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132nd General Assembly
Regular Session
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Sub. H. B. No. 225

A BILL

To amend sections 1509.071, 1509.13, 1509.151, and 1
1509.34 of the Revised Code to modify the law 2
governing idle and orphaned oil and gas wells. 3

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

Section 1. That sections 1509.071, 1509.13, 1509.151, and 4
1509.34 of the Revised Code be amended to read as follows: 5

Sec. 1509.071. (A) When the chief of the division of oil 6
and gas resources management finds that an owner has failed to 7
comply with a final nonappealable order issued or compliance 8
agreement entered into under section 1509.04, the restoration 9
requirements of section 1509.072, plugging requirements of 10
section 1509.12, or permit provisions of section 1509.13 of the 11
Revised Code, or rules and orders relating thereto, the chief 12
shall make a finding of that fact and declare any surety bond 13
filed to ensure compliance with those sections and rules 14
forfeited in the amount set by rule of the chief. The chief 15
thereupon shall certify the total forfeiture to the attorney 16
general, who shall proceed to collect the amount of the 17
forfeiture. In addition, the chief may require an owner, 18
operator, producer, or other person who forfeited a surety bond 19



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to post a new surety bond in the amount of fifteen thousand 20
dollars for a single well, thirty thousand dollars for two 21
wells, or fifty thousand dollars for three or more wells. 22

In lieu of total forfeiture, the surety or owner, at the 23
surety's or owner's option, may cause the well to be properly 24
plugged and abandoned and the area properly restored or pay to 25
the treasurer of state the cost of plugging and abandonment. 26

(B) (1) All moneys collected because of forfeitures of 27
bonds as provided in this section shall be deposited in the 28
state treasury to the credit of the oil and gas well fund 29
created in section 1509.02 of the Revised Code. 30

~~The~~ For purposes of promoting the competent management and 31
conservation of the state's oil and natural gas resources and 32
the proper and lawful plugging of historic oil and gas wells for 33
which there is no known responsible owner, the chief annually 34
shall spend not less than ~~fourteen~~ forty-five per cent of the 35
revenue credited to the oil and gas well fund during the 36
previous fiscal year for both of the following purposes: 37

~~(1)~~ (a) In accordance with division ~~(D)~~ (E) of this 38
section, to plug idle and orphaned wells or to restore the land 39
surface properly as required in section 1509.072 of the Revised 40
Code; 41

~~(2)~~ (b) In accordance with division ~~(E)~~ (F) of this 42
section, to correct conditions that the chief reasonably has 43
determined are causing imminent health or safety risks at an 44
idle and orphaned well or a well for which the owner cannot be 45
contacted in order to initiate a corrective action within a 46
reasonable period of time as determined by the chief. 47

(2) Expenditures from the fund shall be made only for 48

lawful purposes. In addition, expenditures from the fund shall 49
not be made to purchase real property or to remove a dwelling in 50
order to access a well. 51

The director of budget and management, in consultation 52
with the chief, shall establish an accounting code for purposes 53
of tracking expenditures made as required under this division. 54

(C) (1) If a landowner discovers an idle and orphaned well 55
or abandoned well on the landowner's real property and the 56
landowner is not the owner of the well, the landowner may report 57
the existence of the well in writing to the chief. 58

(2) If the chief receives a written report from a 59
landowner of the existence of an idle and orphaned well, the 60
chief shall inspect the well not later than thirty days after 61
the date of receipt of the landowner's report. 62

(3) The chief shall establish a scoring matrix for use in 63
determining the priority of plugging wells or restoring land 64
surfaces at idle and orphaned well sites for purposes of this 65
section. The matrix shall include a classification system that 66
categorizes idle and orphaned wells as distressed-high priority, 67
moderate-medium priority, and maintenance-low priority. 68

(4) The chief shall use the matrix developed under 69
division (C) (3) of this section to prioritize plugging and land 70
restoration projects under this section. 71

~~(D) (1) Upon determining that the owner of a well has~~ 72
~~failed to properly plug and abandon it or to properly restore~~ 73
~~the land surface at the well site in compliance with the~~ 74
~~applicable requirements of this chapter and applicable rules~~ 75
~~adopted and orders issued under it or that a well is an~~ 76
~~abandoned idle and orphaned well for which no funds are~~ 77

~~available to plug the well in accordance with this chapter,~~ the 78
chief shall do all of the following: 79

(a) ~~Determine~~ Make a reasonable attempt to determine from 80
the records in the office of the county recorder of the county 81
in which the well is located the identity of the current owner 82
of the land on which the well is located, ~~the identity of the~~ 83
~~owner of the oil or gas lease under which the well was drilled~~ 84
~~or~~ the identity of each person owning an a right or interest in 85
the lease oil or gas mineral interests, and the identities of 86
the persons having ~~legal title to, or a lien upon,~~ any of the 87
equipment appurtenant to the well~~;~~. For purposes of division (D) 88
(1)(a) of this section, the chief is not required to review 89
records in the office of the county recorder that are older than 90
forty years from the date on which the chief made the 91
determination that the well is an idle and orphaned well. 92

(b) ~~Mail notice to the owner of the land on which the well~~ 93
~~is located informing the landowner that the well is to be~~ 94
~~plugged. If the owner of the oil or gas lease under which the~~ 95
~~well was drilled is different from the owner of the well or if~~ 96
~~any persons other than the owner of the well own interests in~~ 97
~~the lease, the chief also shall mail notice that the well is to~~ 98
~~be plugged to the owner of the lease or to each person owning an~~ 99
~~interest in the lease, as appropriate.~~ each person identified in 100
division (D) (1) (a) of this section; 101

(c) ~~Mail~~ Include in the notice to each person having ~~legal~~ 102
~~title to, or a lien upon,~~ any equipment appurtenant to the well, 103
a statement informing the person that the well is to be plugged 104
and offering the person the opportunity to ~~plug the well and~~ 105
~~restore the land surface at~~ remove that equipment from the well 106
site at the person's own expense in order to avoid forfeiture of 107

the equipment to this state; 108

(d) Publish notice in a newspaper of general circulation 109
in the county where the well is located that the well is to be 110
plugged. 111

(2) If ~~none~~ the current address of a person identified in 112
division (D) (1) (a) of this section cannot be determined, or if a 113
notice provided by mail to a person under division (D) (1) (b) of 114
this section is returned undeliverable, the notice published 115
under division (D) (1) (d) of this section constitutes sufficient 116
notice to the person. 117

(3) If ~~none~~ of the persons described in division ~~(C) (1) (e)~~ 118
(D) (1) (a) of this section ~~plugs~~ removes equipment from the well 119
within ~~sixty~~ thirty days after the mailing of the notice 120
~~required by that division~~ or publication in a newspaper of 121
general circulation, whichever is later, all equipment 122
appurtenant to the well is hereby declared to be forfeited to 123
this state without compensation and without the necessity for 124
any action by the state for use to defray the cost of plugging 125
~~and abandoning~~ the well and restoring the land surface at the 126
well site. 127

~~(D) Expenditures~~ (E) The chief may expend money from the 128
oil and gas well fund for the purpose of division (B) (1) (a) of 129
this section, and such expenditures shall be made in accordance 130
with either of the following: 131

(1) The chief may make expenditures ~~may be made~~ pursuant 132
to contracts entered into by either the chief or another agency 133
of the state with persons who agree to furnish all of the 134
materials, equipment, work, and labor as specified and provided 135
in such a contract for activities associated with the 136

restoration or plugging of a well as determined by the chief. If 137
another agency of the state enters into the contract, the chief 138
shall prepare the scope of work for the restoration or plugging 139
of the well. The activities may include excavation to uncover a 140
well, geophysical methods to locate a buried well when clear 141
evidence of leakage from the well exists, cleanout of wellbores 142
to remove material from a failed ~~plugging of a plugged~~ well, 143
plugging operations, installation of vault and vent systems, 144
including associated engineering certifications and permits, 145
restoration of property, and repair of damage to property that 146
is caused by such activities. ~~Expenditures~~ The chief shall not 147
~~be used~~ make expenditures for salaries, maintenance, equipment, 148
or other administrative purposes, except for costs directly 149
attributed to the plugging of an idle and orphaned well. Agents 150
or employees of persons contracting with the chief for a 151
restoration or plugging project may enter upon any land, public 152
or private, on which the well is located for the purpose of 153
performing the work. Prior to such entry, the chief shall give 154
to the following persons written notice of the existence of a 155
contract for a project to restore a location or plug a well, the 156
names of the persons with whom the contract is made, and the 157
date that the project will commence: the owner of the well, the 158
owner of the land upon which the well is located, ~~the owner or~~ 159
~~agents of adjoining land,~~ and, if the well is located in the 160
same township as or in a township adjacent to the excavations 161
and workings of a mine and the owner or lessee of that mine has 162
provided written notice identifying those townships to the chief 163
at any time during the immediately preceding three years, the 164
owner or lessee of the mine. The chief may include in the notice 165
to the owner or lessee of the mine additional information, such 166
as authorization to plug an idle and orphaned well under section 167
1509.151 of the Revised Code. 168

(2) (a) The owner of the land on which a well is located 169
who has received notice under division ~~(C)~~(D) (1) (b) of this 170
section may plug the well and be reimbursed by the division of 171
oil and gas resources management for the reasonable cost of 172
plugging the well. In order to plug the well, the landowner 173
shall submit an application to the chief on a form prescribed by 174
the chief and approved by the technical advisory council on oil 175
and gas created in section 1509.38 of the Revised Code. The 176
application, at a minimum, shall require the landowner to 177
provide the same information as is required to be included in 178
the application for a permit to plug and abandon under section 179
1509.13 of the Revised Code. The application shall be 180
accompanied by a copy of a proposed contract to plug the well 181
prepared by a contractor regularly engaged in the business of 182
plugging oil and gas wells. The proposed contract shall require 183
the contractor to furnish all of the materials, equipment, work, 184
and labor necessary to plug the well properly and shall specify 185
the price for doing the work, including a credit for the 186
equipment appurtenant to the well that was forfeited to the 187
state through the operation of division ~~(C)~~(2) ~~(D)~~(3) of this 188
section. The contractor shall be insured and bonded. 189
Expenditures under division ~~(D)~~(E) (2) (a) of this section shall 190
be consistent with the expenditures for activities described in 191
division ~~(D)~~(E) (1) of this section. ~~The application also shall~~ 192
~~be accompanied by the permit fee required by section 1509.13 of~~ 193
~~the Revised Code unless the chief, in the chief's discretion,~~ 194
~~waives payment of the permit fee.~~ The application constitutes an 195
application for a permit to plug ~~and abandon~~ the well for the 196
purposes of section 1509.13 of the Revised Code and the 197
applicant is not required to submit the fee otherwise required 198
under that section. 199

(b) Within thirty days after receiving an application and 200
accompanying proposed contract under division ~~(D)~~(E) (2) (a) of 201
this section, the chief shall determine whether the plugging 202
would comply with the applicable requirements of this chapter 203
and applicable rules adopted and orders issued under it and 204
whether the cost of the plugging under the proposed contract is 205
reasonable. If the chief determines that the proposed plugging 206
would comply with those requirements and that the proposed cost 207
of the plugging is reasonable, the chief shall notify the 208
landowner of that determination and issue to the landowner a 209
permit to plug ~~and abandon~~ the well under section 1509.13 of the 210
Revised Code. Upon approval of the application and proposed 211
contract, the ~~chief shall transfer~~ ownership of the equipment 212
appurtenant to the well is transferred to the landowner. The 213
chief may disapprove an application submitted under division ~~(D)~~ 214
(E) (2) (a) of this section if the chief determines that the 215
proposed plugging would not comply with the applicable 216
requirements of this chapter and applicable rules adopted and 217
orders issued under it, that the cost of the plugging under the 218
proposed contract is unreasonable, or that the proposed contract 219
is not a bona fide, arm's length contract. 220

(c) After receiving the chief's notice of the approval of 221
the application and permit to plug and abandon a well under 222
division ~~(D)~~(E) (2) (b) of this section, the landowner shall enter 223
into the proposed contract to plug the well. 224

(d) Upon determining that the plugging has been completed 225
in compliance with the applicable requirements of this chapter 226
and applicable rules adopted and orders issued under it, the 227
chief shall ~~reimburse the landowner~~ pay the contractor for the 228
cost of the plugging and restoration as set forth in the 229
proposed contract approved by the chief. The ~~reimbursement~~ 230

payment shall be paid from the oil and gas well fund. If the 231
chief determines that the plugging was not completed in 232
accordance with the applicable requirements, the chief shall not 233
~~reimburse pay the landowner contractor~~ for the cost of the 234
plugging, and the landowner or the contractor, as applicable, 235
promptly shall transfer back to this state title to and 236
possession of the equipment appurtenant to the well that 237
previously was transferred to the landowner under division ~~(D)~~ 238
(E) (2) (b) of this section. If any such equipment was removed 239
from the well during the plugging and sold, the landowner shall 240
pay to the chief the proceeds from the sale of the equipment, 241
and the chief promptly shall pay the moneys so received to the 242
treasurer of state for deposit into the oil and gas well fund. 243

The chief may establish an annual limit on the number of 244
wells that may be plugged under division ~~(D)~~ (E) (2) of this 245
section or an annual limit on the expenditures to be made under 246
that division. The chief may reject an application submitted 247
under division (E) (2) of this section if the chief determines 248
that the plugging of other wells take priority. 249

As used in division ~~(D)~~ (E) (2) of this section, "plug" and 250
"plugging" include the plugging of the well, installation of a 251
vault and vent, restoration, and the restoration of the land 252
surface disturbed by the plugging. 253

~~(E)~~ (F) (1) Expenditures from the oil and gas well fund for 254
the purpose of division (B) ~~(2)~~ (1) (b) of this section may be 255
made pursuant to contracts entered into by either the chief or 256
another agency of the state with persons who agree to furnish 257
all of the materials, equipment, work, and labor as specified 258
and provided in such a contract. ~~The competitive~~ Competitive 259
bidding requirements ~~of Chapter 153. of~~ established in the 260

Revised Code do not apply if the chief reasonably determines 261
that ~~an emergency~~ a situation exists requiring immediate action 262
for the correction of the applicable health or safety risk. A 263
contract or purchase of materials for purposes of addressing the 264
emergency situation is not subject to division (B) of section 265
127.16 of the Revised Code. The chief, designated 266
representatives of the chief, and agents or employees of persons 267
contracting with the chief under this division may enter upon 268
any land, public or private, for the purpose of performing the 269
work. 270

~~(F)~~ (2) The chief shall issue an order that requires the 271
owner of a well to pay the actual documented costs of a 272
corrective action that is described in division (B) (1) (b) of 273
this section concerning the well. The chief shall transmit the 274
money so recovered to the treasurer of state who shall deposit 275
the money in the state treasury to the credit of the oil and gas 276
well fund. 277

(G) Contracts entered into by either the chief or another 278
agency of the state under this section are not subject to any of 279
the following: 280

(1) Chapter 4115. of the Revised Code; 281

(2) ~~Section 153.54 Chapter 153.~~ of the Revised Code, 282
~~except that the contractor shall obtain and provide to the chief~~ 283
~~as a bid guaranty a surety bond or letter of credit in an amount~~ 284
~~equal to ten per cent of the amount of the contract;~~ 285

(3) ~~Section 4733.17 Chapter 4733.~~ of the Revised Code. 286

~~(G)~~ (H) The owner of land on which a well is located who 287
has received notice under division ~~(C)~~ (D) (1) (b) of this section, 288
in lieu of plugging the well in accordance with division ~~(D)~~ (E) 289

(2) of this section, may cause ownership of the well to be 290
transferred to an owner who is lawfully doing business in this 291
state and who has met the financial responsibility requirements 292
established under section 1509.07 of the Revised Code, subject 293
to the approval of the chief. The transfer of ownership also 294
shall be subject to the landowner's filing the appropriate forms 295
required under section 1509.31 of the Revised Code and providing 296
to the chief sufficient information to demonstrate the 297
landowner's or owner's right to produce a formation or 298
formations. That information may include a deed, a lease, or 299
other documentation of ownership or property rights. 300

The chief shall approve or disapprove by order the 301
transfer of ownership of the well. If the chief approves the 302
transfer, the owner is responsible for operating the well in 303
accordance with this chapter and rules adopted under it, 304
including, without limitation, all of the following: 305

(1) Filing an application with the chief under section 306
1509.06 of the Revised Code if the owner intends to drill deeper 307
or produce a formation that is not listed in the records of the 308
division for that well; 309

(2) Taking title to and possession of the equipment 310
appurtenant to the well that has been identified by the chief as 311
having been abandoned by the former owner; 312

(3) Complying with all applicable requirements that are 313
necessary to drill deeper, plug the well, or plug back the well. 314

~~(H) The chief shall issue an order that requires the owner 315
of a well to pay the actual documented costs of a corrective 316
action that is described in division (B)(2) of this section 317
concerning the well. The chief shall transmit the money so 318~~

~~recovered to the treasurer of state who shall deposit the money— 319
in the state treasury to the credit of the oil and gas well— 320
fund.— 321~~

(I) The chief may engage in cooperative projects under 322
this section with any agency of this state, another state, or 323
the United States; any other governmental agencies; or any state 324
university or college as defined in section 3345.27 of the 325
Revised Code. A contract entered into for purposes of a 326
cooperative project is not subject to division (B) of section 327
127.16 of the Revised Code. 328

(J) (1) On or before the close of each calendar quarter, 329
the chief shall submit a written report to the technical 330
advisory council established under section 1509.38 of the 331
Revised Code describing the efforts of the division of oil and 332
gas resources management to plug idle and orphaned wells during 333
the immediately preceding calendar quarter. The chief also shall 334
include in the report all of the following information: 335

(a) The total number of known idle and orphaned wells in 336
the state and the total number in each county of the state; 337

(b) The total number of newly discovered idle and orphaned 338
wells during the immediately preceding calendar quarter; 339

(c) The total number of wells plugged in accordance with 340
this section during the immediately preceding calendar quarter; 341

(d) The total number of wells plugged in accordance with 342
this section and the estimated average and indirect costs of 343
plugging activities conducted under this section prior to the 344
date of the report; 345

(e) The number of wells approved for plugging in 346
accordance with this section and the estimated average and 347

indirect costs of plugging activities conducted under this 348
section during the immediately preceding calendar quarter. 349

(2) Not later than the thirty-first day of March of each 350
year, the chief and the technical advisory council shall jointly 351
provide to the speaker of the house of representatives and the 352
chair of the committee of the house of representatives 353
responsible for energy and natural resources issues a report 354
containing, at a minimum, the information required to be 355
included in the quarterly reports during the previous one-year 356
period. 357

Sec. 1509.13. (A) No person shall plug and abandon a well 358
without having a permit to do so issued by the chief of the 359
division of oil and gas resources management. The permit shall 360
be issued by the chief in accordance with this chapter and shall 361
be valid for a period of twenty-four months from the date of 362
issue. 363

(B) Application by the owner for a permit to plug and 364
abandon shall be filed as many days in advance as will be 365
necessary for an oil and gas resources inspector or, if the well 366
is located in a coal bearing township, both a deputy mine 367
inspector and an oil and gas resources inspector to be present 368
at the plugging. The application shall be filed with the chief 369
upon a form that the chief prescribes and shall contain the 370
following information: 371

(1) The name and address of the owner; 372

(2) The signature of the owner or the owner's authorized 373
agent. When an authorized agent signs an application, it shall 374
be accompanied by a certified copy of the appointment as that 375
agent. 376

(3) The location of the well identified by section or lot number, city, village, township, and county;	377 378
(4) Designation of well by name and number;	379
(5) The total depth of the well to be plugged;	380
(6) The date and amount of last production from the well;	381
(7) Other data that the chief may require.	382
(C) If <u>Except as otherwise provided in division (E) (2) (a) of section 1509.071 of the Revised Code, if</u> oil or gas has been produced from the well, the application shall be accompanied by a fee of two hundred fifty dollars. If a well has been drilled in accordance with law and the permit is still valid, the permit holder may receive approval to plug the well from an oil and gas resources inspector so that the well can be plugged and abandoned without undue delay. Unless waived by an oil and gas resources inspector, the owner of a well or the owner's authorized representative shall notify an oil and gas resources inspector at least twenty-four hours prior to the commencement of the plugging of a well. No well shall be plugged and abandoned without an oil and gas resources inspector present unless permission has been granted by the chief. The owner of a well that has produced oil or gas shall give written notice at the same time to the owner of the land upon which the well is located and to all lessors that receive gas from the well pursuant to a lease agreement. If the well penetrates or passes within one hundred feet of the excavations and workings of a mine, the owner of the well shall give written notice to the owner or lessee of that mine, of the well owner's intention to abandon the well and of the time when the well owner will be prepared to commence plugging it.	383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405

(D) An applicant may file a request with the chief for expedited review of an application for a permit to plug and abandon a well. The chief may refuse to accept a request for expedited review if, in the chief's judgment, acceptance of the request will prevent the issuance, within twenty-one days of filing, of permits for which applications filed under section 1509.06 of the Revised Code are pending. In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, if applicable, a request shall be accompanied by a nonrefundable filing fee of five hundred dollars unless the chief has ordered the applicant to plug and abandon the well. When a request for expedited review is filed, the chief shall immediately begin to process the application and shall issue a permit within seven days of the filing of the request unless the chief, by order, denies the application.

(E) This section does not apply to a well plugged or abandoned in compliance with section 1571.05 of the Revised Code.

Sec. 1509.151. If a mine operator is about to encounter or encounters an ~~abandoned~~ idle and orphaned well whose existence is detrimental to the mining operation, the mine operator may plug the well at his own expense in accordance with ~~all statutes and rules governing the plugging of abandoned wells that apply to any plugging under this section~~ chapter and rules adopted under it.

Sec. 1509.34. (A) (1) If an owner fails to pay the fees imposed by this chapter, or if the chief of the division of oil and gas resources management incurs costs under division ~~(E)~~ (F) of section 1509.071 of the Revised Code to correct conditions

associated with the owner's well that the chief reasonably has 436
determined are causing imminent health or safety risks, the 437
division of oil and gas resources management shall have a 438
priority lien against that owner's interest in the applicable 439
well in front of all other creditors for the amount of any such 440
unpaid fees and costs incurred. The chief shall file a statement 441
in the office of the county recorder of the county in which the 442
applicable well is located of the amount of the unpaid fees and 443
costs incurred as described in this division. The statement 444
shall constitute a lien on the owner's interest in the well as 445
of the date of the filing. The lien shall remain in force so 446
long as any portion of the lien remains unpaid or until the 447
chief issues a certificate of release of the lien. If the chief 448
issues a certificate of release of the lien, the chief shall 449
file the certificate of release in the office of the applicable 450
county recorder. 451

(2) A lien imposed under division (A) (1) of this section 452
shall be in addition to any lien imposed by the attorney general 453
for failure to pay the assessment imposed by section 1509.50 of 454
the Revised Code or the tax levied under division (A) (5) or (6) 455
of section 5749.02 of the Revised Code, as applicable. 456

(3) If the attorney general cannot collect from a severer 457
or an owner for an outstanding balance of amounts due under 458
section 1509.50 of the Revised Code or of unpaid taxes levied 459
under division (A) (5) or (6) of section 5749.02 of the Revised 460
Code, as applicable, the tax commissioner may request the chief 461
to impose a priority lien against the owner's interest in the 462
applicable well. Such a lien has priority in front of all other 463
creditors. 464

(B) The chief promptly shall issue a certificate of 465

release of a lien under either of the following circumstances: 466

(1) Upon the repayment in full of the amount of unpaid 467
fees imposed by this chapter or costs incurred by the chief 468
under division ~~(E)~~(F) of section 1509.071 of the Revised Code 469
to correct conditions associated with the owner's well that the 470
chief reasonably has determined are causing imminent health or 471
safety risks; 472

(2) Any other circumstance that the chief determines to be 473
in the best interests of the state. 474

(C) The chief may modify the amount of a lien under this 475
section. If the chief modifies a lien, the chief shall file a 476
statement in the office of the county recorder of the applicable 477
county of the new amount of the lien. 478

(D) An owner regarding which the division has recorded a 479
lien against the owner's interest in a well in accordance with 480
this section shall not transfer a well, lease, or mineral rights 481
to another owner or person until the chief issues a certificate 482
of release for each lien against the owner's interest in the 483
well. 484

(E) All money from the collection of liens under this 485
section shall be deposited in the state treasury to the credit 486
of the oil and gas well fund created in section 1509.02 of the 487
Revised Code. 488

Section 2. That existing sections 1509.071, 1509.13, 489
1509.151, and 1509.34 of the Revised Code are hereby repealed. 490