

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 710

Representatives Demetriou, Workman

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

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

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

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

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

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

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

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

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(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.

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