juvenile division, and shall be the juvenile judge as 1103  
 provided in Chapters 2151. and 2152. of the Revised Code with the 1104  
 powers and jurisdictions conferred by those chapters. 1105

(2) The judge of the court of common pleas, general division, 1106  
 whose term begins on January 1, 2005, and successors, the judge of 1107  
 the court of common pleas, general division whose term begins on 1108  
 January 2, 2005, and successors, and the judge of the court of 1109  
 common pleas, general division, whose term begins February 9, 1110  
 2009, and successors, shall have assigned to them, in addition to 1111  
 all matters that are within the jurisdiction of the general 1112  
 division of the court of common pleas, all divorce, dissolution of 1113  
 marriage, legal separation, and annulment cases coming before the 1114  
 court, and all matters that are within the jurisdiction of the 1115  
 probate court under Chapter 2101., and other provisions, of the 1116  
 Revised Code. 1117

(0) In Greene county: 1118

(1) The judge of the court of common pleas whose term begins 1119  
 on January 1, 1961, and successors, shall have the same 1120  
 qualifications, exercise the same powers and jurisdiction, and 1121  
 receive the same compensation as the other judges of the court of 1122  
 common pleas of Greene county and shall be elected and designated 1123  
 as the judge of the court of common pleas, division of domestic 1124  
 relations. The judge shall be assigned all divorce, dissolution of 1125  
 marriage, legal separation, annulment, uniform reciprocal support 1126

enforcement, and domestic violence cases and all other cases 1127  
 related to domestic relations, except cases that for some special 1128  
 reason are assigned to some other judge of the court of common 1129  
 pleas. 1130

The judge shall be charged with the assignment and division 1131  
 of the work of the division and with the employment and 1132  
 supervision of all other personnel of the division. The judge also 1133  
 shall designate the title, compensation, hours, leaves of absence, 1134  
 and vacations of the personnel of the division and shall fix their 1135  
 duties. The duties of the personnel of the division, in addition 1136  
 to other statutory duties, shall include the handling, servicing, 1137  
 and investigation of divorce, dissolution of marriage, legal 1138  
 separation, and annulment cases and the provision of counseling 1139  
 and conciliation services that the division considers necessary 1140  
 and makes available to persons who request the services, whether 1141  
 or not the persons are parties in an action pending in the 1142  
 division. The compensation for the personnel shall be paid from 1143  
 the overall court budget and shall be included in the 1144  
 appropriations for the existing judges of the general division of 1145  
 the court of common pleas. 1146

(2) The judge of the court of common pleas whose term begins 1147  
 on January 1, 1995, and successors, shall have the same 1148  
 qualifications, exercise the same powers and jurisdiction, and 1149  
 receive the same compensation as the other judges of the court of 1150  
 common pleas of Greene county, shall be elected and designated as 1151  
 judge of the court of common pleas, juvenile division, and, on or 1152  
 after January 1, 1995, shall be the juvenile judge as provided in 1153  
 Chapters 2151. and 2152. of the Revised Code with the powers and 1154  
 jurisdiction conferred by those chapters. The judge of the court 1155  
 of common pleas, juvenile division, shall be the administrator of 1156  
 the juvenile division and its subdivisions and departments. The 1157



judge shall have charge of the employment, assignment, and 1158  
 supervision of the personnel of the juvenile division who are 1159  
 engaged in handling, servicing, or investigating juvenile cases, 1160  
 including any referees whom the judge considers necessary for the 1161  
 discharge of the judge's various duties. 1162

The judge also shall designate the title, compensation, 1163  
 expense allowances, hours, leaves of absence, and vacation of the 1164  
 personnel of the division and shall fix their duties. The duties 1165  
 of the personnel, in addition to other statutory duties, include 1166  
 the handling, servicing, and investigation of juvenile cases and 1167  
 providing any counseling and conciliation services that the court 1168  
 makes available to persons, whether or not the persons are parties 1169  
 to an action pending in the court, who request the services. 1170

(3) If one of the judges of the court of common pleas, 1171  
 general division, is sick, absent, or unable to perform that 1172  
 judge's judicial duties or the volume of cases pending in the 1173  
 general division necessitates it, the duties of that judge of the 1174  
 general division shall be performed by the judge of the division 1175  
 of domestic relations and the judge of the juvenile division. 1176

(P) In Portage county, the judge of the court of common 1177  
 pleas, whose term begins January 2, 1987, and successors, shall 1178  
 have the same qualifications, exercise the same powers and 1179  
 jurisdiction, and receive the same compensation as the other 1180  
 judges of the court of common pleas of Portage county and shall be 1181  
 elected and designated as judge of the court of common pleas, 1182  
 division of domestic relations. The judge shall be assigned all 1183  
 divorce, dissolution of marriage, legal separation, and annulment 1184  
 cases coming before the court, except in cases that for some 1185  
 special reason are assigned to some other judge of the court of 1186  
 common pleas. The judge shall be charged with the assignment and 1187  
 division of the work of the division and with the employment and 1188

supervision of all other personnel of the domestic relations 1189  
division. 1190

The judge also shall designate the title, compensation, 1191  
expense allowances, hours, leaves of absence, and vacations of the 1192  
personnel of the division and shall fix their duties. The duties 1193  
of the personnel, in addition to other statutory duties, shall 1194  
include the handling, servicing, and investigation of divorce, 1195  
dissolution of marriage, legal separation, and annulment cases and 1196  
providing any counseling and conciliation services that the 1197  
division makes available to persons, whether or not the persons 1198  
are parties to an action pending in the division, who request the 1199  
services. 1200

(Q) In Clermont county, the judge of the court of common 1201  
pleas, whose term begins January 2, 1987, and successors, shall 1202  
have the same qualifications, exercise the same powers and 1203  
jurisdiction, and receive the same compensation as the other 1204  
judges of the court of common pleas of Clermont county and shall 1205  
be elected and designated as judge of the court of common pleas, 1206  
division of domestic relations. The judge shall be assigned all 1207  
divorce, dissolution of marriage, legal separation, and annulment 1208  
cases coming before the court, except in cases that for some 1209  
special reason are assigned to some other judge of the court of 1210  
common pleas. The judge shall be charged with the assignment and 1211  
division of the work of the division and with the employment and 1212  
supervision of all other personnel of the domestic relations 1213  
division. 1214

The judge also shall designate the title, compensation, 1215  
expense allowances, hours, leaves of absence, and vacations of the 1216  
personnel of the division and shall fix their duties. The duties 1217  
of the personnel, in addition to other statutory duties, shall 1218  
include the handling, servicing, and investigation of divorce, 1219

dissolution of marriage, legal separation, and annulment cases and 1220  
 providing any counseling and conciliation services that the 1221  
 division makes available to persons, whether or not the persons 1222  
 are parties to an action pending in the division, who request the 1223  
 services. 1224

(R) In Warren county, the judge of the court of common pleas, 1225  
 whose term begins January 1, 1987, and successors, shall have the 1226  
 same qualifications, exercise the same powers and jurisdiction, 1227  
 and receive the same compensation as the other judges of the court 1228  
 of common pleas of Warren county and shall be elected and 1229  
 designated as judge of the court of common pleas, division of 1230  
 domestic relations. The judge shall be assigned all divorce, 1231  
 dissolution of marriage, legal separation, and annulment cases 1232  
 coming before the court, except in cases that for some special 1233  
 reason are assigned to some other judge of the court of common 1234  
 pleas. The judge shall be charged with the assignment and division 1235  
 of the work of the division and with the employment and 1236  
 supervision of all other personnel of the domestic relations 1237  
 division. 1238

The judge also shall designate the title, compensation, 1239  
 expense allowances, hours, leaves of absence, and vacations of the 1240  
 personnel of the division and shall fix their duties. The duties 1241  
 of the personnel, in addition to other statutory duties, shall 1242  
 include the handling, servicing, and investigation of divorce, 1243  
 dissolution of marriage, legal separation, and annulment cases and 1244  
 providing any counseling and conciliation services that the 1245  
 division makes available to persons, whether or not the persons 1246  
 are parties to an action pending in the division, who request the 1247  
 services. 1248

(S) In Licking county, the judges of the court of common 1249  
 pleas, whose terms begin on January 1, 1991, and January 1, 2005, 1250

and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Licking county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The administrative judge of the division of domestic relations shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The administrative judge of the division of domestic relations shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to

persons, whether or not the persons are parties to an action 1283  
 pending in the division, who request the services. 1284

(T) In Allen county, the judge of the court of common pleas, 1285  
 whose term begins January 1, 1993, and successors, shall have the 1286  
 same qualifications, exercise the same powers and jurisdiction, 1287  
 and receive the same compensation as the other judges of the court 1288  
 of common pleas of Allen county and shall be elected and 1289  
 designated as judge of the court of common pleas, division of 1290  
 domestic relations. The judge shall be assigned all divorce, 1291  
 dissolution of marriage, legal separation, and annulment cases, 1292  
 all cases arising under Chapter 3111. of the Revised Code, all 1293  
 proceedings involving child support, the allocation of parental 1294  
 rights and responsibilities for the care of children and the 1295  
 designation for the children of a place of residence and legal 1296  
 custodian, parenting time, and visitation, and all post-decree 1297  
 proceedings and matters arising from those cases and proceedings, 1298  
 except in cases that for some special reason are assigned to 1299  
 another judge of the court of common pleas. The judge shall be 1300  
 charged with the assignment and division of the work of the 1301  
 division and with the employment and supervision of the personnel 1302  
 of the division. 1303

The judge shall designate the title, compensation, expense 1304  
 allowances, hours, leaves of absence, and vacations of the 1305  
 personnel of the division and shall fix the duties of the 1306  
 personnel of the division. The duties of the personnel of the 1307  
 division, in addition to other statutory duties, shall include the 1308  
 handling, servicing, and investigation of divorce, dissolution of 1309  
 marriage, legal separation, and annulment cases, cases arising 1310  
 under Chapter 3111. of the Revised Code, and proceedings involving 1311  
 child support, the allocation of parental rights and 1312  
 responsibilities for the care of children and the designation for 1313

the children of a place of residence and legal custodian, 1314  
parenting time, and visitation, and providing any counseling and 1315  
conciliation services that the division makes available to 1316  
persons, whether or not the persons are parties to an action 1317  
pending in the division, who request the services. 1318

(U) In Medina county, the judge of the court of common pleas 1319  
whose term begins January 1, 1995, and successors, shall have the 1320  
same qualifications, exercise the same powers and jurisdiction, 1321  
and receive the same compensation as other judges of the court of 1322  
common pleas of Medina county and shall be elected and designated 1323  
as judge of the court of common pleas, division of domestic 1324  
relations. The judge shall be assigned all divorce, dissolution of 1325  
marriage, legal separation, and annulment cases, all cases arising 1326  
under Chapter 3111. of the Revised Code, all proceedings involving 1327  
child support, the allocation of parental rights and 1328  
responsibilities for the care of children and the designation for 1329  
the children of a place of residence and legal custodian, 1330  
parenting time, and visitation, and all post-decree proceedings 1331  
and matters arising from those cases and proceedings, except in 1332  
cases that for some special reason are assigned to another judge 1333  
of the court of common pleas. The judge shall be charged with the 1334  
assignment and division of the work of the division and with the 1335  
employment and supervision of the personnel of the division. 1336

The judge shall designate the title, compensation, expense 1337  
allowances, hours, leaves of absence, and vacations of the 1338  
personnel of the division and shall fix the duties of the 1339  
personnel of the division. The duties of the personnel, in 1340  
addition to other statutory duties, include the handling, 1341  
servicing, and investigation of divorce, dissolution of marriage, 1342  
legal separation, and annulment cases, cases arising under Chapter 1343  
3111. of the Revised Code, and proceedings involving child 1344

support, the allocation of parental rights and responsibilities 1345  
 for the care of children and the designation for the children of a 1346  
 place of residence and legal custodian, parenting time, and 1347  
 visitation, and providing counseling and conciliation services 1348  
 that the division makes available to persons, whether or not the 1349  
 persons are parties to an action pending in the division, who 1350  
 request the services. 1351

(V) In Fairfield county, the judge of the court of common 1352  
 pleas whose term begins January 2, 1995, and successors, shall 1353  
 have the same qualifications, exercise the same powers and 1354  
 jurisdiction, and receive the same compensation as the other 1355  
 judges of the court of common pleas of Fairfield county and shall 1356  
 be elected and designated as judge of the court of common pleas, 1357  
 division of domestic relations. The judge shall be assigned all 1358  
 divorce, dissolution of marriage, legal separation, and annulment 1359  
 cases, all cases arising under Chapter 3111. of the Revised Code, 1360  
 all proceedings involving child support, the allocation of 1361  
 parental rights and responsibilities for the care of children and 1362  
 the designation for the children of a place of residence and legal 1363  
 custodian, parenting time, and visitation, and all post-decree 1364  
 proceedings and matters arising from those cases and proceedings, 1365  
 except in cases that for some special reason are assigned to 1366  
 another judge of the court of common pleas. The judge also has 1367  
 concurrent jurisdiction with the probate-juvenile division of the 1368  
 court of common pleas of Fairfield county with respect to and may 1369  
 hear cases to determine the custody of a child, as defined in 1370  
 section 2151.011 of the Revised Code, who is not the ward of 1371  
 another court of this state, cases that are commenced by a parent, 1372  
 guardian, or custodian of a child, as defined in section 2151.011 1373  
 of the Revised Code, to obtain an order requiring a parent of the 1374  
 child to pay child support for that child when the request for 1375  
 that order is not ancillary to an action for divorce, dissolution 1376

of marriage, annulment, or legal separation, a criminal or civil  
action involving an allegation of domestic violence, an action for  
support under Chapter 3115. of the Revised Code, or an action that  
is within the exclusive original jurisdiction of the  
probate-juvenile division of the court of common pleas of  
Fairfield county and that involves an allegation that the child is  
an abused, neglected, or dependent child, and post-decree  
proceedings and matters arising from those types of cases.

The judge of the domestic relations division shall be charged  
with the assignment and division of the work of the division and  
with the employment and supervision of the personnel of the  
division.

The judge shall designate the title, compensation, expense  
allowances, hours, leaves of absence, and vacations of the  
personnel of the division and shall fix the duties of the  
personnel of the division. The duties of the personnel of the  
division, in addition to other statutory duties, shall include the  
handling, servicing, and investigation of divorce, dissolution of  
marriage, legal separation, and annulment cases, cases arising  
under Chapter 3111. of the Revised Code, and proceedings involving  
child support, the allocation of parental rights and  
responsibilities for the care of children and the designation for  
the children of a place of residence and legal custodian,  
parenting time, and visitation, and providing any counseling and  
conciliation services that the division makes available to  
persons, regardless of whether the persons are parties to an  
action pending in the division, who request the services. When the  
judge hears a case to determine the custody of a child, as defined  
in section 2151.011 of the Revised Code, who is not the ward of  
another court of this state or a case that is commenced by a  
parent, guardian, or custodian of a child, as defined in section



2151.011 of the Revised Code, to obtain an order requiring a 1408  
 parent of the child to pay child support for that child when the 1409  
 request for that order is not ancillary to an action for divorce, 1410  
 dissolution of marriage, annulment, or legal separation, a 1411  
 criminal or civil action involving an allegation of domestic 1412  
 violence, an action for support under Chapter 3115. of the Revised 1413  
 Code, or an action that is within the exclusive original 1414  
 jurisdiction of the probate-juvenile division of the court of 1415  
 common pleas of Fairfield county and that involves an allegation 1416  
 that the child is an abused, neglected, or dependent child, the 1417  
 duties of the personnel of the domestic relations division also 1418  
 include the handling, servicing, and investigation of those types 1419  
 of cases. 1420

(W)(1) In Clark county, the judge of the court of common 1421  
 pleas whose term begins on January 2, 1995, and successors, shall 1422  
 have the same qualifications, exercise the same powers and 1423  
 jurisdiction, and receive the same compensation as other judges of 1424  
 the court of common pleas of Clark county and shall be elected and 1425  
 designated as judge of the court of common pleas, domestic 1426  
 relations division. The judge shall have all the powers relating 1427  
 to juvenile courts, and all cases under Chapters 2151. and 2152. 1428  
 of the Revised Code and all parentage proceedings under Chapter 1429  
 3111. of the Revised Code over which the juvenile court has 1430  
 jurisdiction shall be assigned to the judge of the division of 1431  
 domestic relations. All divorce, dissolution of marriage, legal 1432  
 separation, annulment, uniform reciprocal support enforcement, and 1433  
 other cases related to domestic relations shall be assigned to the 1434  
 domestic relations division, and the presiding judge of the court 1435  
 of common pleas shall assign the cases to the judge of the 1436  
 domestic relations division and the judges of the general 1437  
 division. 1438

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that court.

(X) In Scioto county, the judge of the court of common pleas whose term begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Scioto county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the

assignment and division of the work of the division and with the 1470  
employment and supervision of the personnel of the division. 1471

The judge shall designate the title, compensation, expense 1472  
allowances, hours, leaves of absence, and vacations of the 1473  
personnel of the division and shall fix the duties of the 1474  
personnel of the division. The duties of the personnel, in 1475  
addition to other statutory duties, include the handling, 1476  
servicing, and investigation of divorce, dissolution of marriage, 1477  
legal separation, and annulment cases, cases arising under Chapter 1478  
3111. of the Revised Code, and proceedings involving child 1479  
support, the allocation of parental rights and responsibilities 1480  
for the care of children and the designation for the children of a 1481  
place of residence and legal custodian, parenting time, and 1482  
visitation, and providing counseling and conciliation services 1483  
that the division makes available to persons, whether or not the 1484  
persons are parties to an action pending in the division, who 1485  
request the services. 1486

(Y) In Auglaize county, the judge of the probate and juvenile 1487  
divisions of the Auglaize county court of common pleas also shall 1488  
be the administrative judge of the domestic relations division of 1489  
the court and shall be assigned all divorce, dissolution of 1490  
marriage, legal separation, and annulment cases coming before the 1491  
court. The judge shall have all powers as administrator of the 1492  
domestic relations division and shall have charge of the personnel 1493  
engaged in handling, servicing, or investigating divorce, 1494  
dissolution of marriage, legal separation, and annulment cases, 1495  
including any referees considered necessary for the discharge of 1496  
the judge's various duties. 1497

(Z) (1) In Marion county, the judge of the court of common 1498  
pleas whose term begins on February 9, 1999, and the successors to 1499  
that judge, shall have the same qualifications, exercise the same 1500

powers and jurisdiction, and receive the same compensation as the  
 other judges of the court of common pleas of Marion county and  
 shall be elected and designated as judge of the court of common  
 pleas, domestic relations-juvenile-probate division. Except as  
 otherwise specified in this division, that judge, and the  
 successors to that judge, shall have all the powers relating to  
 juvenile courts, and all cases under Chapters 2151. and 2152. of  
 the Revised Code, all cases arising under Chapter 3111. of the  
 Revised Code, all divorce, dissolution of marriage, legal  
 separation, and annulment cases, all proceedings involving child  
 support, the allocation of parental rights and responsibilities  
 for the care of children and the designation for the children of a  
 place of residence and legal custodian, parenting time, and  
 visitation, and all post-decree proceedings and matters arising  
 from those cases and proceedings shall be assigned to that judge  
 and the successors to that judge. Except as provided in division  
 (Z) (2) of this section and notwithstanding any other provision of  
 any section of the Revised Code, on and after February 9, 2003,  
 the judge of the court of common pleas of Marion county whose term  
 begins on February 9, 1999, and the successors to that judge,  
 shall have all the powers relating to the probate division of the  
 court of common pleas of Marion county in addition to the powers  
 previously specified in this division, and shall exercise  
 concurrent jurisdiction with the judge of the probate division of  
 that court over all matters that are within the jurisdiction of  
 the probate division of that court under Chapter 2101., and other  
 provisions, of the Revised Code in addition to the jurisdiction of  
 the domestic relations-juvenile-probate division of that court  
 otherwise specified in division (Z) (1) of this section.

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(2) The judge of the domestic relations-juvenile-probate  
 division of the court of common pleas of Marion county or the  
 judge of the probate division of the court of common pleas of

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Marion county, whichever of those judges is senior in total length  
of service on the court of common pleas of Marion county,  
regardless of the division or divisions of service, shall serve as  
the clerk of the probate division of the court of common pleas of  
Marion county.

(3) On and after February 9, 2003, all references in law to  
"the probate court," "the probate judge," "the juvenile court," or  
"the judge of the juvenile court" shall be construed, with respect  
to Marion county, as being references to both "the probate  
division" and "the domestic relations-juvenile-probate division"  
and as being references to both "the judge of the probate  
division" and "the judge of the domestic relations-  
juvenile-probate division." On and after February 9, 2003, all  
references in law to "the clerk of the probate court" shall be  
construed, with respect to Marion county, as being references to  
the judge who is serving pursuant to division (Z)(2) of this  
section as the clerk of the probate division of the court of  
common pleas of Marion county.

(AA) In Muskingum county, the judge of the court of common  
pleas whose term begins on January 2, 2003, and successors, shall  
have the same qualifications, exercise the same powers and  
jurisdiction, and receive the same compensation as the other  
judges of the court of common pleas of Muskingum county and shall  
be elected and designated as the judge of the court of common  
pleas, division of domestic relations. The judge shall be assigned  
all divorce, dissolution of marriage, legal separation, and  
annulment cases, all cases arising under Chapter 3111. of the  
Revised Code, all proceedings involving child support, the  
allocation of parental rights and responsibilities for the care of  
children and the designation for the children of a place of  
residence and legal custodian, parenting time, and visitation, and

all post-decree proceedings and matters arising from those cases 1564  
 and proceedings, except in cases that for some special reason are 1565  
 assigned to another judge of the court of common pleas. The judge 1566  
 shall be charged with the assignment and division of the work of 1567  
 the division and with the employment and supervision of the 1568  
 personnel of the division. 1569

The judge shall designate the title, compensation, expense 1570  
 allowances, hours, leaves of absence, and vacations of the 1571  
 personnel of the division and shall fix the duties of the 1572  
 personnel of the division. The duties of the personnel of the 1573  
 division, in addition to other statutory duties, shall include the 1574  
 handling, servicing, and investigation of divorce, dissolution of 1575  
 marriage, legal separation, and annulment cases, cases arising 1576  
 under Chapter 3111. of the Revised Code, and proceedings involving 1577  
 child support, the allocation of parental rights and 1578  
 responsibilities for the care of children and the designation for 1579  
 the children of a place of residence and legal custodian, 1580  
 parenting time, and visitation and providing any counseling and 1581  
 conciliation services that the division makes available to 1582  
 persons, whether or not the persons are parties to an action 1583  
 pending in the division, who request the services. 1584

(BB) In Henry county, the judge of the court of common pleas 1585  
 whose term begins on January 1, 2005, and successors, shall have 1586  
 the same qualifications, exercise the same powers and 1587  
 jurisdiction, and receive the same compensation as the other judge 1588  
 of the court of common pleas of Henry county and shall be elected 1589  
 and designated as the judge of the court of common pleas, division 1590  
 of domestic relations. The judge shall have all of the powers 1591  
 relating to juvenile courts, and all cases under Chapter 2151. or 1592  
 2152. of the Revised Code, all parentage proceedings arising under 1593  
 Chapter 3111. of the Revised Code over which the juvenile court 1594

has jurisdiction, all divorce, dissolution of marriage, legal 1595  
 separation, and annulment cases, all proceedings involving child 1596  
 support, the allocation of parental rights and responsibilities 1597  
 for the care of children and the designation for the children of a 1598  
 place of residence and legal custodian, parenting time, and 1599  
 visitation, and all post-decree proceedings and matters arising 1600  
 from those cases and proceedings shall be assigned to that judge, 1601  
 except in cases that for some special reason are assigned to the 1602  
 other judge of the court of common pleas. 1603

(CC) (1) In Logan county, the judge of the court of common 1604  
 pleas whose term begins January 2, 2005, and the successors to 1605  
 that judge, shall have the same qualifications, exercise the same 1606  
 powers and jurisdiction, and receive the same compensation as the 1607  
 other judges of the court of common pleas of Logan county and 1608  
 shall be elected and designated as judge of the court of common 1609  
 pleas, domestic relations-juvenile-probate division. Except as 1610  
 otherwise specified in this division, that judge, and the 1611  
 successors to that judge, shall have all the powers relating to 1612  
 juvenile courts, and all cases under Chapters 2151. and 2152. of 1613  
 the Revised Code, all cases arising under Chapter 3111. of the 1614  
 Revised Code, all divorce, dissolution of marriage, legal 1615  
 separation, and annulment cases, all proceedings involving child 1616  
 support, the allocation of parental rights and responsibilities 1617  
 for the care of children and designation for the children of a 1618  
 place of residence and legal custodian, parenting time, and 1619  
 visitation, and all post-decree proceedings and matters arising 1620  
 from those cases and proceedings shall be assigned to that judge 1621  
 and the successors to that judge. Notwithstanding any other 1622  
 provision of any section of the Revised Code, on and after January 1623  
 2, 2005, the judge of the court of common pleas of Logan county 1624  
 whose term begins on January 2, 2005, and the successors to that 1625  
 judge, shall have all the powers relating to the probate division 1626

of the court of common pleas of Logan county in addition to the  
 powers previously specified in this division and shall exercise  
 concurrent jurisdiction with the judge of the probate division of  
 that court over all matters that are within the jurisdiction of  
 the probate division of that court under Chapter 2101., and other  
 provisions, of the Revised Code in addition to the jurisdiction of  
 the domestic relations-juvenile-probate division of that court  
 otherwise specified in division (CC) (1) of this section.

(2) The judge of the domestic relations-juvenile-probate  
 division of the court of common pleas of Logan county or the  
 probate judge of the court of common pleas of Logan county who is  
 elected as the administrative judge of the probate division of the  
 court of common pleas of Logan county pursuant to Rule 4 of the  
 Rules of Superintendence shall be the clerk of the probate  
 division and juvenile division of the court of common pleas of  
 Logan county. The clerk of the court of common pleas who is  
 elected pursuant to section 2303.01 of the Revised Code shall keep  
 all of the journals, records, books, papers, and files pertaining  
 to the domestic relations cases.

(3) On and after January 2, 2005, all references in law to  
 "the probate court," "the probate judge," "the juvenile court," or  
 "the judge of the juvenile court" shall be construed, with respect  
 to Logan county, as being references to both "the probate  
 division" and the "domestic relations-juvenile-probate division"  
 and as being references to both "the judge of the probate  
 division" and the "judge of the domestic  
 relations-juvenile-probate division." On and after January 2,  
 2005, all references in law to "the clerk of the probate court"  
 shall be construed, with respect to Logan county, as being  
 references to the judge who is serving pursuant to division  
 (CC) (2) of this section as the clerk of the probate division of



the court of common pleas of Logan county. 1658

(DD) (1) In Champaign county, the judge of the court of common 1659  
pleas whose term begins February 9, 2003, and the judge of the 1660  
court of common pleas whose term begins February 10, 2009, and the 1661  
successors to those judges, shall have the same qualifications, 1662  
exercise the same powers and jurisdiction, and receive the same 1663  
compensation as the other judges of the court of common pleas of 1664  
Champaign county and shall be elected and designated as judges of 1665  
the court of common pleas, domestic relations-juvenile-probate 1666  
division. Except as otherwise specified in this division, those 1667  
judges, and the successors to those judges, shall have all the 1668  
powers relating to juvenile courts, and all cases under Chapters 1669  
2151. and 2152. of the Revised Code, all cases arising under 1670  
Chapter 3111. of the Revised Code, all divorce, dissolution of 1671  
marriage, legal separation, and annulment cases, all proceedings 1672  
involving child support, the allocation of parental rights and 1673  
responsibilities for the care of children and the designation for 1674  
the children of a place of residence and legal custodian, 1675  
parenting time, and visitation, and all post-decree proceedings 1676  
and matters arising from those cases and proceedings shall be 1677  
assigned to those judges and the successors to those judges. 1678  
Notwithstanding any other provision of any section of the Revised 1679  
Code, on and after February 9, 2009, the judges designated by this 1680  
division as judges of the court of common pleas of Champaign 1681  
county, domestic relations-juvenile-probate division, and the 1682  
successors to those judges, shall have all the powers relating to 1683  
probate courts in addition to the powers previously specified in 1684  
this division and shall exercise jurisdiction over all matters 1685  
that are within the jurisdiction of probate courts under Chapter 1686  
2101., and other provisions, of the Revised Code in addition to 1687  
the jurisdiction of the domestic relations-juvenile-probate 1688  
division otherwise specified in division (DD) (1) of this section. 1689

(2) On and after February 9, 2009, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed with respect to Champaign county as being references to the "domestic relations-juvenile-probate division" and as being references to the "judge of the domestic relations-juvenile-probate division." On and after February 9, 2009, all references in law to "the clerk of the probate court" shall be construed with respect to Champaign county as being references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, domestic relations-juvenile-probate division.

(EE) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require."

In line 90837, after "1907.24," insert "2101.01, 2301.02, 2301.03,"

Between lines 105442 and 105443, insert:

**Section 721.\_\_\_\_.** (A) In Lorain County, all proceedings that are within the jurisdiction of the Probate Court under Chapter 2101. and other provisions of the Revised Code that are pending before a judge of the Domestic Relations Division of the Lorain County Court of Common Pleas on the effective date of this act shall remain with that judge of the Domestic Relations Division of the Lorain County Court of Common Pleas. All proceedings that are

within the jurisdiction of the Domestic Relations Division of the 1721  
 Lorain County Court of Common Pleas under Chapter 2301. and other 1722  
 provisions of the Revised Code that are pending before the probate 1723  
 judge of the Lorain County Probate Court on September 29, 2009, 1724  
 shall remain with that probate judge of the Lorain County Probate 1725  
 Court. 1726

(B) The successors to the judge of the Lorain County Court of 1727  
 Common Pleas who was elected pursuant to section 2301.02 of the 1728  
 Revised Code in 2008 for a term that began on February 9, 2009, 1729  
 shall be elected in 2014 and thereafter pursuant to section 1730  
 2101.02 of the Revised Code as judges of the probate division of 1731  
 the Lorain County Court of Common Pleas." 1732

In line 106538, after "1541.03," insert "2101.01, 2301.02, 1733  
 2301.03," 1734

In line 58 of the title, after "1907.24," insert "2101.01, 1735  
 2301.02, 2301.03," 1736

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Judges of the Lorain County Court of Common Pleas 1737

R.C. 2101.01, 2301.02, 2301.03, Section 721.\_\_\_\_, and Section 1738  
 812.20 1739

Provides that, as of September 29, 2009, the judge of the 1740  
 Lorain County Court of Common Pleas, Division of Domestic 1741  
 Relations, whose term began on February 9, 2009, is the probate 1742  
 judge of the Lorain County Probate Court and that successors to 1743  
 that judge must be elected as the judge of the probate division of 1744  
 that court and that the amendments to R.C. 2101.01, 2301.02, and 1745

2301.03 go into immediate effect.

1746

