

As Reported by the Senate Energy and Public Utilities Committee

134th General Assembly

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Sub. H. B. No. 201

Representative Stephens

Cosponsors: Representatives Abrams, Baldrige, Carruthers, Cross, Cutrona, Edwards, Ginter, Gross, Fraizer, Johnson, Patton, Riedel, Schmidt, Seitz, Stewart, Swearingen, Wiggam, Wilkin, Click, Hillyer, Bird, Callender, Carfagna, Ghanbari, Grendell, Holmes, Householder, Jones, Jordan, Loychik, McClain, Merrin, Plummer, Richardson, Stein, White, Speaker Cupp

Senators Hoagland, Brenner

A BILL

To enact sections 4933.40, 4933.41, and 4933.42 of 1
the Revised Code to prevent local governments 2
from limiting use of natural gas and propane. 3

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

Section 1. That sections 4933.40, 4933.41, and 4933.42 of 4
the Revised Code be enacted to read as follows: 5

Sec. 4933.40. As used in sections 4933.41 to 4933.42 of 6
the Revised Code: 7

(A) "Political subdivision" means a township, county, or 8
municipal corporation. 9

(B) "Competitive retail natural gas service," "natural gas 10
company," "distribution service," and "retail natural gas 11
service" have the same meanings as in section 4929.01 of the 12
Revised Code. 13

(C) "Energy dealer" has the same meaning as in section 14
5117.01 of the Revised Code. 15

(D) "Propane" has the same meaning as in section 936.01 of 16
the Revised Code. 17

Sec. 4933.41. (A) (1) Every person seeking to obtain 18
distribution service or retail natural gas service has the right 19
to obtain any available distribution service or retail natural 20
gas service from a natural gas company with capacity to provide 21
service to the person in that location or any available 22
competitive retail natural gas service from any competitive 23
retail natural gas service supplier certified to provide that 24
service to that person in that location. Nothing in this section 25
shall be construed to require a natural gas company to obtain or 26
continue any exemption under section 4929.04 of the Revised 27
Code. 28

(2) Every person seeking to obtain propane has the right 29
to obtain propane from any energy dealer willing to provide 30
propane to that customer in that location. 31

(B) (1) Division (A) (1) of this section is limited by 32
Chapters 4905., 4929., and 4933. of the Revised Code, any 33
regulations enacted by the public utilities commission 34
thereunder, and any tariffs approved by the public utilities 35
commission, and subject to Sections 4 and 6 of Article XVIII, 36
Ohio Constitution. 37

(2) Division (A) (2) of this section is limited by Chapter 38
936. of the Revised Code and any regulations enacted by the 39
director of the department of agriculture thereunder, and 40
subject to Sections 4 and 6 of Article XVIII, Ohio Constitution. 41

(C) No legislative or executive authority of any political 42

subdivision shall enact any ordinance or resolution or 43
promulgate or impose any building code, contractual provision, 44
or other requirement that limits, prohibits, or prevents 45
residential, commercial, or industrial consumers within their 46
boundaries from using the following: 47

(1) Distribution service or retail natural gas service 48
that would otherwise be available to those consumers under Title 49
49 and regulations promulgated thereunder; 50

(2) Propane. 51

(D) Except as set forth in division (C) of this section, 52
nothing in section 4933.41 of the Revised Code is intended to 53
inhibit or restrict a municipality's right and ability to enter 54
into and administer franchise agreements pursuant to Sections 4 55
and 6 of Article XVIII, Ohio Constitution, and sections 4939.01 56
to 4939.09 of the Revised Code. 57

(E) Nothing in this section shall be construed either to 58
limit a natural gas company's ability to provide service to new 59
customers or to require free extensions of service. 60

(F) Nothing in this section shall be construed to prevent 61
or limit a municipal corporation from exercising its authority 62
pursuant to sections 4928.20 to 4928.28 of the Revised Code. 63

Sec. 4933.42. Section 4933.41 of the Revised Code promotes 64
the public policy of the state to do the following: 65

(A) Increase utilization of the state's indigenous energy 66
resources as provided in section 1551.18 of the Revised Code. 67

(B) Promote the availability of natural gas services and 68
goods as provided in section 4929.02 of the Revised Code. 69

(C) Encourage the utilization of propane. 70