

AN ACT

To enact sections 4933.40, 4933.41, and 4933.42 of the Revised Code to prevent local governments from limiting use of natural gas and propane.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4933.40, 4933.41, and 4933.42 of the Revised Code be enacted to read as follows:

Sec. 4933.40. As used in sections 4933.41 to 4933.42 of the Revised Code:

(A) "Political subdivision" means a township, county, or municipal corporation.

(B) "Competitive retail natural gas service," "natural gas company," "distribution service," and "retail natural gas service" have the same meanings as in section 4929.01 of the Revised Code.

(C) "Energy dealer" has the same meaning as in section 5117.01 of the Revised Code.

(D) "Propane" has the same meaning as in section 936.01 of the Revised Code.

Sec. 4933.41. (A)(1) Every person seeking to obtain distribution service or retail natural gas service has the right to obtain any available distribution service or retail natural gas service from a natural gas company with capacity to provide service to the person in that location or any available competitive retail natural gas service from any competitive retail natural gas service supplier certified to provide that service to that person in that location. Nothing in this section shall be construed to require a natural gas company to obtain or continue any exemption under section 4929.04 of the Revised Code.

(2) Every person seeking to obtain propane has the right to obtain propane from any energy dealer willing to provide propane to that customer in that location.

(B)(1) Division (A)(1) of this section is limited by Chapters 4905., 4929., and 4933. of the Revised Code, any regulations enacted by the public utilities commission thereunder, and any tariffs approved by the public utilities commission, and subject to Sections 4 and 6 of Article XVIII, Ohio Constitution.

(2) Division (A)(2) of this section is limited by Chapter 936. of the Revised Code and any regulations enacted by the director of the department of agriculture thereunder, and subject to Sections 4 and 6 of Article XVIII, Ohio Constitution.

(C) No legislative or executive authority of any political subdivision shall enact any ordinance or resolution or promulgate or impose any building code, contractual provision, or other requirement that limits, prohibits, or prevents residential, commercial, or industrial consumers within their boundaries from using the following:

(1) Distribution service or retail natural gas service that would otherwise be available to those consumers under Title 49 and regulations promulgated thereunder;

(2) Propane.

(D) Except as set forth in division (C) of this section, nothing in section 4933.41 of the

Revised Code is intended to inhibit or restrict a municipality's right and ability to enter into and administer franchise agreements pursuant to Sections 4 and 6 of Article XVIII, Ohio Constitution, and sections 4939.01 to 4939.09 of the Revised Code.

(E) Nothing in this section shall be construed either to limit a natural gas company's ability to provide service to new customers or to require free extensions of service.

(F) Nothing in this section shall be construed to prevent or limit a municipal corporation from exercising its authority pursuant to sections 4928.20 to 4928.28 of the Revised Code.

Sec. 4933.42. Section 4933.41 of the Revised Code promotes the public policy of the state to do the following:

(A) Increase utilization of the state's indigenous energy resources as provided in section 1551.18 of the Revised Code.

(B) Promote the availability of natural gas services and goods as provided in section 4929.02 of the Revised Code.

(C) Encourage the utilization of propane.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____