

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 710**

**Representatives Demetriou, Workman**

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To amend section 163.01 and to enact sections 9.71, 1  
9.711, and 4933.71 of the Revised Code to 2  
prohibit public support for, and limit the 3  
construction of, new data centers. 4

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

**Section 1.** That section 163.01 be amended and sections 5  
9.71, 9.711, and 4933.71 of the Revised Code be enacted to read 6  
as follows: 7

**Sec. 9.71.** (A) As used in this section: 8

(1) "Economic development assistance" has the same meaning 9  
as in section 9.66 of the Revised Code. 10

(2) "Incentive" means any tax credit, grant, loan, 11  
economic development assistance, or funding of any kind from the 12  
state, a state agency, a political subdivision, a taxing 13  
authority, or the nonprofit corporation formed under section 14  
187.01 of the Revised Code or any of its subsidiaries. 15

(3) "Political subdivision" has the same meaning as in 16  
section 2744.01 of the Revised Code. 17

(4) "New data center" means a facility that meets both of 18  
the following: 19

(a) The facility consists of one or more buildings 20  
dedicated to housing computer systems, servers, storage, and 21  
network equipment to collect, process, store, and distribute 22  
large amounts of data. 23

(b) As of the effective date of this section, both of the 24  
following are met: 25

(i) Construction of the facility has not commenced; 26

(ii) No final local, zoning, or land use approval 27  
regarding the facility has been issued.(B) (1) Neither the state 28  
nor any political subdivision shall award an incentive for the 29  
construction or operation of a new data center. 30

(2) If the state or a political subdivision determines 31  
that an incentive has been awarded in violation of this section, 32  
the entity shall refund the incentive according to the procedure 33  
adopted by the state agency or political subdivision that 34  
awarded the incentive. 35

(3) Any state agency or political subdivision that awards 36  
incentives shall adopt procedures for the review of complaints 37  
pertaining to violations of division (B) (1) of this section. 38

**Sec. 9.711.** (A) As used in this section: 39

(1) "New data center" has the same meaning as in section 40  
9.71 of the Revised Code. 41

(2) "Political subdivision" means a county, township, or 42  
any other body corporate and politic that is responsible for 43  
government activities in a geographic area smaller than that of 44  
the state, except for a municipal corporation. 45

(3) "Prime farmland" has the same meaning as in section 46  
1513.01 of the Revised Code; 47

(4) "Public land" includes real property located in this 48  
state that is owned by the state or a political subdivision. 49

(B) Except as provided in division (C) of this section, no 50  
new data center shall be constructed on prime farmland, public 51  
land, or land located within a platted residential neighborhood. 52

(C) A new data center may be constructed on prime farmland 53  
if both of the following are met: 54

(1) The prime farmland is voluntarily sold. 55

(2) The board of county commissioners adopts a resolution 56  
authorizing the construction of a new data center on the prime 57  
farmland. 58

**Sec. 163.01.** As used in sections 163.01 to 163.22 of the 59  
Revised Code: 60

(A) "Public agency" means any governmental corporation, 61  
unit, organization, instrumentality, or officer authorized by 62  
law to appropriate property in the courts of this state. 63

(B) "Private agency" means any corporation, firm, 64  
partnership, voluntary association, joint-stock association, or 65  
company that is not a public agency and that is authorized by 66  
law to appropriate property in the courts of this state. 67

(C) "Agency" means any public agency or private agency. 68

(D) "Court" means the court of common pleas or the probate 69  
court of any county in which the property sought to be 70  
appropriated is located in whole or in part. 71

(E) "Owner" means any individual, partnership, 72  
association, or corporation having any estate, title, or 73  
interest in any real property sought to be appropriated. 74

(F) "Real property," "land," or "property" includes any 75  
estate, title, or interest in any real property that is 76  
authorized to be appropriated by the agency in question, unless 77  
the context otherwise requires. 78

(G) "Public utility" has the same meaning as in section 79  
4905.02 of the Revised Code and also includes a public utility 80  
owned or operated by one or more municipal corporations, an 81  
electric cooperative, and an agency holding a certificate of 82  
public convenience and necessity granted by the federal energy 83  
regulatory commission. 84

(H) (1) "Public use" does not include any taking that is 85  
for conveyance to a private commercial enterprise, economic 86  
development, or solely for the purpose of increasing public 87  
revenue, unless the property is conveyed or leased to one of the 88  
following: 89

(a) A public utility, municipal power agency, or common 90  
carrier; 91

(b) A private entity that occupies a port authority 92  
transportation facility or an incidental area within a publicly 93  
owned and occupied project; 94

(c) A private entity when the agency that takes the 95  
property establishes by a preponderance of the evidence that the 96  
property is a blighted parcel or is included in a blighted area. 97

(2) "Public use" does not include any taking to acquire 98  
property for use as a new data center, as that term is defined 99  
in section 9.71 of the Revised Code. 100

(3) All-Except as otherwise provided in division (H) (1) 101  
and (2) of this section, all of the following are presumed to be 102  
public uses: utility facilities, roads, sewers, water lines, 103

public schools, public institutions of higher education, private 104  
institutions of higher education that are authorized to 105  
appropriate property under section 3333.08 of the Revised Code, 106  
public parks, government buildings, port authority 107  
transportation facilities, projects by an agency that is a 108  
public utility, and similar facilities and uses of land. 109

(I) "Electric cooperative" has the same meaning as in 110  
section 4928.01 of the Revised Code. 111

(J) "Good faith offer" means the written offer that an 112  
agency that is appropriating property must make to the owner of 113  
the property pursuant to division (B) of section 163.04 of the 114  
Revised Code before commencing an appropriation proceeding. 115

(K) "Goodwill" means the calculable benefits that accrue 116  
to a business as a result of its location, reputation for 117  
dependability, skill or quality, and any other circumstances 118  
that result in probable retention of old, or acquisition of new, 119  
patronage. 120

(L) "Municipal power agency" has the same meaning as in 121  
section 3734.058 of the Revised Code. 122

(M) "Port authority transportation facility" means any 123  
facility developed, controlled, or operated by a port authority 124  
for the purpose of providing passenger, cargo, or freight 125  
transportation services, such as airports, maritime ports, rail 126  
facilities, transit facilities, and support facilities directly 127  
related to any airport, maritime port, rail facility, or transit 128  
facility. 129

Sec. 4933.71. (A) As used in this section, "new data 130  
center" has the same meaning as in section 9.71 of the Revised 131  
Code. 132

(B) Notwithstanding any provision of the Revised Code to 133  
the contrary, no new data center shall be approved, permitted, 134  
or interconnected to receive utility service unless the new data 135  
center developer demonstrates to the satisfaction of the public 136  
utilities commission that the new data center's electric load 137  
will not result in increased electricity rates for residential, 138  
agricultural, or small business customers. 139

(C) Compliance with division (B) of this section shall be 140  
conclusively presumed where the new data center developer 141  
constructs or contractually secures newly constructed nuclear or 142  
natural gas-fired electric generation capacity equal to one 143  
hundred per cent of the data center's projected peak electric 144  
load. 145

(D) A new data center not utilizing nuclear or natural 146  
gas-fired generation may be approved under division (B) of this 147  
section only upon an affirmative finding by the commission, 148  
supported by substantial evidence, that the data center will 149  
comply with division (E) of this section. 150

(E) All generation transmission, distribution, capacity, 151  
congestion, and ancillary service costs attributable to a new 152  
data center shall be fully borne by the developer and no cross- 153  
subsidization or cost shifting to other customer classes shall 154  
occur. 155

(F) The commission shall require enforceable financial 156  
assurances, including performance bonds, letters of credit, or 157  
escrowed security, sufficient to fully protect ratepayers in the 158  
event that projected cost neutrality under this section is not 159  
achieved. 160

**Section 2.** That existing section 163.01 of the Revised 161

Code is hereby repealed.

162