

As Concurred by the House

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Sub. H. B. No. 430

Representative Cross

Cosponsors: Representatives Johnson, Holmes, Fraizer, Carruthers, Edwards, Galonski, Ghanbari, Hillyer, John, Jones, Lanese, LaRe, Lightbody, Loychik, Miller, A., Miller, J., O'Brien, Patton, Riedel, Stephens, White

Senators Brenner, Cirino, McColley, Peterson, Reineke, Schaffer

A BILL

To amend sections 153.64, 1509.01, 1509.071, 1
1509.151, 1513.37, 3781.06, 3781.106, 3781.27, 2
5321.01, and 5321.19 and to enact sections 3
5.248, 4927.102, and 5321.20 of the Revised Code 4
to address underground utility facilities 5
affected by construction, to exempt mobile 6
computing units from certain building 7
regulation, to make changes relating to the 8
Landlord and Tenant Law, to limit regulation of 9
telecommunications, wireless, or internet 10
protocol-enabled service providers, to revise 11
the law governing the plugging of idle and 12
orphaned wells, and to revise the use of the 13
Abandoned Mine Reclamation Fund, and to 14
designate April as "Ohio Work Zone Safety 15
Awareness Month." 16

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

Section 1. That sections 153.64, 1509.01, 1509.071, 17
1509.151, 1513.37, 3781.06, 3781.106, 3781.27, 5321.01, and 18
5321.19 be amended and sections 5.248, 4927.102, and 5321.20 of 19
the Revised Code be enacted to read as follows: 20

Sec. 5.248. The month of April is designated as "Ohio Work 21
Zone Safety Awareness Month." 22

Sec. 153.64. (A) As used in this section: 23

(1) "Public improvement" means any construction, 24
reconstruction, improvement, enlargement, alteration, or repair 25
of a building, highway, drainage system, water system, road, 26
street, alley, sewer, ditch, sewage disposal plant, water works, 27
and all other structures or works of any nature by a public 28
authority. 29

(2) "Public authority" includes the following: 30

(a) The state, or a county, township, municipal 31
corporation, school district, or other political subdivision; 32

(b) Any public agency, authority, board, commission, 33
instrumentality, or special district of or in the state or a 34
county, township, municipal corporation, school district, or 35
other political subdivision; 36

(c) A designer as defined in section 3781.25 of the 37
Revised Code who is acting on behalf of any entity described in 38
division (A)(2)(a) or (b) of this section. 39

(3) "Underground utility facilities" includes any item 40
buried or placed below ground or submerged under water for use 41
in connection with the storage or conveyance of water or sewage; 42
or electronic, telephonic, or telegraphic communications; 43
electricity; petroleum products; manufactured, mixed, or natural 44

gas; synthetic or liquified natural gas; propane gas; or other 45
substances. "Underground utility facilities" includes, but is 46
not limited to, all operational underground pipes, sewers, 47
tubing, conduits, cables, valves, lines, wires, manholes, and 48
attachments, whether owned by any public or private or profit or 49
nonprofit person, firm, partnership, company, corporation, joint 50
stock association, joint venture, or voluntary association, 51
wherever organized or incorporated, except for a private septic 52
system in a single- or multi-family dwelling utilized only for 53
that dwelling and not connected to any other system. 54

(4) "Protection service" means a notification center not 55
an owner of an underground utility facility that complies with 56
the following: 57

(a) It exists for the purpose of receiving notice from 58
public authorities and from other persons that plan to prepare 59
plans and specifications for, or engage in, public improvements 60
involving digging, blasting, excavating, or other underground 61
construction activities; 62

(b) It distributes the information described in division 63
(A) (4) (a) of this section to its members and participants; 64

(c) It has registered by March 14, 1989, with the 65
secretary of state and the public utilities commission under 66
former division (F) of this section as it existed on that date. 67

(5) "Construction area" means the area delineated on the 68
plans and specifications for the public improvement within which 69
the work provided for in the contract will be performed. 70

(6) "Interstate gas pipeline" means an interstate gas 71
pipeline subject to the "Natural Gas Pipeline Safety Act of 72
1968," 49 U.S.C. 1671, as amended. 73

(7) "Interstate hazardous liquids pipeline" means an 74
interstate hazardous liquids pipeline subject to the "Hazardous 75
Liquid Pipeline Safety Act of 1979," 49 U.S.C. 2002, as amended. 76

(B) (1) In any public improvement which may involve 77
underground utility facilities, the public authority, prior to 78
preparing plans and specifications, shall contact a protection 79
service and any owners of underground utility facilities that 80
are not members of a protection service for the existence and 81
location of all underground utility facilities within the 82
construction area. 83

(2) If requested by the public authority, each owner of 84
underground utility facilities within the construction area, 85
other than real property owners listed in divisions (C) (1) to 86
(4) of section 3781.25 of the Revised Code, shall do one of the 87
following within ten days of receiving notice from the public 88
authority or a protection service: 89

(a) Mark the location of the underground utility 90
facilities, other than those facilities serving single-family or 91
two-, three-, or four-unit dwellings, within the construction 92
area in accordance with the marking standards described in 93
division (C) of section 3781.29 of the Revised Code; 94

(b) Provide digital or paper drawings, or both, that meet 95
both of the following requirements: 96

(i) They are drawn to scale and include locatable items. 97
Locatable items may include poles, pedestals, back of curb, 98
sidewalk, edge of pavement, centerline of ditch, property lines, 99
and other similar items. 100

(ii) They depict the location of the underground utility 101
facilities. 102

(3) If the public improvement is within six hundred sixty feet of the center point of any interstate hazardous liquid pipeline or interstate gas pipeline, the pipeline operator shall provide to the public authority all of the following: 103
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(a) A written notice of any special notification requirements; 107
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(b) The location and description of any right-of-way associated with the pipeline as well as pipeline location information, such as providing documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps; 109
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(c) Contact information for the primary contact person for the project area. 114
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Compliance with ~~division~~divisions (B) (2) and (3) of this section does not relieve an owner of underground utility facilities from compliance with the marking requirements of section 3781.29 of the Revised Code. 116
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~~(3)~~(4) The public authority shall include, in the plans and specifications for such improvement, the identity and location of the existing underground utility facilities located in the construction area as provided to the public authority by the owner of the underground utility facility and the name, address, and telephone number of each owner of any underground utility facilities in the construction area that does not subscribe to a protection service. 120
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(a) If the public authority is notified that the improvement is within six hundred sixty feet of the center point of any interstate hazardous liquid pipeline or interstate gas pipeline, the public authority shall also include in the plans 128
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<u>and specifications for the project all of the following:</u>	132
<u>(i) Any special notification requirements;</u>	133
<u>(ii) The name and contact information of the primary contact person for each pipeline operator who has provided notice to the public authority under division (B) (3) of this section;</u>	134 135 136 137
<u>(iii) Notice stating that the public authority has utilized reasonable means to contact the pipeline operator to verify the location of the pipeline and pipeline right-of-way;</u>	138 139 140
<u>(iv) Notice that the public authority has reviewed, or has attempted to review, preliminary information about the public improvement with the pipeline operator and incorporated the requested adjustments into the plans.</u>	141 142 143 144
<u>(b) For purposes of division (B) (4) (a) (iii) of this section, a public authority who provides notice to the protection service in accordance with division (B) (1) of this section is deemed to have utilized reasonable means to contact the operator of the pipeline.</u>	145 146 147 148 149
(4) <u>(5) Any anticipated temporary or permanent relocation of underground utility facilities deemed necessary by the public authority shall be negotiated or arranged by the public authority with the owners of the underground utility facilities prior to the start of construction. If a temporary or permanent relocation of utility facilities is necessary, the owner of the underground utility facility shall be given a reasonable time to move such utility facilities unless the contractor to whom the contract for a public improvement is awarded or its subcontractor agrees with the owner of the underground utility facility to coordinate relocation with construction operations.</u>	150 151 152 153 154 155 156 157 158 159 160

~~(5)~~-(6) The public authority, within ten calendar days 161
after award of a contract for a public improvement, shall notify 162
in writing all owners of underground utility facilities known to 163
be located in the construction area of the public improvement of 164
the name and address of the contractor to whom the contract for 165
the public improvement was awarded. Where notice is given in 166
writing by certified mail, the return receipt, signed by any 167
person to whom the notice is delivered, shall be conclusive 168
proof of notice. 169

(C) The contractor to whom a contract for a public 170
improvement is awarded or its subcontractor, at least two 171
working days, excluding Saturdays, Sundays, and legal holidays, 172
but no more than ten working days, prior to commencing 173
construction operations in the construction area which may 174
involve underground utility facilities, shall cause notice to be 175
given to a protection service and the owners of underground 176
utility facilities shown on the plans and specifications who are 177
not members of a protection service. The owner of the 178
underground utility facility, within forty-eight hours, 179
excluding Saturdays, Sundays, and legal holidays, after notice 180
is received, shall stake, mark, or otherwise designate the 181
location of the underground utility facilities in the 182
construction area in such a manner as to indicate their course 183
together with the approximate depth at which they were 184
installed. 185

(D) If the public authority fails to comply with the 186
requirements of division (B) of this section, the contractor to 187
whom the work is awarded or its subcontractor complies with the 188
requirements of division (C) of this section, and the contractor 189
or its subcontractor encounters underground utility facilities 190
in the construction area that would have been shown on the plans 191

and specifications for such improvement had a protection service 192
or owner of the underground utility facility who is not a member 193
of a protection service whose name, address, and telephone 194
number is provided by the public authority been contacted, then 195
the contractor, upon notification to the public authority, is 196
entitled to an increase to the contract price for itself or its 197
subcontractor for any additional work that must be undertaken or 198
additional time that will be required and is entitled to an 199
extension of the completion date of the contract for the period 200
of time of any delays to the construction of the public 201
improvement. 202

In the event of a dispute as to the application of this 203
section, procedures may be commenced under the applicable terms 204
of the construction contract, or if the contract contains no 205
provision for final resolution of the dispute, pursuant to the 206
procedures for arbitration in Chapter 2711. of the Revised Code. 207

This section does not affect rights between the 208
contractors and the public authority for any increase in 209
contract price or additional time to perform the contract when 210
the public authority complies with division (B) of this section. 211

Any public authority who complies with the requirements of 212
division (B) of this section and any contractor or its 213
subcontractor who complies with the requirements of division (C) 214
of this section shall not be responsible to the owner of the 215
underground utility facility if underground utility lines are 216
encountered not as marked in accordance with the provisions of 217
division (C) of this section by the owner of the underground 218
utility facility, unless the contractor or its subcontractor has 219
actual notice of the underground utility facility. Except as 220
noted in this division, this section does not affect rights 221

between the contractor or its subcontractor and the owner of the 222
underground utility facility for failure to mark or erroneously 223
marking utility lines. The public authority shall not make as a 224
requirement of any contract for public improvement any change in 225
responsibilities between the public authority and the owners of 226
the underground utility facilities in connection with damage, 227
injury, or loss to any property in connection with underground 228
utility facilities. 229

The contractor or its subcontractor shall alert 230
immediately the occupants of nearby premises as to any emergency 231
that the contractor or subcontractor may create or discover at 232
or near such premises. The contractor or its subcontractor shall 233
report immediately to the owner or operator of the underground 234
facility any break or leak on its lines or any dent, gouge, 235
groove, or other damage to such lines or to their coating or 236
cathodic protection, made or discovered in the course of their 237
excavation. 238

(E) This section does not affect rights between the public 239
authority and the owners of the underground utility facilities 240
for responsibility for costs involving removal, relocation, or 241
protection of existing underground utility facilities, or for 242
costs for delays occasioned thereby. 243

Sec. 1509.01. As used in this chapter: 244

(A) "Well" means any borehole, whether drilled or bored, 245
within the state for production, extraction, or injection of any 246
gas or liquid mineral, excluding potable water to be used as 247
such, but including natural or artificial brines and oil field 248
waters. 249

(B) "Oil" means crude petroleum oil and all other 250

hydrocarbons, regardless of gravity, that are produced in liquid 251
form by ordinary production methods, but does not include 252
hydrocarbons that were originally in a gaseous phase in the 253
reservoir. 254

(C) "Gas" means all natural gas and all other fluid 255
hydrocarbons that are not oil, including condensate. 256

(D) "Condensate" means liquid hydrocarbons separated at or 257
near the well pad or along the gas production or gathering 258
system prior to gas processing. 259

(E) "Pool" means an underground reservoir containing a 260
common accumulation of oil or gas, or both, but does not include 261
a gas storage reservoir. Each zone of a geological structure 262
that is completely separated from any other zone in the same 263
structure may contain a separate pool. 264

(F) "Field" means the general area underlaid by one or 265
more pools. 266

(G) "Drilling unit" means the minimum acreage on which one 267
well may be drilled, but does not apply to a well for injecting 268
gas into or removing gas from a gas storage reservoir. 269

(H) "Waste" includes all of the following: 270

(1) Physical waste, as that term generally is understood 271
in the oil and gas industry; 272

(2) Inefficient, excessive, or improper use, or the 273
unnecessary dissipation, of reservoir energy; 274

(3) Inefficient storing of oil or gas; 275

(4) Locating, drilling, equipping, operating, or producing 276
an oil or gas well in a manner that reduces or tends to reduce 277

the quantity of oil or gas ultimately recoverable under prudent 278
and proper operations from the pool into which it is drilled or 279
that causes or tends to cause unnecessary or excessive surface 280
loss or destruction of oil or gas; 281

(5) Other underground or surface waste in the production 282
or storage of oil, gas, or condensate, however caused. 283

(I) "Correlative rights" means the reasonable opportunity 284
to every person entitled thereto to recover and receive the oil 285
and gas in and under the person's tract or tracts, or the 286
equivalent thereof, without having to drill unnecessary wells or 287
incur other unnecessary expense. 288

(J) "Tract" means a single, individual parcel of land or a 289
portion of a single, individual parcel of land. 290

(K) "Owner," unless referring to a mine, means the person 291
who has the right to drill on a tract or drilling unit, to drill 292
into and produce from a pool, and to appropriate the oil or gas 293
produced therefrom either for the person or for others, except 294
that a person ceases to be an owner with respect to a well when 295
the well has been plugged in accordance with applicable rules 296
adopted and orders issued under this chapter. "Owner" does not 297
include a person who obtains a lease of the mineral rights for 298
oil and gas on a parcel of land if the person does not attempt 299
to produce or produce oil or gas from a well or obtain a permit 300
under this chapter for a well or if the entire interest of a 301
well is transferred to the person in accordance with division 302
(B) of section 1509.31 of the Revised Code. 303

(L) "Royalty interest" means the fee holder's share in the 304
production from a well. 305

(M) "Discovery well" means the first well capable of 306

producing oil or gas in commercial quantities from a pool. 307

(N) "Prepared clay" means a clay that is plastic and is 308
thoroughly saturated with fresh water to a weight and 309
consistency great enough to settle through saltwater in the well 310
in which it is to be used, except as otherwise approved by the 311
chief of the division of oil and gas resources management. 312

(O) "Rock sediment" means the combined cutting and residue 313
from drilling sedimentary rocks and formation. 314

(P) "Excavations and workings," "mine," and "pillar" have 315
the same meanings as in section 1561.01 of the Revised Code. 316

(Q) "Coal bearing township" means a township designated as 317
such by the chief of the division of mineral resources 318
management under section 1561.06 of the Revised Code. 319

(R) "Gas storage reservoir" means a continuous area of a 320
subterranean porous sand or rock stratum or strata into which 321
gas is or may be injected for the purpose of storing it therein 322
and removing it therefrom and includes a gas storage reservoir 323
as defined in section 1571.01 of the Revised Code. 324

(S) "Safe Drinking Water Act" means the "Safe Drinking 325
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended 326
by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 327
42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 328
1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking 329
Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 330
300(f), and regulations adopted under those acts. 331

(T) "Person" includes any political subdivision, 332
department, agency, or instrumentality of this state; the United 333
States and any department, agency, or instrumentality thereof; 334
any legal entity defined as a person under section 1.59 of the 335

Revised Code; and any other form of business organization or 336
entity recognized by the laws of this state. 337

(U) "Brine" means all saline geological formation water 338
resulting from, obtained from, or produced in connection with 339
exploration, drilling, well stimulation, production of oil or 340
gas, or plugging of a well. 341

(V) "Waters of the state" means all streams, lakes, ponds, 342
marshes, watercourses, waterways, springs, irrigation systems, 343
drainage systems, and other bodies of water, surface or 344
underground, natural or artificial, that are situated wholly or 345
partially within this state or within its jurisdiction, except 346
those private waters that do not combine or effect a junction 347
with natural surface or underground waters. 348

(W) "Exempt Mississippian well" means a well that meets 349
all of the following criteria: 350

(1) Was drilled and completed before January 1, 1980; 351

(2) Is located in an unglaciated part of the state; 352

(3) Was completed in a reservoir no deeper than the 353
Mississippian Big Injun sandstone in areas underlain by 354
Pennsylvanian or Permian stratigraphy, or the Mississippian 355
Berea sandstone in areas directly underlain by Permian 356
stratigraphy; 357

(4) Is used primarily to provide oil or gas for domestic 358
use. 359

(X) "Exempt domestic well" means a well that meets all of 360
the following criteria: 361

(1) Is owned by the owner of the surface estate of the 362
tract on which the well is located; 363

(2) Is used primarily to provide gas for the owner's domestic use;	364 365
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	366 367 368 369
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	370 371 372 373 374
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	375 376 377 378 379 380
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	381 382 383
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the	384 385 386 387 388 389 390 391 392

following:	393
(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;	394 395 396
(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;	397 398 399 400
(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;	401 402 403 404 405 406 407
(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them.	408 409 410 411 412 413 414 415
(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.	416 417 418 419
(CC) " Idle and orphaned <u>Orphaned well</u> " means a well for which a bond has been forfeited or an abandoned well for which	420 421

~~no money is available to plug the well in accordance with this~~ 422
~~chapter and rules adopted under it that has not been properly~~ 423
~~plugged or its land surface restored in accordance with this~~ 424
~~chapter and the rules adopted under it to which either of the~~ 425
~~following apply:~~ 426

(1) The owner of the well is unknown, deceased, or cannot 427
be located and the well is abandoned. 428

(2) The owner has abandoned the well and there is no money 429
available to plug the well in accordance with this chapter and 430
the rules adopted under it. 431

(DD) "Temporarily inactive well" means a well that has 432
been granted temporary inactive status under section 1509.062 of 433
the Revised Code. 434

(EE) "Material and substantial violation" means any of the 435
following: 436

(1) Failure to obtain a permit to drill, reopen, convert, 437
plugback, or plug a well under this chapter; 438

(2) Failure to obtain, maintain, update, or submit proof 439
of insurance coverage that is required under this chapter; 440

(3) Failure to obtain, maintain, update, or submit proof 441
of a surety bond that is required under this chapter; 442

~~(4) Failure to plug an abandoned well or idle and orphaned~~ 443
~~well unless the well has been granted temporary inactive status~~ 444
~~under section 1509.062 of the Revised Code or the chief of the~~ 445
~~division of oil and gas resources management has approved~~ 446
~~another option concerning the abandoned well or idle and~~ 447
~~orphaned well;~~ 448

~~(5) Failure to restore a disturbed land surface as~~ 449

required by section 1509.072 of the Revised Code;	450
(6) -(5) Failure to reimburse the oil and gas well fund	451
pursuant to a final order issued under section 1509.071 of the	452
Revised Code;	453
(7) -(6) Failure to comply with a final nonappealable order	454
of the chief issued under section 1509.04 of the Revised Code;	455
(8) -(7) Failure to submit a report, test result, fee, or	456
document that is required in this chapter or rules adopted under	457
it.	458
(FF) "Severer" has the same meaning as in section 5749.01	459
of the Revised Code.	460
(GG) "Horizontal well" means a well that is drilled for	461
the production of oil or gas in which the wellbore reaches a	462
horizontal or near horizontal position in the Point Pleasant,	463
Utica, or Marcellus formation and the well is stimulated.	464
(HH) "Well pad" means the area that is cleared or prepared	465
for the drilling of one or more horizontal wells.	466
Sec. 1509.071. (A) When the chief of the division of oil	467
and gas resources management finds that an owner has failed to	468
comply with a final nonappealable order issued or compliance	469
agreement entered into under section 1509.04, the restoration	470
requirements of section 1509.072, plugging requirements of	471
section 1509.12, or permit provisions of section 1509.13 of the	472
Revised Code, or rules and orders relating thereto, the chief	473
shall make a finding of that fact and declare any surety bond	474
filed to ensure compliance with those sections and rules	475
forfeited in the amount set by rule of the chief. The chief	476
thereupon shall certify the total forfeiture to the attorney	477
general, who shall proceed to collect the amount of the	478

forfeiture. In addition, the chief may require an owner, 479
operator, producer, or other person who forfeited a surety bond 480
to post a new surety bond in the amount of fifteen thousand 481
dollars for a single well, thirty thousand dollars for two 482
wells, or fifty thousand dollars for three or more wells. 483

In lieu of total forfeiture, the surety or owner, at the 484
surety's or owner's option, may cause the well to be properly 485
plugged and abandoned and the area properly restored or pay to 486
the treasurer of state the cost of plugging and abandonment. 487

(B) (1) All moneys collected because of forfeitures of 488
bonds as provided in this section shall be deposited in the 489
state treasury to the credit of the oil and gas well fund 490
created in section 1509.02 of the Revised Code. 491

For purposes of promoting the competent management and 492
conservation of the state's oil and natural gas resources and 493
the proper and lawful plugging of historic oil and gas wells for 494
which there is no known responsible owner, the chief annually 495
shall spend not less than thirty per cent of the revenue 496
credited to the oil and gas well fund during the previous fiscal 497
year for both of the following purposes: 498

(a) In accordance with division (E) of this section, to 499
plug ~~idle and orphaned~~ wells or to restore the land surface 500
properly as required in section 1509.072 of the Revised Code; 501

(b) In accordance with division (F) of this section, to 502
correct conditions that the chief reasonably has determined are 503
causing imminent health or safety risks at an ~~idle and orphaned~~ 504
well or associated with a well for which the owner ~~cannot be~~ 505
~~contacted in order to initiate~~ has not initiated a corrective 506
action within a reasonable period of time as determined by the 507

chief after the chief has attempted to notify the owner. 508

(2) Expenditures from the fund shall be made only for 509
lawful purposes. In addition, expenditures from the fund shall 510
not be made to purchase real property or to remove a ~~dwelling-~~ 511
structure in order to access a well. 512

The director of budget and management, in consultation 513
with the chief, shall establish an accounting code for purposes 514
of tracking expenditures made as required under this division. 515

(C) (1) If a landowner discovers ~~an idle and orphaned a~~ 516
~~well or abandoned well~~ on the landowner's real property and the 517
landowner is not the owner of the well, the landowner may report 518
the existence of the well in writing to the chief. 519

(2) If the chief receives a written report from a 520
landowner of the ~~existence~~ discovery of an idle and orphaned a 521
well previously unknown to the division, the chief shall inspect 522
the well not later than thirty days after the date of receipt of 523
the landowner's report. 524

(3) The chief shall establish a scoring matrix for use in 525
determining the priority of plugging wells or restoring land 526
surfaces at ~~idle and orphaned~~ well sites for purposes of this 527
section. The matrix shall include a classification system that 528
categorizes ~~idle and orphaned~~ wells as ~~distressed high~~ high 529
priority, ~~moderate medium~~ medium priority, and ~~maintenance low~~ 530
low priority. 531

(4) The chief shall use the matrix developed under 532
division (C) (3) of this section to prioritize plugging and land 533
restoration projects under this section. The chief may add 534
additional orphaned wells to a project regardless of 535
classification. 536

(D) (1) ~~Upon~~ After determining that a well is an ~~idle and~~ orphaned well, the chief shall do all of the following: 537
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(a) Make a reasonable attempt to determine from the 539
records in the office of the county recorder of the county in 540
which the well is located the identity of the current owner of 541
the land on which the well is located, the identity of each 542
person owning a right or interest in the oil or gas mineral 543
interests, and the identities of the persons having a lien upon 544
any of the equipment appurtenant to the well. For purposes of 545
division (D) (1) (a) of this section, the chief is not required to 546
review records in the office of the county recorder that are 547
older than forty years from the date on which the chief made the 548
determination that the well is an ~~idle and~~ orphaned well. 549

(b) Mail notice to each person identified in division (D) 550
(1) (a) of this section; 551

(c) Include in the notice to each person having a lien 552
upon any equipment appurtenant to the well, a statement 553
informing the person that the well is to be plugged and offering 554
the person the opportunity to remove that equipment from the 555
well site at the person's own expense in order to avoid 556
forfeiture of the equipment to this state; 557

(d) Publish notice in a newspaper of general circulation 558
in the county where the well is located that the well is to be 559
plugged or post the notice on the department of natural 560
resources web site. 561

(2) If the current address of a person identified in 562
division (D) (1) (a) of this section cannot be determined, or if a 563
notice provided by mail to a person under division (D) (1) (b) of 564
this section is returned undeliverable, the notice published 565

under division (D) (1) (d) of this section constitutes sufficient 566
notice to the person. 567

(3) If none of the persons described in division (D) (1) (a) 568
of this section removes equipment from the well within thirty 569
days after the mailing of the notice or publication ~~in a~~ 570
~~newspaper of general circulation or posting of notice described~~ 571
in division (D) (1) (d) of this section, whichever is later, all 572
equipment appurtenant to the well is hereby declared to be 573
forfeited to this state without compensation and without the 574
necessity for any action by the state for use to defray the cost 575
of plugging the well and restoring the land surface at the well 576
site. 577

(E) The chief may expend money from the oil and gas well 578
fund for the purpose of division (B) (1) (a) of this section, and 579
such ~~expenditures shall~~ expenditures shall be made in accordance 580
with either of the following: 581

(1) The chief may make expenditures pursuant to contracts 582
entered into by either the chief or another agency of the state 583
with persons who agree to furnish ~~all of the~~ materials, 584
equipment, work, and labor as specified and provided in such a 585
contract for activities associated with the restoration or 586
plugging of ~~a~~ an orphaned well as determined by the chief. If 587
another agency of the state enters into the contract, the chief 588
shall prepare the scope of work for the restoration or plugging 589
of the well. The activities may include excavation to uncover a 590
well, ~~geophysical methods to locate a buried well when clear~~ 591
~~evidence of leakage from the well exists,~~ analyzing the well, 592
stabilizing or other work conducted prior to plugging the well, 593
drilling out or cleanout of wellbores to remove material from a 594
~~failed plugged~~ well, plugging operations, installation of vault 595

and vent systems, including associated engineering 596
certifications and permits, removal of associated equipment, 597
restoration of property, replugging of previously plugged 598
orphaned wells or wells for which final restoration was 599
completed under section 1509.072 of the Revised Code and rules 600
adopted under it, and repair of damage to property that is 601
caused by such activities. The chief ~~shall not~~ may make 602
expenditures for salaries, maintenance, equipment, or other 603
administrative purposes, ~~except~~ for costs directly attributed to 604
~~the locating, analyzing, stabilizing, designing, plugging of,~~ 605
remediating, or restoring an idle and orphaned well, and for 606
determining if a well is an orphaned well. ~~Agents~~ 607

Agents or employees of persons contracting with the chief 608
~~for a restoration or plugging project to locate, analyze,~~ 609
stabilize, design, plug, remediate, or restore a well may enter 610
upon any land, public or private, on which the well is located, 611
or on adjacent parcels needed for access, for the purpose of 612
performing the work. Prior to such entry, the chief shall give 613
to the following persons written notice of the existence of a 614
~~contract for a project to restore a location or plug a well to~~ 615
locate, analyze, stabilize, design, plug, remediate, or restore 616
a well, the names of the persons with whom the contract is made, 617
and the date that the project will commence: the owner of the 618
well, the owner of the land upon which the well is located, the 619
owner of the land of an adjacent parcel that will be entered 620
upon, and, if the well is located in the same township as or in 621
a township adjacent to the excavations and workings of a mine 622
and the owner or lessee of that mine has provided written notice 623
identifying those townships to the chief at any time during the 624
immediately preceding three years, the owner or lessee of the 625
mine. The chief may include in the notice to the owner or lessee 626

of the mine additional information, such as authorization to 627
plug an ~~idle and~~ orphaned well under section 1509.151 of the 628
Revised Code. 629

(2) (a) The owner of the land on which ~~a~~ at least one 630
orphaned well is located who has received notice under division 631
(D) (1) (b) of this section may plug ~~the any such orphaned well~~ 632
and be reimbursed by the division of oil and gas resources 633
management for the reasonable cost of plugging ~~the wells such~~ 634
wells. In order to plug the ~~well~~ orphaned wells, the landowner 635
shall submit an application to the chief on a form prescribed by 636
the chief and approved by the technical advisory council on oil 637
and gas created in section 1509.38 of the Revised Code. The 638
application, at a minimum, shall require the landowner to 639
provide the same information as is required to be included in 640
the application for a permit to plug and abandon under section 641
1509.13 of the Revised Code. ~~The~~ 642

The application shall be accompanied by a copy of a 643
proposed contract to plug and abandon the well ~~orphaned wells~~ 644
prepared by a contractor regularly engaged in the business of 645
plugging oil and gas wells. The proposed contract shall require 646
the contractor to furnish all of the materials, equipment, work, 647
and labor necessary to plug the ~~well~~ orphaned wells properly and 648
restore the site including the removal of all associated 649
equipment and shall specify the price for doing the work, ~~—~~ 650
~~including a credit for the equipment appurtenant to the well~~ 651
~~that was forfeited to the state through the operation of~~ 652
~~division (D) (3) of this section.~~ The contractor shall be insured 653
and bonded. ~~Expenditures—~~ 654

Expenditures made under division (E) (2) (a) of this section 655
shall be consistent with the expenditures for activities 656

described in division (E) (1) of this section. In addition, 657
expenditures made under division (E) (2) of this section are not 658
subject to section 127.16 of the Revised Code. The application 659
constitutes an application for a permit to plug the well for the 660
purposes of section 1509.13 of the Revised Code and the 661
applicant is not required to submit the fee otherwise required 662
under that section. 663

(b) Within thirty days after receiving an application and 664
accompanying proposed contract under division (E) (2) (a) of this 665
section, the chief shall determine whether the plugging would 666
comply with the applicable requirements of this chapter and 667
applicable rules adopted and orders issued under it and whether 668
the cost of the plugging under the proposed contract is 669
reasonable. If the chief determines that the proposed plugging 670
would comply with those requirements and that the proposed cost 671
of the plugging is reasonable, the chief shall notify the 672
landowner of that determination and issue to the landowner a 673
permit to plug the well under section 1509.13 of the Revised 674
Code. ~~Upon approval of the application and proposed contract,~~ 675
~~the ownership of the equipment appurtenant to the well is~~ 676
~~transferred to the landowner.~~ The chief may disapprove an 677
application submitted under division (E) (2) (a) of this section 678
if the chief determines that the proposed plugging would not 679
comply with the applicable requirements of this chapter and 680
applicable rules adopted and orders issued under it, that the 681
cost of the plugging under the proposed contract is 682
unreasonable, or that the proposed contract is not a bona fide, 683
arm's length contract. 684

(c) After receiving the chief's notice of the approval of 685
the application and permit to plug and abandon a well under 686
division (E) (2) (b) of this section, the landowner ~~shall~~ may 687

enter into the proposed contract to plug the well. 688

(d) Upon determining that the plugging has been completed 689
in compliance with the applicable requirements of this chapter 690
and applicable rules adopted and orders issued under it, the 691
chief shall pay the contractor for the cost of the plugging and 692
restoration as set forth in the proposed contract approved by 693
the chief and changes or costs approved by the chief. The 694
payment shall be paid from the oil and gas well fund. ~~If The~~ 695
chief shall only make payments for purposes of division (E) (2) 696
of this section pursuant to a proper invoice as defined under 697
section 125.01 of the Revised Code. 698

(e) If the chief determines that the plugging was not 699
completed in accordance with the applicable requirements, the 700
chief shall not pay the contractor or landowner for the cost of 701
the plugging, ~~and the landowner or the contractor, as~~ 702
~~applicable, promptly shall transfer back to this state title to~~ 703
~~and possession of the equipment appurtenant to the well that~~ 704
~~previously was transferred to the landowner under division (E)~~ 705
~~(2) (b) of this section. If~~ 706

(f) If any such equipment was removed from the well during 707
the plugging and sold, the ~~landowner shall pay to the chief the~~ 708
~~proceeds from~~ shall deduct the sale amount of the equipment, ~~and~~ 709
~~the chief promptly shall pay the moneys so received to the~~ 710
~~treasurer of state for deposit into the oil and gas well fund~~ 711
from the payment to the contractor. 712

(g) Changes made to a contract executed under division (E) 713
(2) of this section due to unanticipated conditions may be 714
presented to the chief in the form of a written request for 715
approval of the additional costs prior to completion of the 716
work. The chief shall determine if the changes are necessary to 717

comply with this chapter and rules adopted and orders issued 718
under it and if the cost of the changes are reasonable. The 719
chief shall provide to the contractor a written decision 720
regarding the proposed changes. If the chief determines that the 721
changes are not necessary or that the costs are not reasonable, 722
the chief may either deny the request or establish the amount of 723
the cost that the chief approves. Work completed prior to 724
receipt of written approval from the chief is not eligible for 725
payment, unless waived by the chief. 726

(3) The chief may establish an annual limit on the number 727
of wells that may be plugged under division (E) (2) of this 728
section or an annual limit on the expenditures to be made under 729
that division. The chief may reject an application submitted 730
under division (E) (2) of this section if the chief determines 731
that the plugging of other wells take priority. 732

(4) As used in division (E) (2) of this section, "plug" and 733
"plugging" include the plugging of the well, replugging of a 734
previously plugged orphaned well or a well for which final 735
restoration was completed under section 1509.072 of the Revised 736
Code and rules adopted under it, drilling out or cleanout of a 737
well bore to remove material from a well, installation of 738
casings, installation of a vault and vent, restoration, and the 739
restoration of the land surface disturbed by the plugging. 740

(F) (1) Expenditures from the oil and gas well fund for the 741
purpose of division (B) (1) (b) of this section may be made 742
pursuant to contracts entered into by either the chief or 743
another agency of the state with persons who agree to furnish 744
~~all of the~~ materials, equipment, work, and labor as specified 745
and provided in such a contract. The competitive bidding 746
requirements of Chapter 153. of the Revised Code do not apply if 747

the chief reasonably determines that a situation exists 748
requiring immediate action for the correction of the applicable 749
health or safety risk. A contract or purchase of materials for 750
purposes of addressing the emergency situation is not subject to 751
division (B) of section 127.16 of the Revised Code. The chief, 752
designated representatives of the chief, and agents or employees 753
of persons contracting with the chief to locate, analyze, 754
stabilize, design, plug, remediate, or restore a well under this 755
division may enter upon any land, public or private, on which 756
the well is located, or on parcels needed for access, for the 757
purpose of performing the work. 758

(2) The chief shall issue an order that requires the owner 759
of a well to pay the actual documented costs of a corrective 760
action that is described in division (B) (1) (b) of this section 761
concerning the well. The chief shall transmit the money so 762
recovered to the treasurer of state who shall deposit the money 763
in the state treasury to the credit of the oil and gas well 764
fund. 765

(G) Contracts entered into by either the chief or another 766
agency of the state under this section are not subject to any of 767
the following: 768

- (1) Chapter 4115. of the Revised Code; 769
- (2) ~~Section 153.54~~ Chapter 153. of the Revised Code; 770
- (3) Section 4733.17 of the Revised Code. 771

(H) The owner of land on which a well is located who has 772
received notice under division (D) (1) (b) of this section, in 773
lieu of plugging the well in accordance with division (E) (2) of 774
this section, may cause ownership of the well to be transferred 775
~~to an owner who is lawfully doing business in this state and who~~ 776

~~has met the financial responsibility requirements established~~ 777
~~under section 1509.07 of the Revised Code, subject to the~~ 778
~~approval of the chief. The transfer of ownership also shall be~~ 779
~~subject to the landowner's filing the appropriate forms required~~ 780
~~under in accordance with section 1509.31 of the Revised Code and~~ 781
~~providing to the chief sufficient information to demonstrate the~~ 782
~~landowner's or owner's right to produce a formation or~~ 783
~~formations. That information may include a deed, a lease, or~~ 784
~~other documentation of ownership or property rights.~~ 785

~~The chief shall approve or disapprove by order the~~ 786
~~transfer of ownership of the well. If the chief approves the~~ 787
~~transfer, a well is transferred, the owner to whom it is~~ 788
~~transferred is responsible for operating the well in accordance~~ 789
~~shall comply with this chapter and rules adopted under it,~~ 790
~~including, without limitation, all of the following: and~~ 791

~~(1) Filing an application with the chief under section~~ 792
~~1509.06 of the Revised Code if the owner intends to drill deeper~~ 793
~~or produce a formation that is not listed in the records of the~~ 794
~~division for that well;~~ 795

~~(2) Taking shall take title to and possession of the~~ 796
~~equipment appurtenant to the well that has been identified by~~ 797
~~the chief as having been abandoned by the former owner;~~ 798

~~(3) Complying with all applicable requirements that are~~ 799
~~necessary to drill deeper, plug the well, or plug back of the~~ 800
~~well.~~ 801

(I) The chief may engage in cooperative projects under 802
this section with any agency of this state, another state, or 803
the United States; any other governmental agencies; ~~or~~ any state 804
university or college as defined in section 3345.27 of the 805

Revised Code; or a nonprofit corporation that is exempt from 806
federal income taxation under section 501(c)(3) of the "Internal 807
Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract 808
entered into for purposes of a cooperative project is not 809
subject to division (B) of section 127.16 of the Revised Code. 810

(J) (1) On or before the close of each calendar quarter, 811
the chief shall submit a written report to the technical 812
advisory council established under section 1509.38 of the 813
Revised Code describing the efforts of the division of oil and 814
gas resources management to plug ~~idle and~~ orphaned wells during 815
the immediately preceding calendar quarter. The chief also shall 816
include in the report all of the following information: 817

(a) The total number of known ~~idle and~~ orphaned wells in 818
the state and the total number in each county of the state; 819

(b) The total number of newly discovered ~~idle and~~ orphaned 820
wells during the immediately preceding calendar quarter; 821

(c) The total number of wells plugged in accordance with 822
this section during the immediately preceding calendar quarter; 823

(d) The total number of wells plugged in accordance with 824
this section and the estimated average and indirect costs of 825
plugging activities conducted under this section prior to the 826
date of the report; 827

(e) The number of wells approved for plugging in 828
accordance with this section and the estimated average and 829
indirect costs of plugging activities conducted under this 830
section during the immediately preceding calendar quarter. 831

(2) Not later than the thirty-first day of March of each 832
year, the chief and the technical advisory council shall jointly 833
provide a report containing, at a minimum, the information 834

required to be included in the quarterly reports during the 835
previous one-year period to all of the following: 836

(a) The speaker of the house of representatives; 837

(b) The president of the senate; 838

(c) The chair of the committee of the house of 839
representatives responsible for energy and natural resources 840
issues; 841

(d) The chair of the committee of the senate responsible 842
for energy and natural resources issues. 843

Sec. 1509.151. If a mine operator is about to encounter or 844
encounters an ~~idle and~~ orphaned well whose existence is 845
detrimental to the mining operation, the mine operator may plug 846
the well at ~~his~~ the mine operator's own expense in accordance 847
with this chapter and rules adopted under it. 848

Sec. 1513.37. (A) There is hereby created in the state 849
treasury the abandoned mine reclamation fund, which shall be 850
administered by the chief of the division of mineral resources 851
management. The fund shall consist of grants from the secretary 852
of the interior from the federal abandoned mine reclamation fund 853
established by Title IV of the "Surface Mining Control and 854
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 855
regulations adopted under it, and amendments to the act and 856
regulations and the federal "Infrastructure Investment and Jobs 857
Act," Pub. L. No. 177-58. Expenditures from the abandoned mine 858
reclamation fund shall be made by the chief for the following 859
purposes: 860

(1) Reclamation and restoration of land and water 861
resources adversely affected by past coal mining, including, but 862
not limited to, reclamation and restoration of abandoned strip 863

mine areas, abandoned coal processing areas, and abandoned coal 864
refuse disposal areas; sealing and filling of abandoned deep 865
mine entries and voids; planting of land adversely affected by 866
past coal mining; prevention of erosion and sedimentation; 867
prevention, abatement, treatment, and control of water pollution 868
created by coal mine drainage, including restoration of 869
streambeds and construction and operation of water treatment 870
plants; prevention, abatement, and control of burning coal 871
refuse disposal areas and burning coal in situ; and prevention, 872
abatement, and control of coal mine subsidence; 873

(2) Acquisition and filling of voids and sealing of 874
tunnels, shafts, and entryways of noncoal lands; 875

(3) Reclaiming land, public or private, affected by 876
mining, or controlling mine drainage under section 1513.27 of 877
the Revised Code in accordance with the requirements of the 878
federal "Infrastructure Investment and Jobs Act," Pub. L. No. 879
177-58; 880

(4) Acquisition of land as provided for in this section; 881

~~(4)~~ (5) Administrative expenses incurred in accomplishing 882
the purposes of this section; 883

~~(5)~~ (6) All other necessary expenses to accomplish the 884
purposes of this section. 885

(B) Expenditures of money from the abandoned mine 886
reclamation fund on land and water eligible pursuant to division 887
(C) of this section shall reflect the following priorities in 888
the order stated: 889

(1) The protection of public health, safety, general 890
welfare, and property from extreme danger of adverse effects of 891
coal mining practices; 892

(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	893 894
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	895 896 897 898 899 900
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	901 902 903
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	904 905 906 907
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.	908 909 910 911
(C) (1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:	912 913 914 915 916
(a) Are lands that were abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws;	917 918 919 920
(b) Are lands for which the chief finds that surface coal	921

mining operations occurred at any time between August 4, 1977, 922
and August 16, 1982, and that any money for reclamation or 923
abatement that are available pursuant to a bond, performance 924
security, or other form of financial guarantee or from any other 925
source are not sufficient to provide for adequate reclamation or 926
abatement at the site; 927

(c) Are lands for which the chief finds that surface coal 928
mining operations occurred at any time between August 4, 1977, 929
and November 5, 1990, that the surety of the mining operator 930
became insolvent during that time, and that, as of November 5, 931
1990, any money immediately available from proceedings relating 932
to that insolvency or from any financial guarantee or other 933
source are not sufficient to provide for adequate reclamation or 934
abatement at the site. 935

(2) In determining which sites to reclaim pursuant to 936
divisions (C) (1) (b) and (c) of this section, the chief shall 937
follow the priorities stated in divisions (B) (1) and (2) of this 938
section and shall ensure that priority is given to those sites 939
that are in the immediate vicinity of a residential area or that 940
have an adverse economic impact on a local community. 941

(3) Surface coal mining operations on lands eligible for 942
remining shall not affect the eligibility of those lands for 943
reclamation and restoration under this section after the release 944
of the bond, performance security, or other form of financial 945
guarantee for any such operation as provided under division (F) 946
of section 1513.16 of the Revised Code. If the bond, performance 947
security, or other form of financial guarantee for a surface 948
coal mining operation on lands eligible for remining is 949
forfeited, money available under this section may be used if the 950
amount of the bond, performance security, or other form of 951

financial guarantee is not sufficient to provide for adequate 952
reclamation or abatement, except that if conditions warrant, the 953
chief immediately shall exercise the authority granted under 954
division (L) of this section. 955

(D) The chief may submit to the secretary of the interior 956
a state reclamation plan and annual projects to carry out the 957
purposes of this section. 958

(1) The reclamation plan generally shall identify the 959
areas to be reclaimed, the purposes for which the reclamation is 960
proposed, the relationship of the lands to be reclaimed and the 961
proposed reclamation to surrounding areas, the specific criteria 962
for ranking and identifying projects to be funded, and the legal 963
authority and programmatic capability to perform the work in 964
accordance with this section. 965

(2) On an annual basis, the chief may submit to the 966
secretary an application for support of the abandoned mine 967
reclamation fund and implementation of specific reclamation 968
projects. The annual requests shall include such information as 969
may be requested by the secretary. 970

(3) The costs for each proposed project under this section 971
shall include actual construction costs, actual operation and 972
maintenance costs of permanent facilities, planning and 973
engineering costs, construction inspection costs, and other 974
necessary administrative expenses. 975

(4) The chief may submit annual and other reports required 976
by the secretary when funds are provided by the secretary under 977
either of the following: 978

(a) Title IV of the "Surface Mining Control and 979
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 980

regulations adopted under it, and amendments to the act and 981
regulations; 982

(b) The federal "Infrastructure Investment and Jobs Act," 983
Pub. L. No. 177-58. 984

(E) (1) There is hereby created in the state treasury the 985
acid mine drainage abatement and treatment fund, which shall be 986
administered by the chief. The fund shall consist of grants from 987
the secretary of the interior from the federal abandoned mine 988
reclamation fund pursuant to section 402(g) (6) of Title IV of 989
the "Surface Mining Control and Reclamation Act of 1977," 91 990
Stat. 445, 30 U.S.C.A. 1201. All investment earnings of the fund 991
shall be credited to the fund. 992

(2) The chief shall make expenditures from the fund, in 993
consultation with the United States department of agriculture, 994
soil conservation service, to implement acid mine drainage 995
abatement and treatment plans approved by the secretary. The 996
plans shall provide for the comprehensive abatement of the 997
causes and treatment of the effects of acid mine drainage within 998
qualified hydrologic units affected by coal mining practices and 999
shall include at least all of the following: 1000

(a) An identification of the qualified hydrologic unit. As 1001
used in division (E) of this section, "qualified hydrologic 1002
unit" means a hydrologic unit that meets all of the following 1003
criteria: 1004

(i) The water quality in the unit has been significantly 1005
affected by acid mine drainage from coal mining practices in a 1006
manner that has an adverse impact on biological resources. 1007

(ii) The unit contains lands and waters that meet the 1008
eligibility requirements established under division (C) of this 1009

section and any of the priorities established in divisions (B)	1010
(1) to (3) of this section.	1011
(iii) The unit contains lands and waters that are proposed	1012
to be the subject of expenditures from the reclamation	1013
forfeiture fund created in section 1513.18 of the Revised Code	1014
or the mining regulation and safety fund created in section	1015
1513.30 of the Revised Code.	1016
(b) The extent to which acid mine drainage is affecting	1017
the water quality and biological resources within the hydrologic	1018
unit;	1019
(c) An identification of the sources of acid mine drainage	1020
within the hydrologic unit;	1021
(d) An identification of individual projects and the	1022
measures proposed to be undertaken to abate and treat the causes	1023
or effects of acid mine drainage within the hydrologic unit;	1024
(e) The cost of undertaking the proposed abatement and	1025
treatment measures;	1026
(f) An identification of existing and proposed sources of	1027
funding for those measures;	1028
(g) An analysis of the cost-effectiveness and	1029
environmental benefits of abatement and treatment measures.	1030
(3) The chief may make grants of money from the acid mine	1031
drainage abatement and treatment fund to watershed groups for	1032
conducting projects to accomplish the purposes of this section.	1033
A grant may be made in an amount equal to not more than fifty	1034
per cent of each of the following:	1035
(a) Reasonable and necessary expenses for the collection	1036
and analysis of data sufficient to do either or both of the	1037

following: 1038

(i) Identify a watershed as a qualified hydrologic unit; 1039

(ii) Monitor the quality of water in a qualified 1040
hydrologic unit before, during, and at any time after completion 1041
of the project by the watershed group. 1042

(b) Engineering design costs and construction costs 1043
involved in the project, provided that the project is conducted 1044
in a qualified hydrologic unit and the chief considers the 1045
project to be a priority. 1046

A watershed group that wishes to obtain a grant under 1047
division (E) (3) of this section shall submit an application to 1048
the chief on forms provided by the division of mineral resources 1049
management, together with detailed estimates and timetables for 1050
accomplishing the stated goals of the project and any other 1051
information that the chief requires. 1052

For the purposes of establishing priorities for awarding 1053
grants under division (E) (3) of this section, the chief shall 1054
consider each project's feasibility, cost-effectiveness, and 1055
environmental benefit, together with the availability of 1056
matching funding, including in-kind services, for the project. 1057

The chief shall enter into a contract for funding with 1058
each applicant awarded a grant to ensure that the money granted 1059
~~are~~is used for the purposes of this section and that the work 1060
that the project involves is done properly. The contract is not 1061
subject to division (B) of section 127.16 of the Revised Code. 1062
The final payment of grant money shall not be made until the 1063
chief inspects and approves the completed project. 1064

The chief shall require each applicant awarded a grant 1065
under this section who conducts a project involving construction 1066

work to pay workers at the greater of their regular rate of pay, 1067
as established by contract, agreement, or prior custom or 1068
practice, or the average wage rate paid in this state for the 1069
same or similar work performed in the same or a similar locality 1070
by private companies doing similar work on similar projects. 1071

As used in division (E) (3) of this section, "watershed 1072
group" means a charitable organization as defined in section 1073
1716.01 of the Revised Code that has been established for the 1074
purpose of conducting reclamation of land and waters adversely 1075
affected by coal mining practices and specifically for 1076
conducting acid mine drainage abatement. 1077

(F) (1) If the chief makes a finding of fact that land or 1078
water resources have been adversely affected by past coal mining 1079
practices; the adverse effects are at a stage where, in the 1080
public interest, action to restore, reclaim, abate, control, or 1081
prevent the adverse effects should be taken; the owners of the 1082
land or water resources where entry must be made to restore, 1083
reclaim, abate, control, or prevent the adverse effects of past 1084
coal mining practices are not known or are not readily 1085
available; or the owners will not give permission for the state, 1086
political subdivisions, or their agents, employees, or 1087
contractors to enter upon the property to restore, reclaim, 1088
abate, control, or prevent the adverse effects of past coal 1089
mining practices; then, upon giving notice by mail to the 1090
owners, if known, or, if not known, by posting notice upon the 1091
premises and advertising once in a newspaper of general 1092
circulation in the municipal corporation or county in which the 1093
land lies, the chief or the chief's agents, employees, or 1094
contractors may enter upon the property adversely affected by 1095
past coal mining practices and any other property to have access 1096
to the property to do all things necessary or expedient to 1097

restore, reclaim, abate, control, or prevent the adverse 1098
effects. The entry shall be construed as an exercise of the 1099
police power for the protection of the public health, safety, 1100
and general welfare and shall not be construed as an act of 1101
condemnation of property nor of trespass on it. The money 1102
expended for the work and the benefits accruing to any such 1103
premises so entered upon shall be chargeable against the land 1104
and shall mitigate or offset any claim in or any action brought 1105
by any owner of any interest in the premises for any alleged 1106
damages by virtue of the entry, but this provision is not 1107
intended to create new rights of action or eliminate existing 1108
immunities. 1109

(2) The chief or the chief's authorized representatives 1110
may enter upon any property for the purpose of conducting 1111
studies or exploratory work to determine the existence of 1112
adverse effects of past coal mining practices and to determine 1113
the feasibility of restoration, reclamation, abatement, control, 1114
or prevention of such adverse effects. The entry shall be 1115
construed as an exercise of the police power for the protection 1116
of the public health, safety, and general welfare and shall not 1117
be construed as an act of condemnation of property nor trespass 1118
on it. 1119

(3) The chief may acquire any land by purchase, donation, 1120
or condemnation that is adversely affected by past coal mining 1121
practices if the chief determines that acquisition of the land 1122
is necessary to successful reclamation and that all of the 1123
following apply: 1124

(a) The acquired land, after restoration, reclamation, 1125
abatement, control, or prevention of the adverse effects of past 1126
coal mining practices, will serve recreation and historic 1127

purposes, serve conservation and reclamation purposes, or 1128
provide open space benefits. 1129

(b) Permanent facilities such as a treatment plant or a 1130
relocated stream channel will be constructed on the land for the 1131
restoration, reclamation, abatement, control, or prevention of 1132
the adverse effects of past coal mining practices. 1133

(c) Acquisition of coal refuse disposal sites and all coal 1134
refuse thereon will serve the purposes of this section or public 1135
ownership is desirable to meet emergency situations and prevent 1136
recurrences of the adverse effects of past coal mining 1137
practices. 1138

(4) (a) Title to all lands acquired pursuant to this 1139
section shall be in the name of the state. The price paid for 1140
land acquired under this section shall reflect the market value 1141
of the land as adversely affected by past coal mining practices. 1142

(b) The chief may receive grants on a matching basis from 1143
the secretary of the interior for the purpose of carrying out 1144
this section. 1145

(5) (a) Where land acquired pursuant to this section is 1146
considered to be suitable for industrial, commercial, 1147
residential, or recreational development, the chief may sell the 1148
land by public sale under a system of competitive bidding at not 1149
less than fair market value and under other requirements imposed 1150
by rule to ensure that the lands are put to proper use 1151
consistent with local and state land use plans, if any, as 1152
determined by the chief. 1153

(b) The chief, when requested, and after appropriate 1154
public notice, shall hold a public meeting in the county, 1155
counties, or other appropriate political subdivisions of the 1156

state in which lands acquired pursuant to this section are 1157
located. The meetings shall be held at a time that shall afford 1158
local citizens and governments the maximum opportunity to 1159
participate in the decision concerning the use or disposition of 1160
the lands after restoration, reclamation, abatement, control, or 1161
prevention of the adverse effects of past coal mining practices. 1162

(6) In addition to the authority to acquire land under 1163
division (F)(3) of this section, the chief may use money in the 1164
fund to acquire land by purchase, donation, or condemnation, and 1165
to reclaim and transfer acquired land to a political 1166
subdivision, or to any person, if the chief determines that it 1167
is an integral and necessary element of an economically feasible 1168
plan for the construction or rehabilitation of housing for 1169
persons disabled as the result of employment in the mines or 1170
work incidental to that employment, persons displaced by 1171
acquisition of land pursuant to this section, persons dislocated 1172
as the result of adverse effects of coal mining practices that 1173
constitute an emergency as provided in the "Surface Mining 1174
Control and Reclamation Act of 1977," 91 Stat. 466, 30 U.S.C.A. 1175
1240, or amendments to it, or persons dislocated as the result 1176
of natural disasters or catastrophic failures from any cause. 1177
Such activities shall be accomplished under such terms and 1178
conditions as the chief requires, which may include transfers of 1179
land with or without monetary consideration, except that to the 1180
extent that the consideration is below the fair market value of 1181
the land transferred, no portion of the difference between the 1182
fair market value and the consideration shall accrue as a profit 1183
to those persons. No part of the funds provided under this 1184
section may be used to pay the actual construction costs of 1185
housing. The chief may carry out the purposes of division (F)(6) 1186
of this section directly or by making grants and commitments for 1187

grants and may advance money under such terms and conditions as 1188
the chief may require to any agency or instrumentality of the 1189
state or any public body or nonprofit organization designated by 1190
the chief. 1191

(G) (1) Within six months after the completion of projects 1192
to restore, reclaim, abate, control, or prevent adverse effects 1193
of past coal mining practices on privately owned land, the chief 1194
shall itemize the money so expended and may file a statement of 1195
the expenditures in the office of the county recorder of the 1196
county in which the land lies, together with a notarized 1197
appraisal by an independent appraiser of the value of the land 1198
before the restoration, reclamation, abatement, control, or 1199
prevention of adverse effects of past coal mining practices if 1200
the money so expended result in a significant increase in 1201
property value. The statement shall constitute a lien upon the 1202
land as of the date of the expenditures of the money and shall 1203
have priority as a lien second only to the lien of real property 1204
taxes imposed upon the land. The lien shall not exceed the 1205
amount determined by the appraisal to be the increase in the 1206
fair market value of the land as a result of the restoration, 1207
reclamation, abatement, control, or prevention of the adverse 1208
effects of past coal mining practices. No lien shall be filed 1209
under division (G) of this section against the property of any 1210
person who owned the surface prior to May 2, 1977, and did not 1211
consent to, participate in, or exercise control over the mining 1212
operation that necessitated the reclamation performed. 1213

(2) The landowner may petition, within sixty days after 1214
the filing of the lien, to determine the increase in the fair 1215
market value of the land as a result of the restoration, 1216
reclamation, abatement, control, or prevention of the adverse 1217
effects of past coal mining practices. The amount reported to be 1218

the increase in value of the premises shall constitute the 1219
amount of the lien and shall be recorded with the statement 1220
provided in this section. Any party aggrieved by the decision 1221
may appeal as provided by state law. 1222

(3) The lien provided in division (G) of this section 1223
shall be recorded and indexed, under the name of the state and 1224
the landowner, in the official records in the office of the 1225
county recorder of the county in which the land lies. The county 1226
recorder shall impose no charge for the recording or indexing of 1227
the lien. If the land is registered, the county recorder shall 1228
make a notation and enter a memorial of the lien upon the page 1229
of the register in which the last certificate of title to the 1230
land is registered, stating the name of the claimant, amount 1231
claimed, volume and page of the record where recorded, and exact 1232
time the memorial was entered. 1233

(4) The lien shall continue in force so long as any 1234
portion of the amount of the lien remains unpaid. If the lien 1235
remains unpaid at the time of conveyance of the land on which 1236
the lien was placed, the conveyance may be set aside. Upon 1237
repayment in full of the money expended under this section, the 1238
chief promptly shall issue a certificate of release of the lien. 1239
Upon presentation of the certificate of release, the county 1240
recorder of the county in which the lien is recorded shall 1241
record the lien as having been discharged. 1242

(5) A lien imposed under this section shall be foreclosed 1243
upon the substantial failure of a landowner to pay any portion 1244
of the amount of the lien. Before foreclosing any lien under 1245
this section, the chief shall make a written demand upon the 1246
landowner for payment. If the landowner does not pay the amount 1247
due within sixty days, the chief shall refer the matter to the 1248

attorney general, who shall institute a civil action to 1249
foreclose the lien. 1250

(H) (1) The chief may fill voids, seal abandoned tunnels, 1251
shafts, and entryways, and reclaim surface impacts of 1252
underground or strip mines that the chief determines could 1253
endanger life and property, constitute a hazard to the public 1254
health and safety, or degrade the environment. 1255

(2) In those instances where mine waste piles are being 1256
reworked for conservation purposes, the incremental costs of 1257
disposing of the wastes from those operations by filling voids 1258
and sealing tunnels may be eligible for funding, provided that 1259
the disposal of these wastes meets the purposes of this section. 1260

(3) The chief may acquire by purchase, donation, easement, 1261
or otherwise such interest in land as the chief determines 1262
necessary to carry out division (H) of this section. 1263

(I) The chief shall report annually to the secretary of 1264
the interior on operations under the fund and include 1265
recommendations as to its future uses. 1266

(J) (1) The chief may engage in any work and do all things 1267
necessary or expedient, including the adoption of rules, to 1268
implement and administer this section. 1269

(2) The chief may engage in cooperative projects under 1270
this section with any agency of the United States, any other 1271
state, or their governmental agencies or with any state 1272
university or college as defined in section 3345.27 of the 1273
Revised Code. The cooperative projects are not subject to 1274
division (B) of section 127.16 of the Revised Code. 1275

(3) The chief may request the attorney general to initiate 1276
in any court of competent jurisdiction an action in equity for 1277

an injunction to restrain any interference with the exercise of 1278
the right to enter or to conduct any work provided in this 1279
section, which remedy is in addition to any other remedy 1280
available under this section. 1281

(4) The chief may construct or operate a plant or plants 1282
for the control and treatment of water pollution resulting from 1283
mine drainage. The extent of this control and treatment may be 1284
dependent upon the ultimate use of the water. Division (J) (4) of 1285
this section does not repeal or supersede any portion of the 1286
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 1287
U.S.C.A. 1151, as amended, and no control or treatment under 1288
division (J) (4) of this section, in any way, shall be less than 1289
that required by that act. The construction of a plant or plants 1290
may include major interceptors and other facilities appurtenant 1291
to the plant. 1292

(5) The chief may transfer money from the abandoned mine 1293
reclamation fund and the acid mine drainage abatement and 1294
treatment fund to other appropriate state agencies or to state 1295
universities or colleges in order to carry out the reclamation 1296
activities authorized by this section. 1297

(K) The chief may contract for any part of work to be 1298
performed under this section, with or without advertising for 1299
bids, if the chief determines that a condition exists that could 1300
reasonably be expected to cause substantial physical harm to 1301
persons, property, or the environment and to which persons or 1302
improvements on real property are currently exposed. 1303

The chief shall require every contractor performing 1304
reclamation work under this section to pay its workers at the 1305
greater of their regular rate of pay, as established by 1306
contract, agreement, or prior custom or practice, or the average 1307

wage rate paid in this state for the same or similar work as 1308
determined by the chief under section 1513.02 of the Revised 1309
Code. 1310

(L) (1) The chief may contract for the emergency 1311
restoration, reclamation, abatement, control, or prevention of 1312
adverse effects of mining practices on eligible lands if the 1313
chief determines that an emergency exists constituting a danger 1314
to the public health, safety, or welfare and that no other 1315
person or agency will act expeditiously to restore, reclaim, 1316
abate, control, or prevent those adverse effects. The chief may 1317
enter into a contract for emergency work under division (L) of 1318
this section without advertising for bids. Any such contract or 1319
any purchase of materials for emergency work under division (L) 1320
of this section is not subject to division (B) of section 127.16 1321
of the Revised Code. 1322

(2) The chief or the chief's agents, employees, or 1323
contractors may enter on any land where such an emergency 1324
exists, and on other land in order to have access to that land, 1325
in order to restore, reclaim, abate, control, or prevent the 1326
adverse effects of mining practices and to do all things 1327
necessary or expedient to protect the public health, safety, or 1328
welfare. Such an entry shall be construed as an exercise of the 1329
police power and shall not be construed as an act of 1330
condemnation of property or of trespass. The money expended for 1331
the work and the benefits accruing to any premises so entered 1332
upon shall be chargeable against the land and shall mitigate or 1333
offset any claim in or any action brought by any owner of any 1334
interest in the premises for any alleged damages by virtue of 1335
the entry. This provision is not intended to create new rights 1336
of action or eliminate existing immunities. 1337

Sec. 3781.06. (A) (1) Any building that may be used as a 1338
place of resort, assembly, education, entertainment, lodging, 1339
dwelling, trade, manufacture, repair, storage, traffic, or 1340
occupancy by the public, any residential building, and all other 1341
buildings or parts and appurtenances of those buildings erected 1342
within this state, shall be so constructed, erected, equipped, 1343
and maintained that they shall be safe and sanitary for their 1344
intended use and occupancy. 1345

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 1346
3791.04 of the Revised Code shall be construed to limit the 1347
power of the division of industrial compliance of the department 1348
of commerce to adopt rules of uniform application governing 1349
manufactured home parks pursuant to section 4781.26 of the 1350
Revised Code. 1351

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of 1352
the Revised Code do not apply to ~~either~~any of the following: 1353

(1) Buildings or structures that are incident to the use 1354
for agricultural purposes of the land on which the buildings or 1355
structures are located, provided those buildings or structures 1356
are not used in the business of retail trade. For purposes of 1357
this division, a building or structure is not considered used in 1358
the business of retail trade if fifty per cent or more of the 1359
gross income received from sales of products in the building or 1360
structure by the owner or operator is from sales of products 1361
produced or raised in a normal crop year on farms owned or 1362
operated by the seller. 1363

(2) Existing single-family, two-family, and three-family 1364
detached dwelling houses for which applications have been 1365
submitted to the director of job and family services pursuant to 1366
section 5104.03 of the Revised Code for the purposes of 1367

operating type A family day-care homes as defined in section 1368
5104.01 of the Revised Code; 1369

(3) A mobile computing unit. As used in this division, 1370
"mobile computing unit" means an assembly that meets all of the 1371
following criteria: 1372

(a) Its purpose is to house and operate computers as 1373
defined in section 2913.01 of the Revised Code. 1374

(b) Its exterior is integral to the protection or cooling, 1375
or both, of the computers housed within it. 1376

(c) It is not attached to a permanent foundation. 1377

(d) It is not accessible to the public. 1378

(e) It is not designed for regular occupancy, but rather 1379
limited access for service and maintenance. 1380

(f) It can be moved or transported as a single integrated 1381
unit. 1382

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of 1383
the Revised Code: 1384

(1) "Agricultural purposes" include agriculture, farming, 1385
dairying, pasturage, apiculture, algaculture meaning the farming 1386
of algae, horticulture, floriculture, viticulture, ornamental 1387
horticulture, olericulture, pomiculture, and animal and poultry 1388
husbandry. 1389

(2) "Building" means any structure consisting of 1390
foundations, walls, columns, girders, beams, floors, and roof, 1391
or a combination of any number of these parts, with or without 1392
other parts or appurtenances. 1393

(3) "Industrialized unit" means a building unit or 1394

assembly of closed construction fabricated in an off-site 1395
facility, that is substantially self-sufficient as a unit or as 1396
part of a greater structure, and that requires transportation to 1397
the site of intended use. "Industrialized unit" includes units 1398
installed on the site as independent units, as part of a group 1399
of units, or incorporated with standard construction methods to 1400
form a completed structural entity. "Industrialized unit" does 1401
not include a manufactured home as defined by division (C) (4) of 1402
this section or a mobile home as defined by division (O) of 1403
section 4501.01 of the Revised Code. 1404

(4) "Manufactured home" means a building unit or assembly 1405
of closed construction that is fabricated in an off-site 1406
facility and constructed in conformance with the federal 1407
construction and safety standards established by the secretary 1408
of housing and urban development pursuant to the "Manufactured 1409
Housing Construction and Safety Standards Act of 1974," 88 Stat. 1410
700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or 1411
tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying 1412
compliance with all applicable federal construction and safety 1413
standards. 1414

(5) "Permanent foundation" means permanent masonry, 1415
concrete, or a footing or foundation approved by the division of 1416
industrial compliance of the department of commerce pursuant to 1417
Chapter 4781. of the Revised Code, to which a manufactured or 1418
mobile home may be affixed. 1419

(6) "Permanently sited manufactured home" means a 1420
manufactured home that meets all of the following criteria: 1421

(a) The structure is affixed to a permanent foundation and 1422
is connected to appropriate facilities; 1423

(b) The structure, excluding any addition, has a width of 1424
at least twenty-two feet at one point, a length of at least 1425
twenty-two feet at one point, and a total living area, excluding 1426
garages, porches, or attachments, of at least nine hundred 1427
square feet; 1428

(c) The structure has a minimum 3:12 residential roof 1429
pitch, conventional residential siding, and a six-inch minimum 1430
eave overhang, including appropriate guttering; 1431

(d) The structure was manufactured after January 1, 1995; 1432

(e) The structure is not located in a manufactured home 1433
park as defined by section 4781.01 of the Revised Code. 1434

(7) "Safe," with respect to a building, means it is free 1435
from danger or hazard to the life, safety, health, or welfare of 1436
persons occupying or frequenting it, or of the public and from 1437
danger of settlement, movement, disintegration, or collapse, 1438
whether such danger arises from the methods or materials of its 1439
construction or from equipment installed therein, for the 1440
purpose of lighting, heating, the transmission or utilization of 1441
electric current, or from its location or otherwise. 1442

(8) "Sanitary," with respect to a building, means it is 1443
free from danger or hazard to the health of persons occupying or 1444
frequenting it or to that of the public, if such danger arises 1445
from the method or materials of its construction or from any 1446
equipment installed therein, for the purpose of lighting, 1447
heating, ventilating, or plumbing. 1448

(9) "Residential building" means a one-family, two-family, 1449
or three-family dwelling house, and any accessory structure 1450
incidental to that dwelling house. "Residential building" 1451
includes a one-family, two-family, or three-family dwelling 1452

house that is used as a model to promote the sale of a similar 1453
dwelling house. "Residential building" does not include an 1454
industrialized unit as defined by division (C) (3) of this 1455
section, a manufactured home as defined by division (C) (4) of 1456
this section, or a mobile home as defined by division (O) of 1457
section 4501.01 of the Revised Code. 1458

(10) "Nonresidential building" means any building that is 1459
not a residential building or a manufactured or mobile home. 1460

(11) "Accessory structure" means a structure that is 1461
attached to a residential building and serves the principal use 1462
of the residential building. "Accessory structure" includes, but 1463
is not limited to, a garage, porch, or screened-in patio. 1464

Sec. 3781.106. (A) As used in this section: 1465

(1) "Institution of higher education" means a state 1466
institution of higher education as defined in section 3345.011 1467
of the Revised Code, a private nonprofit college or university 1468
located in this state that possesses a certificate of 1469
authorization issued pursuant to Chapter 1713. of the Revised 1470
Code, or a school located in this state that possesses a 1471
certificate of registration and one or more program 1472
authorizations issued by the state board of career colleges and 1473
schools under Chapter 3332. of the Revised Code. 1474

(2) "Nonresidential building" means a building or 1475
structure, or part of a building or structure, not occupied in 1476
whole or in part for the purpose of human habitation, and 1477
includes the lands and premises appurtenant and all of the 1478
outbuildings, fences, or erections thereon or therein. 1479
"Nonresidential building" does not include an institution of 1480
higher education, private school, or public school, as defined 1481

in this section. 1482

(3) "Owner" means an individual or entity possessing title 1483
to a nonresidential building or an authorized agent of the 1484
owner. 1485

(4) "Private school" means a chartered nonpublic school or 1486
a nonchartered nonpublic school. 1487

(5) "Public school" means any school operated by a school 1488
district board of education, any community school established 1489
under Chapter 3314. of the Revised Code, any STEM school 1490
established under Chapter 3326. of the Revised Code, and any 1491
college-preparatory boarding school established under Chapter 1492
3328. of the Revised Code. 1493

(6) "School building" means a structure used for the 1494
instruction of students by a public or private school or 1495
institution of higher education. 1496

(B) (1) The board of building standards shall adopt rules, 1497
in accordance with Chapter 119. of the Revised Code, for the use 1498
of a device by a staff member of a public or private school or 1499
institution of higher education that prevents both ingress and 1500
egress through a door in a school building, for a finite period 1501
of time, in an emergency situation, and during active shooter 1502
drills. The rules shall provide that the use of a device is 1503
permissible only if the device requires minimal steps to remove 1504
it after it is engaged. 1505

The rules shall provide that the administrative authority 1506
of a building notify the police chief, or equivalent, of the law 1507
enforcement agency that has jurisdiction over the building, and 1508
the fire chief, or equivalent, of the fire department that 1509
serves the political subdivision in which the building is 1510

located, prior to the use of such devices in a building. 1511

The rules may require that the device be visible from the 1512
exterior of the door. 1513

~~(B) (2)~~ The device described in division ~~(A) (B) (1)~~ of 1514
this section shall not be permanently mounted to the door. 1515

~~(C) (3)~~ Each public and private school and institution of 1516
higher education shall provide its staff members in-service 1517
training on the use of the device described in division ~~(A) (B)~~ 1518
~~(1)~~ of this section. The school shall maintain a record 1519
verifying this training on file. 1520

~~(D) (4)~~ In consultation with the state board of education 1521
and the chancellor of higher education, the board shall 1522
determine and include in the rules a definition of "emergency 1523
situation." These rules shall apply to both existing and new 1524
school buildings. 1525

~~(E) As used in this section:~~ 1526

~~(1) "Institution of higher education" means a state 1527
institution of higher education as defined in section 3345.011- 1528
of the Revised Code, a private nonprofit college or university 1529
located in this state that possesses a certificate of 1530
authorization issued pursuant to Chapter 1713. of the Revised 1531
Code, or a school located in this state that possesses a 1532
certificate of registration and one or more program 1533
authorizations issued by the state board of career colleges and 1534
schools under Chapter 3332. of the Revised Code. 1535~~

~~(2) "Private school" means a chartered nonpublic school or 1536
a nonchartered nonpublic school. 1537~~

~~(3) "Public school" means any school operated by a school 1538~~

~~district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college preparatory boarding school established under Chapter 3328. of the Revised Code.~~

~~(4) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.~~

(C) (1) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the use of a device by the owner, or a person authorized by the owner, of a nonresidential building that prevents both ingress and egress through a door in the building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged.

The rules shall require the owner of a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building.

The rules may require that the device be visible from the exterior of the door.

(2) The device described in division (C) (1) of this section shall not be permanently mounted to the door.

(3) Each owner of a nonresidential building shall provide any person that may use the device described in division (C) (1)

of this section training on the use of the device. The owner of 1568
the building shall maintain a record verifying this training on 1569
file. 1570

(4) The board shall determine and include in the rules a 1571
definition of "emergency situation" for purposes of division (C) 1572
(1) of this section. These rules shall apply to both existing 1573
and new nonresidential buildings. 1574

(D) Any provision of the state fire code that is in 1575
conflict with this section or section 3737.84 of the Revised 1576
Code is unenforceable. 1577

Sec. 3781.27. (A) In order to ascertain the name of each 1578
utility with underground utility facilities located at the 1579
proposed excavation site and the types and tolerance zones of 1580
those facilities based on current records of the utility, any 1581
developer who is planning a project that will require excavation 1582
or the designer employed by the developer for the project shall 1583
notify a protection service of the location of the proposed 1584
excavation site. 1585

(B) Except in the case of limited basis participants, the 1586
protection service shall provide notice of the proposed 1587
excavation to each participant in the service that has 1588
underground utility facilities in the area of the proposed 1589
excavation site. Except as provided in section 3781.271 of the 1590
Revised Code, in the case of limited basis participants, the 1591
protection service shall notify the developer or the designer 1592
employed by the developer of the name of each limited basis 1593
participant with underground utility facilities within the 1594
municipal corporation or township and county of the proposed 1595
excavation site, and the developer or designer shall contact 1596
that utility. 1597

(C) (1) Each utility that has any underground utility facilities in the area of the proposed excavation site shall notify the developer or the designer employed by the developer of the locations and description of the utility's underground utility facilities located at the proposed excavation site in accordance with division (C) (2) of this section. The utility shall make this notification within ten working days of receiving a notice under division (B) of this section or by a later date acceptable to the developer or designer and utility. ~~In-If the case~~ proposed project is within six hundred sixty feet of the center point of an interstate hazardous liquid pipeline or an interstate gas pipeline, the utility ~~also~~ shall provide written notice to the developer or designer of any special notification requirements and identify its primary contact person for the project area.

(2) If requested by the developer or the designer employed by the developer, each utility shall do one of the following in order to comply with the notification requirements of division (C) (1) of this section:

(a) Mark the location of the underground utility facilities, other than those facilities serving single-family or two-, three-, or four-unit dwellings, at the proposed excavation site in accordance with the marking standards described in division (C) of section 3781.29 of the Revised Code;

(b) Provide digital or paper drawings, or both, that meet both of the following requirements:

(i) They are drawn to scale and include locatable items. Locatable items may include poles, pedestals, back of curb, sidewalk, edge of pavement, centerline of ditch, property lines, and other similar items.

(ii) They depict the location of the underground utility facilities. 1628
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(3) In the case of an interstate hazardous pipeline and an interstate gas pipeline, the utility shall also provide the location and description of any right-of-way associated with the underground utility facilities as well as pipeline location information, such as providing documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps. 1630
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Compliance with ~~division~~divisions (C) (2) and (3) of this section does not relieve a utility from compliance with the marking requirements of section 3781.29 of the Revised Code. 1637
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(D) The utility shall determine if any relocation, support, or removal, or protective steps beyond those described in divisions (A) (1) to (5) of section 3781.30 of the Revised Code are required in order to prevent disturbance or interference with the underground utility facilities during excavation. The utility shall determine whether it will permit the developer or the designer employed by the developer to make those adjustments, and, if the adjustments are to be made by the utility, a reasonable amount of time necessary to make those adjustments. 1640
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(E) (1) Based on the information provided pursuant to division (C) of this section, the developer or the designer employed by the developer shall indicate the approximate locations of underground utility facilities either on or with the plans prepared for the project. The developer or designer shall include with the plans the names, addresses, and telephone numbers of utilities with underground facilities at the excavation site, indicating which utilities are limited basis 1650
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participants; the name and telephone number of any appropriate 1658
protection service; and any required adjustments as described in 1659
division (D) of this section, including the reasonable time 1660
necessary for the utility to make those adjustments. In the case 1661
of an interstate hazardous liquid pipeline or an interstate gas 1662
pipeline, the developer or designer also shall include ~~any~~all 1663
of the following: 1664

(a) Any special notification requirements; 1665

(b) The name and contact information of the primary 1666
contact person for each pipeline operator who has provided 1667
notice to the developer or designer under division (C) (1) of 1668
this section; 1669

(c) Notice stating that the developer or designer has 1670
utilized reasonable means to contact the pipeline operator to 1671
verify the location of the pipeline and pipeline rights-of-way. 1672
Developers and designers who provide notice to the protection 1673
service in accordance with division (A) of this section are 1674
deemed to have complied with the notification requirement under 1675
this division. 1676

(d) Notice that the developer or designer has reviewed, or 1677
attempted to review, preliminary information about the proposed 1678
development with the pipeline operator and incorporated 1679
requested adjustments into the plans. 1680

(2) (a) Except as otherwise provided in division (E) (2) (b) 1681
of this section, the developer or designer shall provide the 1682
plans to the commercial excavator prior to entering into a 1683
contract that involves such excavation. If the developer does 1684
not prepare written plans or have any written plans prepared, 1685
the developer shall otherwise provide the approximate locations, 1686

identifying information on the utilities, information on 1687
required adjustments, and any special notification requirements 1688
to the commercial excavator before excavation begins. 1689

(b) When the developer is a utility, the utility shall 1690
provide either the plans or the approximate locations, 1691
identifying information on the utilities, information on 1692
required adjustments, and any special notification requirements 1693
to the excavator before excavation begins. 1694

(3) The developer or designer shall design the project 1695
taking into account the approximate location of existing 1696
underground utility facilities in order to prevent, as far as is 1697
practicable, disturbance or interference with those facilities. 1698

(4) When a project includes installation of new 1699
underground utility facilities, the developer or designer shall 1700
attempt to design the installation so that at least a twelve- 1701
inch clearance is provided between the facilities. No facility 1702
shall be installed with less than a twelve-inch clearance unless 1703
the owners of existing facilities are notified, in writing, 1704
prior to installation. 1705

(F) (1) This section does not apply in the case of a 1706
utility making emergency repair to its own underground utility 1707
facility. 1708

(2) This section does not apply in the case of the owner 1709
of the types of real property identified in divisions (C) (1) to 1710
(4) of section 3781.25 of the Revised Code, unless the owner 1711
employs a designer to make written plans for work that will 1712
involve excavation. If the owner employs a designer, the 1713
designer shall contact a protection service and utilities that 1714
are limited basis participants in accordance with divisions (A) 1715

and (B) of this section, and shall include in or with the plans 1716
the information required under division (E) of this section. The 1717
owner shall provide that information to the excavator. 1718

(G) A public authority, as defined in section 153.64 of 1719
the Revised Code, may withhold approval to a project until the 1720
requirements of this section have been satisfied by the 1721
developer and utility, as applicable. A public authority may 1722
rely solely upon the notice submitted under division (E) of this 1723
section when determining whether the requirements of this 1724
section have been satisfied for purposes of granting final 1725
approval of such development. A public authority is immune from 1726
liability related to the approval or construction of such 1727
development when the approval is based upon information as 1728
provided in this division. 1729

Sec. 4927.102. Notwithstanding any other provision of this 1730
chapter, the public utilities commission shall not, in 1731
connection with any proceeding pursuant to section 4927.07 or 1732
4927.10 of the Revised Code, impose on any provider of 1733
telecommunications service, wireless service, or internet 1734
protocol-enabled services any notice requirement, withdrawal or 1735
abandonment restrictions, buildout requirements, or any other 1736
regulatory requirement or restriction that is not generally 1737
applicable to the service or the provider in other contexts. 1738

Sec. 5321.01. As used in this chapter: 1739

(A) "Tenant" means a person entitled under a rental 1740
agreement to the use and occupancy of residential premises to 1741
the exclusion of others. 1742

(B) "Landlord" means the owner, lessor, or sublessor of 1743
residential premises, the agent of the owner, lessor, or 1744

sublessor, or any person authorized by the owner, lessor, or 1745
sublessor to manage the premises or to receive rent from a 1746
tenant under a rental agreement. 1747

(C) "Residential premises" means a dwelling unit for 1748
residential use and occupancy and the structure of which it is a 1749
part, the facilities and appurtenances in it, and the grounds, 1750
areas, and facilities for the use of tenants generally or the 1751
use of which is promised the tenant. "Residential premises" 1752
includes a dwelling unit that is owned or operated by a college 1753
or university. "Residential premises" does not include any of 1754
the following: 1755

(1) Prisons, jails, workhouses, and other places of 1756
incarceration or correction, including, but not limited to, 1757
halfway houses or residential arrangements that are used or 1758
occupied as a requirement of a community control sanction, a 1759
post-release control sanction, or parole; 1760

(2) Hospitals and similar institutions with the primary 1761
purpose of providing medical services, and homes licensed 1762
pursuant to Chapter 3721. of the Revised Code; 1763

(3) Tourist homes, hotels, motels, recreational vehicle 1764
parks, recreation camps, combined park-camps, temporary park- 1765
camps, and other similar facilities where circumstances indicate 1766
a transient occupancy; 1767

(4) Elementary and secondary boarding schools, where the 1768
cost of room and board is included as part of the cost of 1769
tuition; 1770

(5) Orphanages and similar institutions; 1771

(6) Farm residences furnished in connection with the 1772
rental of land of a minimum of two acres for production of 1773

agricultural products by one or more of the occupants;	1774
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	1775 1776
(8) Occupancy by an owner of a condominium unit;	1777
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	1778 1779 1780 1781 1782 1783 1784
(a) The occupancy is for a period of less than sixty days.	1785
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	1786 1787 1788 1789
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	1790 1791 1792 1793 1794
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	1795 1796
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of	1797 1798 1799 1800 1801

domestic violence, and juvenile runaways. 1802

(D) "Rental agreement" means any agreement or lease, 1803
written or oral, which establishes or modifies the terms, 1804
conditions, rules, amount of rent charged or paid, or any other 1805
provisions concerning the use and occupancy of residential 1806
premises by one of the parties. 1807

(E) "Security deposit" means any deposit of money or 1808
property to secure performance by the tenant under a rental 1809
agreement. 1810

(F) "Dwelling unit" means a structure or the part of a 1811
structure that is used as a home, residence, or sleeping place 1812
by one person who maintains a household or by two or more 1813
persons who maintain a common household. 1814

(G) "Controlled substance" has the same meaning as in 1815
section 3719.01 of the Revised Code. 1816

(H) "Student tenant" means a person who occupies a 1817
dwelling unit owned or operated by the college or university at 1818
which the person is a student, and who has a rental agreement 1819
that is contingent upon the person's status as a student. 1820

(I) "Recreational vehicle park," "recreation camp," 1821
"combined park-camp," and "temporary park-camp" have the same 1822
meanings as in section 3729.01 of the Revised Code. 1823

(J) "Community control sanction" has the same meaning as 1824
in section 2929.01 of the Revised Code. 1825

(K) "Post-release control sanction" has the same meaning 1826
as in section 2967.01 of the Revised Code. 1827

(L) "School premises" has the same meaning as in section 1828
2925.01 of the Revised Code. 1829

(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 1830
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(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code. 1833
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(O) "Rent control" means requiring below-market rents for residential premises or controlling rental rates for residential premises in any manner, including by prohibiting rent increases, regulating rental rate changes between tenancies, limiting rental rate increases, regulating the rental rates of residential premises based on income or wealth of tenants, and other forms of restraint or limitation of rental rates. 1835
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(P) "Rent stabilization" means allowing rent increases for residential premises of a fixed amount or on a fixed schedule as set by a political subdivision. 1842
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(Q) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 1845
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Sec. 5321.19. ~~No municipal corporation~~ (A) Except as provided in division (B) of this section, no political subdivision may enact, adopt, renew, maintain, enforce, or continue in existence any ordinance and no township may adopt or continue in existence any resolution charter provision, ordinance, resolution, rule, or other measure that is in conflict with this chapter, or that regulates the rights and obligations of parties to a rental agreement that are regulated by this chapter, including, without limitation, by any way imposing or requiring rent control or rent stabilization. ~~This~~ 1849
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(B) This chapter does not preempt any housing of the 1859
following: 1860

(1) Housing, building, health, or safety code, or any 1861
ordinance as described in division (A) (9) of section 5321.04 of 1862
the Revised Code, of any ~~municipal corporation or~~ 1863
~~township~~ political subdivision; 1864

(2) Charter provision, ordinance, resolution, rule, or 1865
other measure of a political subdivision that regulates, or has 1866
the effect of regulating in any way, rent charged or paid for 1867
the use of residential premises that such political subdivision 1868
owns or operates; 1869

(3) A political subdivision from adopting any charter 1870
provision, ordinance, resolution, rule, or other measure to 1871
implement a plan to use voluntary incentives or agreements that 1872
regulates, or has the effect of regulating in any way, rent 1873
charged or paid for the use of residential premises so long as 1874
such regulating is related to voluntary incentives or agreements 1875
to increase or maintain the supply or improve the quality of 1876
available residential premises, including, without limitation, 1877
incentives authorized by federal law, the incentives set forth 1878
in sections 3735.65 to 3735.70 of the Revised Code, tax 1879
abatements, tax credit financing, bond or other financing, or 1880
loans or grants from the political subdivision. 1881

Sec. 5321.20. The general assembly finds and declares that 1882
maintenance of an adequate housing supply, including access to 1883
livable, clean, and well-maintained residential rental premises, 1884
in the state of Ohio is an urgent statewide priority and 1885
necessary to the well-being of Ohioans. In furtherance of that 1886
finding and declaration, the general assembly further finds and 1887
declares that rent control and rent stabilization measures may 1888

<u>do any of the following:</u>	1889
<u>(A) Suppress rental and property values and thereby</u>	1890
<u>discourage maintenance, upkeep, and rehabilitation of existing</u>	1891
<u>residential premises and construction of new residential</u>	1892
<u>premises;</u>	1893
<u>(B) Incentivize landlords to convert residential premises</u>	1894
<u>to condominiums, cooperatives, and other types of housing,</u>	1895
<u>thereby removing such residential premises from availability on</u>	1896
<u>the rental market;</u>	1897
<u>(C) Lower property tax revenues for state and local</u>	1898
<u>governments and political subdivisions;</u>	1899
<u>(D) Lead to deterioration of residential premises;</u>	1900
<u>(E) Discourage turnover of residential premises and thus</u>	1901
<u>deprive potential tenants of the ability to rent such premises</u>	1902
<u>and result in misallocation of residential premises;</u>	1903
<u>(F) Impede the sale of residential premises;</u>	1904
<u>(G) Discourage investment in new and existing residential</u>	1905
<u>premises, especially during times of rising material costs and</u>	1906
<u>labor shortages;</u>	1907
<u>(H) Have an adverse effect, due to lack of adequate</u>	1908
<u>housing, on individuals who seek employment in areas with scarce</u>	1909
<u>available housing and on employers who seek employees in such</u>	1910
<u>areas;</u>	1911
<u>(I) Distort the functioning of the market for residential</u>	1912
<u>premises;</u>	1913
<u>(J) Impose substantial administrative and enforcement</u>	1914
<u>expenses on political subdivisions;</u>	1915

(K) Retroactively deprive owners of residential premises 1916
of property rights. 1917

The general assembly therefore finds and declares that, 1918
for these reasons, attainment of an adequate housing supply is a 1919
matter of overriding statewide interest that requires a uniform 1920
approach to rent control and rent stabilization measures in 1921
residential premises throughout the state. The general assembly 1922
finds and declares that Chapter 5321. of the Revised Code is a 1923
statewide and comprehensive legislative enactment regulating all 1924
aspects of the landlord-tenant relationship with respect to 1925
residential premises. The general assembly further finds and 1926
declares that the imposition of rent control and rent 1927
stabilization on private residential premises by any political 1928
subdivision is a matter of statewide concern and would be 1929
inconsistent with the statewide, comprehensive legislative 1930
enactment in this chapter. Therefore, rent control and rent 1931
stabilization of private residential premises that are regulated 1932
by this chapter is a matter of general statewide concern that 1933
requires uniform statewide regulation. The general assembly 1934
reiterates, by the enactment of Chapter 5321. of the Revised 1935
Code, that it is the intent of the general assembly to preempt 1936
political subdivisions from regulating the rights and 1937
obligations of parties to a rental agreement that are regulated 1938
by this chapter, including through the imposition of rent 1939
control and rent stabilization in any manner. 1940

Section 2. That existing sections 153.64, 1509.01, 1941
1509.071, 1509.151, 1513.37, 3781.06, 3781.106, 3781.27, 1942
5321.01, and 5321.19 of the Revised Code are hereby repealed. 1943

Section 3. Not later than ninety days after the effective 1944
date of this section, the Public Utilities Commission shall 1945

amend its rules to the extent necessary to bring them into
conformity with section 4927.102 of the Revised Code.

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