

As Introduced

136th General Assembly

Regular Session

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H. B. No. 784

Representatives Cockley, Lett

Cosponsors: Representatives Rader, Miller, J., Abdullahi, Troy

To enact sections 9.484 and 1521.301 of the Revised
Code to require data centers to report monthly
and yearly water consumption and to prohibit
data centers from including water consumption
information in nondisclosure agreements with
political subdivisions.

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

Section 1. That sections 9.484 and 1521.301 of the Revised
Code be enacted to read as follows:

Sec. 9.484. (A) As used in this section:

(1) "Nondisclosure agreement" means an agreement or
contract that includes a provision or clause that prohibits an
elected or appointed official of a governing body of a political
subdivision or an employee of a political subdivision from
disclosing, discussing, describing, or commenting on matters
related to the person's official duties or activities related to
the political subdivision.

(2) "Data center" has the same meaning as in section
1521.301 of the Revised Code.

(3) "Employee" and "political subdivision" have the same

meanings as in section 2744.01 of the Revised Code. 20

(B) No person authorized to enter into an agreement or 21
contract on behalf of a data center shall enter into a 22
nondisclosure agreement that includes a term that prohibits a 23
political subdivision from commenting on information regarding a 24
data center's water consumption and use. 25

(C) A person that violates division (B) of this section is 26
subject to a civil fine of not more than one thousand dollars. 27
The attorney general may bring an action to collect the fine. 28

(D) An agreement or contract entered into in violation of 29
this section is void and unenforceable. 30

Sec. 1521.301. (A) As used in this section, "data center" 31
means a centralized facility used primarily or exclusively for 32
electronic information services such as the management, storage, 33
processing, and dissemination of electronic data and information 34
through the use of computer systems, servers, networking 35
equipment, and related components. 36

(B) A data center that withdraws waters of the state in 37
any amount shall accurately measure and track such water 38
consumption and usage in accordance with rules adopted by the 39
chief of the division of water resources. 40

(C) A data center shall submit to the chief a report each 41
month, in a manner determined by the chief, that specifies the 42
data center's total water consumption for the previous calendar 43
month, the maximum amount consumed each day, the water sources, 44
whether the consumption was intended for cooling or another 45
application, and any other information as the chief may require 46
by rule. 47

(D) In addition to the reporting requirements under 48

division (C) of this section, a data center shall submit an 49
annual report to the chief not later than the first day of 50
February each year. The annual report shall include all of the 51
following: 52

(1) The data center's total water consumption for the 53
previous calendar year; 54

(2) A description of any measures undertaken by the data 55
center in the previous calendar year to improve efficiency and 56
reduce water consumption. 57

(E) The chief shall prepare an annual report that compiles 58
data received in accordance with divisions (C) and (D) of this 59
section from the previous year. The chief shall submit the 60
annual report to the house of representatives and senate 61
committees that consider natural resources legislation within 62
thirty days after preparing such report. 63

(F) The chief shall adopt rules in accordance with Chapter 64
119. of the Revised Code to administer and enforce this section. 65