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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 100**  
**133<sup>rd</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 100's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Rep. Cera

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- County recorders could incur a slight increase in costs from additional workloads under the bill's recording requirements for surface owners seeking to reclaim abandoned mineral rights and for mineral interest holder's seeking to preserve those rights.
- Any such increase could be at least partially offset by recording fees. Recording fees for these types of filings are \$28 for the first two pages and \$8 for each additional page and are deposited to the county general fund, or split evenly between the county general fund and the county recorder's technology fund, if one has been established.
- Municipal and county courts and courts of common pleas may incur a slight increase in costs if the bill's process for a surface owner to challenge a mineral interest holder's affidavit to preserve the holder's mineral rights results in increased caseload. Presumably, any increase could be at least partially offset by the imposition of court costs.

### **Detailed Analysis**

The bill establishes a process by which a person who owns the surface of a parcel of land may reclaim an abandoned mineral interest underneath that land. This process, which applies to all minerals of commercial value, may result in a slight increase in workloads for county recorders. It may also result in a slight increase in caseloads for municipal or county courts. Any increased costs associated with increased activities could be at least partially offset by recording fees charged by county recorders. In situations where the ownership of the mineral interest is contested, the applicable court could recoup some of its costs for hearing these cases by charging court costs.

Fees collected by county recorders for these types of filings are specified in continuing law and are set at \$28 for the first two pages and \$8 for each additional page. Continuing law specifies that these fees be deposited in the county general fund unless the county has established a county recorder's technology fund, in which case half of the fees are deposited to the county general fund and half to the county recorder's technology fund. The bill also establishes a process for the surface holder to challenge a mineral interest holder's affidavit in court. If the court finds that the interest holder's affidavit is not valid, the surface owner may proceed to file a notice with the county recorder to reclaim the mineral rights in question.

Under the revised process established by the bill and described in more detail in the bill analysis, a surface owner intending to reclaim abandoned mineral interests must notify each mineral interest holder of surface owner's intent to declare the interest abandoned. Additionally, the surface owner must file an affidavit of abandonment with the county recorder. To preserve the holder's interest, the holder, within 60 days of receiving the notice, must either file a claim stating that the holder does not intend to abandon the interest or by filing an affidavit attesting that a specified savings event preserving the interest has occurred within the 20 years immediately preceding the date on which the surface owner served notice. Once either the claim or affidavit is filed by the interest holder, the surface owner cannot proceed to file the affidavit of abandonment. The process for asserting mineral rights applies to all minerals of commercial value that are mined or extracted in Ohio.