

**As Reported by the Senate Energy and Public Utilities Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 430**

**Representative Cross**

**Cosponsors: Representatives Johnson, Holmes, Fraizer, Carruthers, Edwards, Galonski, Ghanbari, Hillyer, Humphrey, Ingram, John, Jones, Lanese, LaRe, Lightbody, Loychik, Miller, A., Miller, J., O'Brien, Patton, Riedel, Stephens, White**

**Senator Brenner**

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**A BILL**

To amend sections 153.64, 1509.01, 1509.071, 1  
1509.151, 1513.37, 3781.06, 3781.106, 3781.27, 2  
5321.01, and 5321.19 and to enact sections 3  
5.248, 4927.102, and 5321.20 of the Revised Code 4  
to address underground utility facilities 5  
affected by construction, to exempt mobile 6  
computing units from certain building 7  
regulation, to make changes relating to the 8  
Landlord and Tenant Law, to limit regulation of 9  
telecommunications, wireless, or internet 10  
protocol-enabled service providers, to revise 11  
the law governing the plugging of idle and 12  
orphaned wells, and to revise the use of the 13  
Abandoned Mine Reclamation Fund, and to 14  
designate April as "Ohio Work Zone Safety 15  
Awareness Month." 16

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

**Section 1.** That sections 153.64, 1509.01, 1509.071, 17  
1509.151, 1513.37, 3781.06, 3781.106, 3781.27, 5321.01, and 18  
5321.19 be amended and sections 5.248, 4927.102, and 5321.20 of 19  
the Revised Code be enacted to read as follows: 20

**Sec. 5.248.** The month of April is designated as "Ohio Work 21  
Zone Safety Awareness Month." 22

**Sec. 153.64.** (A) As used in this section: 23

(1) "Public improvement" means any construction, 24  
reconstruction, improvement, enlargement, alteration, or repair 25  
of a building, highway, drainage system, water system, road, 26  
street, alley, sewer, ditch, sewage disposal plant, water works, 27  
and all other structures or works of any nature by a public 28  
authority. 29

(2) "Public authority" includes the following: 30

(a) The state, or a county, township, municipal 31  
corporation, school district, or other political subdivision; 32

(b) Any public agency, authority, board, commission, 33  
instrumentality, or special district of or in the state or a 34  
county, township, municipal corporation, school district, or 35  
other political subdivision; 36

(c) A designer as defined in section 3781.25 of the 37  
Revised Code who is acting on behalf of any entity described in 38  
division (A)(2)(a) or (b) of this section. 39

(3) "Underground utility facilities" includes any item 40  
buried or placed below ground or submerged under water for use 41  
in connection with the storage or conveyance of water or sewage; 42  
or electronic, telephonic, or telegraphic communications; 43  
electricity; petroleum products; manufactured, mixed, or natural 44

gas; synthetic or liquified natural gas; propane gas; or other 45  
substances. "Underground utility facilities" includes, but is 46  
not limited to, all operational underground pipes, sewers, 47  
tubing, conduits, cables, valves, lines, wires, manholes, and 48  
attachments, whether owned by any public or private or profit or 49  
nonprofit person, firm, partnership, company, corporation, joint 50  
stock association, joint venture, or voluntary association, 51  
wherever organized or incorporated, except for a private septic 52  
system in a single- or multi-family dwelling utilized only for 53  
that dwelling and not connected to any other system. 54

(4) "Protection service" means a notification center not 55  
an owner of an underground utility facility that complies with 56  
the following: 57

(a) It exists for the purpose of receiving notice from 58  
public authorities and from other persons that plan to prepare 59  
plans and specifications for, or engage in, public improvements 60  
involving digging, blasting, excavating, or other underground 61  
construction activities; 62

(b) It distributes the information described in division 63  
(A) (4) (a) of this section to its members and participants; 64

(c) It has registered by March 14, 1989, with the 65  
secretary of state and the public utilities commission under 66  
former division (F) of this section as it existed on that date. 67

(5) "Construction area" means the area delineated on the 68  
plans and specifications for the public improvement within which 69  
the work provided for in the contract will be performed. 70

(6) "Interstate gas pipeline" means an interstate gas 71  
pipeline subject to the "Natural Gas Pipeline Safety Act of 72  
1968," 49 U.S.C. 1671, as amended. 73

(7) "Interstate hazardous liquids pipeline" means an 74  
interstate hazardous liquids pipeline subject to the "Hazardous 75  
Liquid Pipeline Safety Act of 1979," 49 U.S.C. 2002, as amended. 76

(B) (1) In any public improvement which may involve 77  
underground utility facilities, the public authority, prior to 78  
preparing plans and specifications, shall contact a protection 79  
service and any owners of underground utility facilities that 80  
are not members of a protection service for the existence and 81  
location of all underground utility facilities within the 82  
construction area. 83

(2) If requested by the public authority, each owner of 84  
underground utility facilities within the construction area, 85  
other than real property owners listed in divisions (C) (1) to 86  
(4) of section 3781.25 of the Revised Code, shall do one of the 87  
following within ten days of receiving notice from the public 88  
authority or a protection service: 89

(a) Mark the location of the underground utility 90  
facilities, other than those facilities serving single-family or 91  
two-, three-, or four-unit dwellings, within the construction 92  
area in accordance with the marking standards described in 93  
division (C) of section 3781.29 of the Revised Code; 94

(b) Provide digital or paper drawings, or both, that meet 95  
both of the following requirements: 96

(i) They are drawn to scale and include locatable items. 97  
Locatable items may include poles, pedestals, back of curb, 98  
sidewalk, edge of pavement, centerline of ditch, property lines, 99  
and other similar items. 100

(ii) They depict the location of the underground utility 101  
facilities. 102

(3) If the public improvement is within six hundred sixty feet of the center point of any interstate hazardous liquid pipeline or interstate gas pipeline, the pipeline operator shall provide to the public authority all of the following: 103  
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105  
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(a) A written notice of any special notification requirements; 107  
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(b) The location and description of any right-of-way associated with the pipeline as well as pipeline location information, such as providing documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps; 109  
110  
111  
112  
113

(c) Contact information for the primary contact person for the project area. 114  
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Compliance with ~~division~~divisions (B) (2) and (3) of this section does not relieve an owner of underground utility facilities from compliance with the marking requirements of section 3781.29 of the Revised Code. 116  
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~~(3)~~(4) The public authority shall include, in the plans and specifications for such improvement, the identity and location of the existing underground utility facilities located in the construction area as provided to the public authority by the owner of the underground utility facility and the name, address, and telephone number of each owner of any underground utility facilities in the construction area that does not subscribe to a protection service. 120  
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(a) If the public authority is notified that the improvement is within six hundred sixty feet of the center point of any interstate hazardous liquid pipeline or interstate gas pipeline, the public authority shall also include in the plans 128  
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<u>and specifications for the project all of the following:</u>	132
<u>(i) Any special notification requirements;</u>	133
<u>(ii) The name and contact information of the primary contact person for each pipeline operator who has provided notice to the public authority under division (B) (3) of this section;</u>	134 135 136 137
<u>(iii) Notice stating that the public authority has utilized reasonable means to contact the pipeline operator to verify the location of the pipeline and pipeline right-of-way;</u>	138 139 140
<u>(iv) Notice that the public authority has reviewed, or has attempted to review, preliminary information about the public improvement with the pipeline operator and incorporated the requested adjustments into the plans.</u>	141 142 143 144
<u>(b) For purposes of division (B) (4) (a) (iii) of this section, a public authority who provides notice to the protection service in accordance with division (B) (1) of this section is deemed to have utilized reasonable means to contact the operator of the pipeline.</u>	145 146 147 148 149
<del>(4)</del> <u>(5) Any anticipated temporary or permanent relocation of underground utility facilities deemed necessary by the public authority shall be negotiated or arranged by the public authority with the owners of the underground utility facilities prior to the start of construction. If a temporary or permanent relocation of utility facilities is necessary, the owner of the underground utility facility shall be given a reasonable time to move such utility facilities unless the contractor to whom the contract for a public improvement is awarded or its subcontractor agrees with the owner of the underground utility facility to coordinate relocation with construction operations.</u>	150 151 152 153 154 155 156 157 158 159 160

~~(5)~~-(6) The public authority, within ten calendar days 161  
after award of a contract for a public improvement, shall notify 162  
in writing all owners of underground utility facilities known to 163  
be located in the construction area of the public improvement of 164  
the name and address of the contractor to whom the contract for 165  
the public improvement was awarded. Where notice is given in 166  
writing by certified mail, the return receipt, signed by any 167  
person to whom the notice is delivered, shall be conclusive 168  
proof of notice. 169

(C) The contractor to whom a contract for a public 170  
improvement is awarded or its subcontractor, at least two 171  
working days, excluding Saturdays, Sundays, and legal holidays, 172  
but no more than ten working days, prior to commencing 173  
construction operations in the construction area which may 174  
involve underground utility facilities, shall cause notice to be 175  
given to a protection service and the owners of underground 176  
utility facilities shown on the plans and specifications who are 177  
not members of a protection service. The owner of the 178  
underground utility facility, within forty-eight hours, 179  
excluding Saturdays, Sundays, and legal holidays, after notice 180  
is received, shall stake, mark, or otherwise designate the 181  
location of the underground utility facilities in the 182  
construction area in such a manner as to indicate their course 183  
together with the approximate depth at which they were 184  
installed. 185

(D) If the public authority fails to comply with the 186  
requirements of division (B) of this section, the contractor to 187  
whom the work is awarded or its subcontractor complies with the 188  
requirements of division (C) of this section, and the contractor 189  
or its subcontractor encounters underground utility facilities 190  
in the construction area that would have been shown on the plans 191

and specifications for such improvement had a protection service 192  
or owner of the underground utility facility who is not a member 193  
of a protection service whose name, address, and telephone 194  
number is provided by the public authority been contacted, then 195  
the contractor, upon notification to the public authority, is 196  
entitled to an increase to the contract price for itself or its 197  
subcontractor for any additional work that must be undertaken or 198  
additional time that will be required and is entitled to an 199  
extension of the completion date of the contract for the period 200  
of time of any delays to the construction of the public 201  
improvement. 202

In the event of a dispute as to the application of this 203  
section, procedures may be commenced under the applicable terms 204  
of the construction contract, or if the contract contains no 205  
provision for final resolution of the dispute, pursuant to the 206  
procedures for arbitration in Chapter 2711. of the Revised Code. 207

This section does not affect rights between the 208  
contractors and the public authority for any increase in 209  
contract price or additional time to perform the contract when 210  
the public authority complies with division (B) of this section. 211

Any public authority who complies with the requirements of 212  
division (B) of this section and any contractor or its 213  
subcontractor who complies with the requirements of division (C) 214  
of this section shall not be responsible to the owner of the 215  
underground utility facility if underground utility lines are 216  
encountered not as marked in accordance with the provisions of 217  
division (C) of this section by the owner of the underground 218  
utility facility, unless the contractor or its subcontractor has 219  
actual notice of the underground utility facility. Except as 220  
noted in this division, this section does not affect rights 221



between the contractor or its subcontractor and the owner of the 222  
underground utility facility for failure to mark or erroneously 223  
marking utility lines. The public authority shall not make as a 224  
requirement of any contract for public improvement any change in 225  
responsibilities between the public authority and the owners of 226  
the underground utility facilities in connection with damage, 227  
injury, or loss to any property in connection with underground 228  
utility facilities. 229

The contractor or its subcontractor shall alert 230  
immediately the occupants of nearby premises as to any emergency 231  
that the contractor or subcontractor may create or discover at 232  
or near such premises. The contractor or its subcontractor shall 233  
report immediately to the owner or operator of the underground 234  
facility any break or leak on its lines or any dent, gouge, 235  
groove, or other damage to such lines or to their coating or 236  
cathodic protection, made or discovered in the course of their 237  
excavation. 238

(E) This section does not affect rights between the public 239  
authority and the owners of the underground utility facilities 240  
for responsibility for costs involving removal, relocation, or 241  
protection of existing underground utility facilities, or for 242  
costs for delays occasioned thereby. 243

**Sec. 1509.01.** As used in this chapter: 244

(A) "Well" means any borehole, whether drilled or bored, 245  
within the state for production, extraction, or injection of any 246  
gas or liquid mineral, excluding potable water to be used as 247  
such, but including natural or artificial brines and oil field 248  
waters. 249

(B) "Oil" means crude petroleum oil and all other 250

hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.

(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

(F) "Field" means the general area underlaid by one or more pools.

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

(H) "Waste" includes all of the following:

(1) Physical waste, as that term generally is understood in the oil and gas industry;

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) Inefficient storing of oil or gas;

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce

the quantity of oil or gas ultimately recoverable under prudent 278  
and proper operations from the pool into which it is drilled or 279  
that causes or tends to cause unnecessary or excessive surface 280  
loss or destruction of oil or gas; 281

(5) Other underground or surface waste in the production 282  
or storage of oil, gas, or condensate, however caused. 283

(I) "Correlative rights" means the reasonable opportunity 284  
to every person entitled thereto to recover and receive the oil 285  
and gas in and under the person's tract or tracts, or the 286  
equivalent thereof, without having to drill unnecessary wells or 287  
incur other unnecessary expense. 288

(J) "Tract" means a single, individual parcel of land or a 289  
portion of a single, individual parcel of land. 290

(K) "Owner," unless referring to a mine, means the person 291  
who has the right to drill on a tract or drilling unit, to drill 292  
into and produce from a pool, and to appropriate the oil or gas 293  
produced therefrom either for the person or for others, except 294  
that a person ceases to be an owner with respect to a well when 295  
the well has been plugged in accordance with applicable rules 296  
adopted and orders issued under this chapter. "Owner" does not 297  
include a person who obtains a lease of the mineral rights for 298  
oil and gas on a parcel of land if the person does not attempt 299  
to produce or produce oil or gas from a well or obtain a permit 300  
under this chapter for a well or if the entire interest of a 301  
well is transferred to the person in accordance with division 302  
(B) of section 1509.31 of the Revised Code. 303

(L) "Royalty interest" means the fee holder's share in the 304  
production from a well. 305

(M) "Discovery well" means the first well capable of 306

producing oil or gas in commercial quantities from a pool. 307

(N) "Prepared clay" means a clay that is plastic and is 308  
thoroughly saturated with fresh water to a weight and 309  
consistency great enough to settle through saltwater in the well 310  
in which it is to be used, except as otherwise approved by the 311  
chief of the division of oil and gas resources management. 312

(O) "Rock sediment" means the combined cutting and residue 313  
from drilling sedimentary rocks and formation. 314

(P) "Excavations and workings," "mine," and "pillar" have 315  
the same meanings as in section 1561.01 of the Revised Code. 316

(Q) "Coal bearing township" means a township designated as 317  
such by the chief of the division of mineral resources 318  
management under section 1561.06 of the Revised Code. 319

(R) "Gas storage reservoir" means a continuous area of a 320  
subterranean porous sand or rock stratum or strata into which 321  
gas is or may be injected for the purpose of storing it therein 322  
and removing it therefrom and includes a gas storage reservoir 323  
as defined in section 1571.01 of the Revised Code. 324

(S) "Safe Drinking Water Act" means the "Safe Drinking 325  
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended 326  
by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 327  
42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 328  
1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking 329  
Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 330  
300(f), and regulations adopted under those acts. 331

(T) "Person" includes any political subdivision, 332  
department, agency, or instrumentality of this state; the United 333  
States and any department, agency, or instrumentality thereof; 334  
any legal entity defined as a person under section 1.59 of the 335

Revised Code; and any other form of business organization or 336  
entity recognized by the laws of this state. 337

(U) "Brine" means all saline geological formation water 338  
resulting from, obtained from, or produced in connection with 339  
exploration, drilling, well stimulation, production of oil or 340  
gas, or plugging of a well. 341

(V) "Waters of the state" means all streams, lakes, ponds, 342  
marshes, watercourses, waterways, springs, irrigation systems, 343  
drainage systems, and other bodies of water, surface or 344  
underground, natural or artificial, that are situated wholly or 345  
partially within this state or within its jurisdiction, except 346  
those private waters that do not combine or effect a junction 347  
with natural surface or underground waters. 348

(W) "Exempt Mississippian well" means a well that meets 349  
all of the following criteria: 350

(1) Was drilled and completed before January 1, 1980; 351

(2) Is located in an unglaciated part of the state; 352

(3) Was completed in a reservoir no deeper than the 353  
Mississippian Big Injun sandstone in areas underlain by 354  
Pennsylvanian or Permian stratigraphy, or the Mississippian 355  
Berea sandstone in areas directly underlain by Permian 356  
stratigraphy; 357

(4) Is used primarily to provide oil or gas for domestic 358  
use. 359

(X) "Exempt domestic well" means a well that meets all of 360  
the following criteria: 361

(1) Is owned by the owner of the surface estate of the 362  
tract on which the well is located; 363

(2) Is used primarily to provide gas for the owner's domestic use;	364 365
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	366 367 368 369
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	370 371 372 373 374
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	375 376 377 378 379 380
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	381 382 383
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the	384 385 386 387 388 389 390 391 392

following:	393
(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;	394 395 396
(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;	397 398 399 400
(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;	401 402 403 404 405 406 407
(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them.	408 409 410 411 412 413 414 415
(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.	416 417 418 419
(CC) " <del>Idle and orphaned</del> <u>Orphaned well</u> " means a well <del>for which a bond has been forfeited or an abandoned well for which</del>	420 421

~~no money is available to plug the well in accordance with this~~ 422  
~~chapter and rules adopted under it that has not been properly~~ 423  
~~plugged or its land surface restored in accordance with this~~ 424  
~~chapter and the rules adopted under it to which either of the~~ 425  
~~following apply:~~ 426

(1) The owner of the well is unknown, deceased, or cannot 427  
be located and the well is abandoned. 428

(2) The owner has abandoned the well and there is no money 429  
available to plug the well in accordance with this chapter and 430  
the rules adopted under it. 431

(DD) "Temporarily inactive well" means a well that has 432  
been granted temporary inactive status under section 1509.062 of 433  
the Revised Code. 434

(EE) "Material and substantial violation" means any of the 435  
following: 436

(1) Failure to obtain a permit to drill, reopen, convert, 437  
plugback, or plug a well under this chapter; 438

(2) Failure to obtain, maintain, update, or submit proof 439  
of insurance coverage that is required under this chapter; 440

(3) Failure to obtain, maintain, update, or submit proof 441  
of a surety bond that is required under this chapter; 442

~~(4) Failure to plug an abandoned well or idle and orphaned~~ 443  
~~well unless the well has been granted temporary inactive status~~ 444  
~~under section 1509.062 of the Revised Code or the chief of the~~ 445  
~~division of oil and gas resources management has approved~~ 446  
~~another option concerning the abandoned well or idle and~~ 447  
~~orphaned well;~~ 448

~~(5) Failure to restore a disturbed land surface as~~ 449



required by section 1509.072 of the Revised Code;	450
<del>(6)</del> -(5) Failure to reimburse the oil and gas well fund	451
pursuant to a final order issued under section 1509.071 of the	452
Revised Code;	453
<del>(7)</del> -(6) Failure to comply with a final nonappealable order	454
of the chief issued under section 1509.04 of the Revised Code;	455
<del>(8)</del> -(7) Failure to submit a report, test result, fee, or	456
document that is required in this chapter or rules adopted under	457
it.	458
(FF) "Severer" has the same meaning as in section 5749.01	459
of the Revised Code.	460
(GG) "Horizontal well" means a well that is drilled for	461
the production of oil or gas in which the wellbore reaches a	462
horizontal or near horizontal position in the Point Pleasant,	463
Utica, or Marcellus formation and the well is stimulated.	464
(HH) "Well pad" means the area that is cleared or prepared	465
for the drilling of one or more horizontal wells.	466
<b>Sec. 1509.071.</b> (A) When the chief of the division of oil	467
and gas resources management finds that an owner has failed to	468
comply with a final nonappealable order issued or compliance	469
agreement entered into under section 1509.04, the restoration	470
requirements of section 1509.072, plugging requirements of	471
section 1509.12, or permit provisions of section 1509.13 of the	472
Revised Code, or rules and orders relating thereto, the chief	473
shall make a finding of that fact and declare any surety bond	474
filed to ensure compliance with those sections and rules	475
forfeited in the amount set by rule of the chief. The chief	476
thereupon shall certify the total forfeiture to the attorney	477
general, who shall proceed to collect the amount of the	478

forfeiture. In addition, the chief may require an owner, 479  
operator, producer, or other person who forfeited a surety bond 480  
to post a new surety bond in the amount of fifteen thousand 481  
dollars for a single well, thirty thousand dollars for two 482  
wells, or fifty thousand dollars for three or more wells. 483

In lieu of total forfeiture, the surety or owner, at the 484  
surety's or owner's option, may cause the well to be properly 485  
plugged and abandoned and the area properly restored or pay to 486  
the treasurer of state the cost of plugging and abandonment. 487

(B) (1) All moneys collected because of forfeitures of 488  
bonds as provided in this section shall be deposited in the 489  
state treasury to the credit of the oil and gas well fund 490  
created in section 1509.02 of the Revised Code. 491

For purposes of promoting the competent management and 492  
conservation of the state's oil and natural gas resources and 493  
the proper and lawful plugging of historic oil and gas wells for 494  
which there is no known responsible owner, the chief annually 495  
shall spend not less than thirty per cent of the revenue 496  
credited to the oil and gas well fund during the previous fiscal 497  
year for both of the following purposes: 498

(a) In accordance with division (E) of this section, to 499  
plug ~~idle and~~ orphaned wells or to restore the land surface 500  
properly as required in section 1509.072 of the Revised Code; 501

(b) In accordance with division (F) of this section, to 502  
correct conditions that the chief reasonably has determined are 503  
causing imminent health or safety risks at an ~~idle and~~ orphaned 504  
well or associated with a well for which the owner ~~cannot be~~ 505  
~~contacted in order to initiate~~ has not initiated a corrective 506  
action within a reasonable period of time as determined by the 507

chief after the chief has attempted to notify the owner. 508

(2) Expenditures from the fund shall be made only for 509  
lawful purposes. In addition, expenditures from the fund shall 510  
not be made to purchase real property or to remove a ~~dwelling-~~ 511  
structure in order to access a well. 512

The director of budget and management, in consultation 513  
with the chief, shall establish an accounting code for purposes 514  
of tracking expenditures made as required under this division. 515

(C) (1) If a landowner discovers ~~an idle and orphaned a~~ 516  
well ~~or abandoned well~~ on the landowner's real property and the 517  
landowner is not the owner of the well, the landowner may report 518  
the existence of the well in writing to the chief. 519

(2) If the chief receives a written report from a 520  
landowner of the ~~existence discovery of an idle and orphaned a~~ 521  
well previously unknown to the division, the chief shall inspect 522  
the well not later than thirty days after the date of receipt of 523  
the landowner's report. 524

(3) The chief shall establish a scoring matrix for use in 525  
determining the priority of plugging wells or restoring land 526  
surfaces at ~~idle and orphaned~~ well sites for purposes of this 527  
section. The matrix shall include a classification system that 528  
categorizes ~~idle and orphaned~~ wells as ~~distressed high high~~ 529  
priority, ~~moderate medium medium~~ priority, and ~~maintenance low~~ 530  
low priority. 531

(4) The chief shall use the matrix developed under 532  
division (C) (3) of this section to prioritize plugging and land 533  
restoration projects under this section. The chief may add 534  
additional orphaned wells to a project regardless of 535  
classification. 536

(D) (1) ~~Upon~~ After determining that a well is an ~~idle and~~ orphaned well, the chief shall do all of the following: 537  
538

(a) Make a reasonable attempt to determine from the 539  
records in the office of the county recorder of the county in 540  
which the well is located the identity of the current owner of 541  
the land on which the well is located, the identity of each 542  
person owning a right or interest in the oil or gas mineral 543  
interests, and the identities of the persons having a lien upon 544  
any of the equipment appurtenant to the well. For purposes of 545  
division (D) (1) (a) of this section, the chief is not required to 546  
review records in the office of the county recorder that are 547  
older than forty years from the date on which the chief made the 548  
determination that the well is an ~~idle and~~ orphaned well. 549

(b) Mail notice to each person identified in division (D) 550  
(1) (a) of this section; 551

(c) Include in the notice to each person having a lien 552  
upon any equipment appurtenant to the well, a statement 553  
informing the person that the well is to be plugged and offering 554  
the person the opportunity to remove that equipment from the 555  
well site at the person's own expense in order to avoid 556  
forfeiture of the equipment to this state; 557

(d) Publish notice in a newspaper of general circulation 558  
in the county where the well is located that the well is to be 559  
plugged or post the notice on the department of natural 560  
resources web site. 561

(2) If the current address of a person identified in 562  
division (D) (1) (a) of this section cannot be determined, or if a 563  
notice provided by mail to a person under division (D) (1) (b) of 564  
this section is returned undeliverable, the notice published 565

under division (D) (1) (d) of this section constitutes sufficient 566  
notice to the person. 567

(3) If none of the persons described in division (D) (1) (a) 568  
of this section removes equipment from the well within thirty 569  
days after the mailing of the notice or publication ~~in a~~ 570  
~~newspaper of general circulation or posting of notice described~~ 571  
in division (D) (1) (d) of this section, whichever is later, all 572  
equipment appurtenant to the well is hereby declared to be 573  
forfeited to this state without compensation and without the 574  
necessity for any action by the state for use to defray the cost 575  
of plugging the well and restoring the land surface at the well 576  
site. 577

(E) The chief may expend money from the oil and gas well 578  
fund for the purpose of division (B) (1) (a) of this section, and 579  
such ~~expenditures shall~~ expenditures shall be made in accordance 580  
with either of the following: 581

(1) The chief may make expenditures pursuant to contracts 582  
entered into by either the chief or another agency of the state 583  
with persons who agree to furnish ~~all of the~~ materials, 584  
equipment, work, and labor as specified and provided in such a 585  
contract for activities associated with the restoration or 586  
plugging of ~~a~~ an orphaned well as determined by the chief. If 587  
another agency of the state enters into the contract, the chief 588  
shall prepare the scope of work for the restoration or plugging 589  
of the well. The activities may include excavation to uncover a 590  
well, ~~geophysical methods to locate a buried well when clear~~ 591  
~~evidence of leakage from the well exists,~~ analyzing the well, 592  
stabilizing or other work conducted prior to plugging the well, 593  
drilling out or cleanout of wellbores to remove material from a 594  
~~failed plugged~~ well, plugging operations, installation of vault 595

and vent systems, including associated engineering 596  
certifications and permits, removal of associated equipment, 597  
restoration of property, replugging of previously plugged 598  
orphaned wells or wells for which final restoration was 599  
completed under section 1509.072 of the Revised Code and rules 600  
adopted under it, and repair of damage to property that is 601  
caused by such activities. The chief ~~shall not~~ may make 602  
expenditures for salaries, maintenance, equipment, or other 603  
administrative purposes, ~~except~~ for costs directly attributed to 604  
~~the locating, analyzing, stabilizing, designing, plugging of,~~ 605  
remediating, or restoring an idle and orphaned well, and for 606  
determining if a well is an orphaned well. ~~Agents~~ 607

Agents or employees of persons contracting with the chief 608  
~~for a restoration or plugging project to locate, analyze,~~ 609  
stabilize, design, plug, remediate, or restore a well may enter 610  
upon any land, public or private, on which the well is located, 611  
or on adjacent parcels needed for access, for the purpose of 612  
performing the work. Prior to such entry, the chief shall give 613  
to the following persons written notice of the existence of a 614  
~~contract for a project to restore a location or plug a well to~~ 615  
locate, analyze, stabilize, design, plug, remediate, or restore 616  
a well, the names of the persons with whom the contract is made, 617  
and the date that the project will commence: the owner of the 618  
well, the owner of the land upon which the well is located, the 619  
owner of the land of an adjacent parcel that will be entered 620  
upon, and, if the well is located in the same township as or in 621  
a township adjacent to the excavations and workings of a mine 622  
and the owner or lessee of that mine has provided written notice 623  
identifying those townships to the chief at any time during the 624  
immediately preceding three years, the owner or lessee of the 625  
mine. The chief may include in the notice to the owner or lessee 626

of the mine additional information, such as authorization to 627  
plug an ~~idle and~~ orphaned well under section 1509.151 of the 628  
Revised Code. 629

(2) (a) The owner of the land on which ~~a~~ at least one 630  
orphaned well is located who has received notice under division 631  
(D) (1) (b) of this section may plug ~~the any such orphaned well~~ 632  
and be reimbursed by the division of oil and gas resources 633  
management for the reasonable cost of plugging ~~the wells such~~ 634  
wells. In order to plug the ~~well~~ orphaned wells, the landowner 635  
shall submit an application to the chief on a form prescribed by 636  
the chief and approved by the technical advisory council on oil 637  
and gas created in section 1509.38 of the Revised Code. The 638  
application, at a minimum, shall require the landowner to 639  
provide the same information as is required to be included in 640  
the application for a permit to plug and abandon under section 641  
1509.13 of the Revised Code. ~~The~~ 642

The application shall be accompanied by a copy of a 643  
proposed contract to plug and abandon the well ~~orphaned wells~~ 644  
prepared by a contractor regularly engaged in the business of 645  
plugging oil and gas wells. The proposed contract shall require 646  
the contractor to furnish all of the materials, equipment, work, 647  
and labor necessary to plug the ~~well~~ orphaned wells properly and 648  
restore the site including the removal of all associated 649  
equipment and shall specify the price for doing the work, ~~—~~ 650  
~~including a credit for the equipment appurtenant to the well~~ 651  
~~that was forfeited to the state through the operation of~~ 652  
~~division (D) (3) of this section.~~ The contractor shall be insured 653  
and bonded. ~~Expenditures—~~ 654

Expenditures made under division (E) (2) (a) of this section 655  
shall be consistent with the expenditures for activities 656

described in division (E) (1) of this section. In addition, 657  
expenditures made under division (E) (2) of this section are not 658  
subject to section 127.16 of the Revised Code. The application 659  
constitutes an application for a permit to plug the well for the 660  
purposes of section 1509.13 of the Revised Code and the 661  
applicant is not required to submit the fee otherwise required 662  
under that section. 663

(b) Within thirty days after receiving an application and 664  
accompanying proposed contract under division (E) (2) (a) of this 665  
section, the chief shall determine whether the plugging would 666  
comply with the applicable requirements of this chapter and 667  
applicable rules adopted and orders issued under it and whether 668  
the cost of the plugging under the proposed contract is 669  
reasonable. If the chief determines that the proposed plugging 670  
would comply with those requirements and that the proposed cost 671  
of the plugging is reasonable, the chief shall notify the 672  
landowner of that determination and issue to the landowner a 673  
permit to plug the well under section 1509.13 of the Revised 674  
Code. ~~Upon approval of the application and proposed contract,~~ 675  
~~the ownership of the equipment appurtenant to the well is~~ 676  
~~transferred to the landowner.~~ The chief may disapprove an 677  
application submitted under division (E) (2) (a) of this section 678  
if the chief determines that the proposed plugging would not 679  
comply with the applicable requirements of this chapter and 680  
applicable rules adopted and orders issued under it, that the 681  
cost of the plugging under the proposed contract is 682  
unreasonable, or that the proposed contract is not a bona fide, 683  
arm's length contract. 684

(c) After receiving the chief's notice of the approval of 685  
the application and permit to plug and abandon a well under 686  
division (E) (2) (b) of this section, the landowner ~~shall~~ may 687



enter into the proposed contract to plug the well. 688

(d) Upon determining that the plugging has been completed 689  
in compliance with the applicable requirements of this chapter 690  
and applicable rules adopted and orders issued under it, the 691  
chief shall pay the contractor for the cost of the plugging and 692  
restoration as set forth in the proposed contract approved by 693  
the chief and changes or costs approved by the chief. The 694  
payment shall be paid from the oil and gas well fund. ~~If The~~ 695  
chief shall only make payments for purposes of division (E) (2) 696  
of this section pursuant to a proper invoice as defined under 697  
section 125.01 of the Revised Code. 698

(e) If the chief determines that the plugging was not 699  
completed in accordance with the applicable requirements, the 700  
chief shall not pay the contractor or landowner for the cost of 701  
the plugging, ~~and the landowner or the contractor, as~~ 702  
~~applicable, promptly shall transfer back to this state title to~~ 703  
~~and possession of the equipment appurtenant to the well that~~ 704  
~~previously was transferred to the landowner under division (E)~~ 705  
~~(2) (b) of this section. If~~ 706

(f) If any such equipment was removed from the well during 707  
the plugging and sold, the ~~landowner shall pay to the chief the~~ 708  
~~proceeds from~~ shall deduct the sale amount of the equipment, ~~and~~ 709  
~~the chief promptly shall pay the moneys so received to the~~ 710  
~~treasurer of state for deposit into the oil and gas well fund~~ 711  
from the payment to the contractor. 712

(g) Changes made to a contract executed under division (E) 713  
(2) of this section due to unanticipated conditions may be 714  
presented to the chief in the form of a written request for 715  
approval of the additional costs prior to completion of the 716  
work. The chief shall determine if the changes are necessary to 717

comply with this chapter and rules adopted and orders issued 718  
under it and if the cost of the changes are reasonable. The 719  
chief shall provide to the contractor a written decision 720  
regarding the proposed changes. If the chief determines that the 721  
changes are not necessary or that the costs are not reasonable, 722  
the chief may either deny the request or establish the amount of 723  
the cost that the chief approves. Work completed prior to 724  
receipt of written approval from the chief is not eligible for 725  
payment, unless waived by the chief. 726

(3) The chief may establish an annual limit on the number 727  
of wells that may be plugged under division (E) (2) of this 728  
section or an annual limit on the expenditures to be made under 729  
that division. The chief may reject an application submitted 730  
under division (E) (2) of this section if the chief determines 731  
that the plugging of other wells take priority. 732

(4) As used in division (E) (2) of this section, "plug" and 733  
"plugging" include the plugging of the well, replugging of a 734  
previously plugged orphaned well or a well for which final 735  
restoration was completed under section 1509.072 of the Revised 736  
Code and rules adopted under it, drilling out or cleanout of a 737  
well bore to remove material from a well, installation of 738  
casings, installation of a vault and vent, restoration, and the 739  
restoration of the land surface disturbed by the plugging. 740

(F) (1) Expenditures from the oil and gas well fund for the 741  
purpose of division (B) (1) (b) of this section may be made 742  
pursuant to contracts entered into by either the chief or 743  
another agency of the state with persons who agree to furnish 744  
~~all of the~~ materials, equipment, work, and labor as specified 745  
and provided in such a contract. The competitive bidding 746  
requirements of Chapter 153. of the Revised Code do not apply if 747

the chief reasonably determines that a situation exists 748  
requiring immediate action for the correction of the applicable 749  
health or safety risk. A contract or purchase of materials for 750  
purposes of addressing the emergency situation is not subject to 751  
division (B) of section 127.16 of the Revised Code. The chief, 752  
designated representatives of the chief, and agents or employees 753  
of persons contracting with the chief to locate, analyze, 754  
stabilize, design, plug, remediate, or restore a well under this 755  
division may enter upon any land, public or private, on which 756  
the well is located, or on parcels needed for access, for the 757  
purpose of performing the work. 758

(2) The chief shall issue an order that requires the owner 759  
of a well to pay the actual documented costs of a corrective 760  
action that is described in division (B) (1) (b) of this section 761  
concerning the well. The chief shall transmit the money so 762  
recovered to the treasurer of state who shall deposit the money 763  
in the state treasury to the credit of the oil and gas well 764  
fund. 765

(G) Contracts entered into by either the chief or another 766  
agency of the state under this section are not subject to any of 767  
the following: 768

- (1) Chapter 4115. of the Revised Code; 769
- (2) ~~Section 153.54~~ Chapter 153. of the Revised Code; 770
- (3) Section 4733.17 of the Revised Code. 771

(H) The owner of land on which a well is located who has 772  
received notice under division (D) (1) (b) of this section, in 773  
lieu of plugging the well in accordance with division (E) (2) of 774  
this section, may cause ownership of the well to be transferred 775  
~~to an owner who is lawfully doing business in this state and who~~ 776

~~has met the financial responsibility requirements established~~ 777  
~~under section 1509.07 of the Revised Code, subject to the~~ 778  
~~approval of the chief. The transfer of ownership also shall be~~ 779  
~~subject to the landowner's filing the appropriate forms required~~ 780  
~~under in accordance with section 1509.31 of the Revised Code and~~ 781  
~~providing to the chief sufficient information to demonstrate the~~ 782  
~~landowner's or owner's right to produce a formation or~~ 783  
~~formations. That information may include a deed, a lease, or~~ 784  
~~other documentation of ownership or property rights.~~ 785

~~The chief shall approve or disapprove by order the~~ 786  
~~transfer of ownership of the well. If the chief approves the~~ 787  
~~transfer, a well is transferred, the owner to whom it is~~ 788  
~~transferred is responsible for operating the well in accordance~~ 789  
~~shall comply with this chapter and rules adopted under it,~~ 790  
~~including, without limitation, all of the following: and~~ 791

~~(1) Filing an application with the chief under section~~ 792  
~~1509.06 of the Revised Code if the owner intends to drill deeper~~ 793  
~~or produce a formation that is not listed in the records of the~~ 794  
~~division for that well;~~ 795

~~(2) Taking shall take title to and possession of the~~ 796  
~~equipment appurtenant to the well that has been identified by~~ 797  
~~the chief as having been abandoned by the former owner;~~ 798

~~(3) Complying with all applicable requirements that are~~ 799  
~~necessary to drill deeper, plug the well, or plug back of the~~ 800  
~~well.~~ 801

(I) The chief may engage in cooperative projects under 802  
this section with any agency of this state, another state, or 803  
the United States; any other governmental agencies; ~~or~~ any state 804  
university or college as defined in section 3345.27 of the 805

Revised Code; or a nonprofit corporation that is exempt from 806  
federal income taxation under section 501(c)(3) of the "Internal 807  
Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract 808  
entered into for purposes of a cooperative project is not 809  
subject to division (B) of section 127.16 of the Revised Code. 810

(J) (1) On or before the close of each calendar quarter, 811  
the chief shall submit a written report to the technical 812  
advisory council established under section 1509.38 of the 813  
Revised Code describing the efforts of the division of oil and 814  
gas resources management to plug ~~idle and~~ orphaned wells during 815  
the immediately preceding calendar quarter. The chief also shall 816  
include in the report all of the following information: 817

(a) The total number of known ~~idle and~~ orphaned wells in 818  
the state and the total number in each county of the state; 819

(b) The total number of newly discovered ~~idle and~~ orphaned 820  
wells during the immediately preceding calendar quarter; 821

(c) The total number of wells plugged in accordance with 822  
this section during the immediately preceding calendar quarter; 823

(d) The total number of wells plugged in accordance with 824  
this section and the estimated average and indirect costs of 825  
plugging activities conducted under this section prior to the 826  
date of the report; 827

(e) The number of wells approved for plugging in 828  
accordance with this section and the estimated average and 829  
indirect costs of plugging activities conducted under this 830  
section during the immediately preceding calendar quarter. 831

(2) Not later than the thirty-first day of March of each 832  
year, the chief and the technical advisory council shall jointly 833  
provide a report containing, at a minimum, the information 834

required to be included in the quarterly reports during the 835  
previous one-year period to all of the following: 836

(a) The speaker of the house of representatives; 837

(b) The president of the senate; 838

(c) The chair of the committee of the house of 839  
representatives responsible for energy and natural resources 840  
issues; 841

(d) The chair of the committee of the senate responsible 842  
for energy and natural resources issues. 843

**Sec. 1509.151.** If a mine operator is about to encounter or 844  
encounters an ~~idle and~~ orphaned well whose existence is 845  
detrimental to the mining operation, the mine operator may plug 846  
the well at ~~his~~ the mine operator's own expense in accordance 847  
with this chapter and rules adopted under it. 848

**Sec. 1513.37.** (A) There is hereby created in the state 849  
treasury the abandoned mine reclamation fund, which shall be 850  
administered by the chief of the division of mineral resources 851  
management. The fund shall consist of grants from the secretary 852  
of the interior from the federal abandoned mine reclamation fund 853  
established by Title IV of the "Surface Mining Control and 854  
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 855  
regulations adopted under it, and amendments to the act and 856  
regulations and the federal "Infrastructure Investment and Jobs 857  
Act," Pub. L. No. 177-58. Expenditures from the abandoned mine 858  
reclamation fund shall be made by the chief for the following 859  
purposes: 860

(1) Reclamation and restoration of land and water 861  
resources adversely affected by past coal mining, including, but 862  
not limited to, reclamation and restoration of abandoned strip 863

mine areas, abandoned coal processing areas, and abandoned coal 864  
refuse disposal areas; sealing and filling of abandoned deep 865  
mine entries and voids; planting of land adversely affected by 866  
past coal mining; prevention of erosion and sedimentation; 867  
prevention, abatement, treatment, and control of water pollution 868  
created by coal mine drainage, including restoration of 869  
streambeds and construction and operation of water treatment 870  
plants; prevention, abatement, and control of burning coal 871  
refuse disposal areas and burning coal in situ; and prevention, 872  
abatement, and control of coal mine subsidence; 873

(2) Acquisition and filling of voids and sealing of 874  
tunnels, shafts, and entryways of noncoal lands; 875

(3) Reclaiming land, public or private, affected by 876  
mining, or controlling mine drainage under section 1513.27 of 877  
the Revised Code in accordance with the requirements of the 878  
federal "Infrastructure Investment and Jobs Act," Pub. L. No. 879  
177-58; 880

(4) Acquisition of land as provided for in this section; 881

~~(4)~~ (5) Administrative expenses incurred in accomplishing 882  
the purposes of this section; 883

~~(5)~~ (6) All other necessary expenses to accomplish the 884  
purposes of this section. 885

(B) Expenditures of money from the abandoned mine 886  
reclamation fund on land and water eligible pursuant to division 887  
(C) of this section shall reflect the following priorities in 888  
the order stated: 889

(1) The protection of public health, safety, general 890  
welfare, and property from extreme danger of adverse effects of 891  
coal mining practices; 892

(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	893 894
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	895 896 897 898 899 900
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	901 902 903
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	904 905 906 907
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.	908 909 910 911
(C) (1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:	912 913 914 915 916
(a) Are lands that were abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws;	917 918 919 920
(b) Are lands for which the chief finds that surface coal	921



mining operations occurred at any time between August 4, 1977, 922  
and August 16, 1982, and that any money for reclamation or 923  
abatement that are available pursuant to a bond, performance 924  
security, or other form of financial guarantee or from any other 925  
source are not sufficient to provide for adequate reclamation or 926  
abatement at the site; 927

(c) Are lands for which the chief finds that surface coal 928  
mining operations occurred at any time between August 4, 1977, 929  
and November 5, 1990, that the surety of the mining operator 930  
became insolvent during that time, and that, as of November 5, 931  
1990, any money immediately available from proceedings relating 932  
to that insolvency or from any financial guarantee or other 933  
source are not sufficient to provide for adequate reclamation or 934  
abatement at the site. 935

(2) In determining which sites to reclaim pursuant to 936  
divisions (C) (1) (b) and (c) of this section, the chief shall 937  
follow the priorities stated in divisions (B) (1) and (2) of this 938  
section and shall ensure that priority is given to those sites 939  
that are in the immediate vicinity of a residential area or that 940  
have an adverse economic impact on a local community. 941

(3) Surface coal mining operations on lands eligible for 942  
remining shall not affect the eligibility of those lands for 943  
reclamation and restoration under this section after the release 944  
of the bond, performance security, or other form of financial 945  
guarantee for any such operation as provided under division (F) 946  
of section 1513.16 of the Revised Code. If the bond, performance 947  
security, or other form of financial guarantee for a surface 948  
coal mining operation on lands eligible for remining is 949  
forfeited, money available under this section may be used if the 950  
amount of the bond, performance security, or other form of 951

financial guarantee is not sufficient to provide for adequate 952  
reclamation or abatement, except that if conditions warrant, the 953  
chief immediately shall exercise the authority granted under 954  
division (L) of this section. 955

(D) The chief may submit to the secretary of the interior 956  
a state reclamation plan and annual projects to carry out the 957  
purposes of this section. 958

(1) The reclamation plan generally shall identify the 959  
areas to be reclaimed, the purposes for which the reclamation is 960  
proposed, the relationship of the lands to be reclaimed and the 961  
proposed reclamation to surrounding areas, the specific criteria 962  
for ranking and identifying projects to be funded, and the legal 963  
authority and programmatic capability to perform the work in 964  
accordance with this section. 965

(2) On an annual basis, the chief may submit to the 966  
secretary an application for support of the abandoned mine 967  
reclamation fund and implementation of specific reclamation 968  
projects. The annual requests shall include such information as 969  
may be requested by the secretary. 970

(3) The costs for each proposed project under this section 971  
shall include actual construction costs, actual operation and 972  
maintenance costs of permanent facilities, planning and 973  
engineering costs, construction inspection costs, and other 974  
necessary administrative expenses. 975

(4) The chief may submit annual and other reports required 976  
by the secretary when funds are provided by the secretary under 977  
either of the following: 978

(a) Title IV of the "Surface Mining Control and 979  
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 980

regulations adopted under it, and amendments to the act and 981  
regulations; 982

(b) The federal "Infrastructure Investment and Jobs Act," 983  
Pub. L. No. 177-58. 984

(E) (1) There is hereby created in the state treasury the 985  
acid mine drainage abatement and treatment fund, which shall be 986  
administered by the chief. The fund shall consist of grants from 987  
the secretary of the interior from the federal abandoned mine 988  
reclamation fund pursuant to section 402(g) (6) of Title IV of 989  
the "Surface Mining Control and Reclamation Act of 1977," 91 990  
Stat. 445, 30 U.S.C.A. 1201. All investment earnings of the fund 991  
shall be credited to the fund. 992

(2) The chief shall make expenditures from the fund, in 993  
consultation with the United States department of agriculture, 994  
soil conservation service, to implement acid mine drainage 995  
abatement and treatment plans approved by the secretary. The 996  
plans shall provide for the comprehensive abatement of the 997  
causes and treatment of the effects of acid mine drainage within 998  
qualified hydrologic units affected by coal mining practices and 999  
shall include at least all of the following: 1000

(a) An identification of the qualified hydrologic unit. As 1001  
used in division (E) of this section, "qualified hydrologic 1002  
unit" means a hydrologic unit that meets all of the following 1003  
criteria: 1004

(i) The water quality in the unit has been significantly 1005  
affected by acid mine drainage from coal mining practices in a 1006  
manner that has an adverse impact on biological resources. 1007

(ii) The unit contains lands and waters that meet the 1008  
eligibility requirements established under division (C) of this 1009

section and any of the priorities established in divisions (B)	1010
(1) to (3) of this section.	1011
(iii) The unit contains lands and waters that are proposed	1012
to be the subject of expenditures from the reclamation	1013
forfeiture fund created in section 1513.18 of the Revised Code	1014
or the mining regulation and safety fund created in section	1015
1513.30 of the Revised Code.	1016
(b) The extent to which acid mine drainage is affecting	1017
the water quality and biological resources within the hydrologic	1018
unit;	1019
(c) An identification of the sources of acid mine drainage	1020
within the hydrologic unit;	1021
(d) An identification of individual projects and the	1022
measures proposed to be undertaken to abate and treat the causes	1023
or effects of acid mine drainage within the hydrologic unit;	1024
(e) The cost of undertaking the proposed abatement and	1025
treatment measures;	1026
(f) An identification of existing and proposed sources of	1027
funding for those measures;	1028
(g) An analysis of the cost-effectiveness and	1029
environmental benefits of abatement and treatment measures.	1030
(3) The chief may make grants of money from the acid mine	1031
drainage abatement and treatment fund to watershed groups for	1032
conducting projects to accomplish the purposes of this section.	1033
A grant may be made in an amount equal to not more than fifty	1034
per cent of each of the following:	1035
(a) Reasonable and necessary expenses for the collection	1036
and analysis of data sufficient to do either or both of the	1037

following: 1038

(i) Identify a watershed as a qualified hydrologic unit; 1039

(ii) Monitor the quality of water in a qualified 1040  
hydrologic unit before, during, and at any time after completion 1041  
of the project by the watershed group. 1042

(b) Engineering design costs and construction costs 1043  
involved in the project, provided that the project is conducted 1044  
in a qualified hydrologic unit and the chief considers the 1045  
project to be a priority. 1046

A watershed group that wishes to obtain a grant under 1047  
division (E) (3) of this section shall submit an application to 1048  
the chief on forms provided by the division of mineral resources 1049  
management, together with detailed estimates and timetables for 1050  
accomplishing the stated goals of the project and any other 1051  
information that the chief requires. 1052

For the purposes of establishing priorities for awarding 1053  
grants under division (E) (3) of this section, the chief shall 1054  
consider each project's feasibility, cost-effectiveness, and 1055  
environmental benefit, together with the availability of 1056  
matching funding, including in-kind services, for the project. 1057

The chief shall enter into a contract for funding with 1058  
each applicant awarded a grant to ensure that the money granted 1059  
~~are~~is used for the purposes of this section and that the work 1060  
that the project involves is done properly. The contract is not 1061  
subject to division (B) of section 127.16 of the Revised Code. 1062  
The final payment of grant money shall not be made until the 1063  
chief inspects and approves the completed project. 1064

The chief shall require each applicant awarded a grant 1065  
under this section who conducts a project involving construction 1066

work to pay workers at the greater of their regular rate of pay, 1067  
as established by contract, agreement, or prior custom or 1068  
practice, or the average wage rate paid in this state for the 1069  
same or similar work performed in the same or a similar locality 1070  
by private companies doing similar work on similar projects. 1071

As used in division (E) (3) of this section, "watershed 1072  
group" means a charitable organization as defined in section 1073  
1716.01 of the Revised Code that has been established for the 1074  
purpose of conducting reclamation of land and waters adversely 1075  
affected by coal mining practices and specifically for 1076  
conducting acid mine drainage abatement. 1077

(F) (1) If the chief makes a finding of fact that land or 1078  
water resources have been adversely affected by past coal mining 1079  
practices; the adverse effects are at a stage where, in the 1080  
public interest, action to restore, reclaim, abate, control, or 1081  
prevent the adverse effects should be taken; the owners of the 1082  
land or water resources where entry must be made to restore, 1083  
reclaim, abate, control, or prevent the adverse effects of past 1084  
coal mining practices are not known or are not readily 1085  
available; or the owners will not give permission for the state, 1086  
political subdivisions, or their agents, employees, or 1087  
contractors to enter upon the property to restore, reclaim, 1088  
abate, control, or prevent the adverse effects of past coal 1089  
mining practices; then, upon giving notice by mail to the 1090  
owners, if known, or, if not known, by posting notice upon the 1091  
premises and advertising once in a newspaper of general 1092  
circulation in the municipal corporation or county in which the 1093  
land lies, the chief or the chief's agents, employees, or 1094  
contractors may enter upon the property adversely affected by 1095  
past coal mining practices and any other property to have access 1096  
to the property to do all things necessary or expedient to 1097

restore, reclaim, abate, control, or prevent the adverse 1098  
effects. The entry shall be construed as an exercise of the 1099  
police power for the protection of the public health, safety, 1100  
and general welfare and shall not be construed as an act of 1101  
condemnation of property nor of trespass on it. The money 1102  
expended for the work and the benefits accruing to any such 1103  
premises so entered upon shall be chargeable against the land 1104  
and shall mitigate or offset any claim in or any action brought 1105  
by any owner of any interest in the premises for any alleged 1106  
damages by virtue of the entry, but this provision is not 1107  
intended to create new rights of action or eliminate existing 1108  
immunities. 1109

(2) The chief or the chief's authorized representatives 1110  
may enter upon any property for the purpose of conducting 1111  
studies or exploratory work to determine the existence of 1112  
adverse effects of past coal mining practices and to determine 1113  
the feasibility of restoration, reclamation, abatement, control, 1114  
or prevention of such adverse effects. The entry shall be 1115  
construed as an exercise of the police power for the protection 1116  
of the public health, safety, and general welfare and shall not 1117  
be construed as an act of condemnation of property nor trespass 1118  
on it. 1119

(3) The chief may acquire any land by purchase, donation, 1120  
or condemnation that is adversely affected by past coal mining 1121  
practices if the chief determines that acquisition of the land 1122  
is necessary to successful reclamation and that all of the 1123  
following apply: 1124

(a) The acquired land, after restoration, reclamation, 1125  
abatement, control, or prevention of the adverse effects of past 1126  
coal mining practices, will serve recreation and historic 1127

purposes, serve conservation and reclamation purposes, or 1128  
provide open space benefits. 1129

(b) Permanent facilities such as a treatment plant or a 1130  
relocated stream channel will be constructed on the land for the 1131  
restoration, reclamation, abatement, control, or prevention of 1132  
the adverse effects of past coal mining practices. 1133

(c) Acquisition of coal refuse disposal sites and all coal 1134  
refuse thereon will serve the purposes of this section or public 1135  
ownership is desirable to meet emergency situations and prevent 1136  
recurrences of the adverse effects of past coal mining 1137  
practices. 1138

(4) (a) Title to all lands acquired pursuant to this 1139  
section shall be in the name of the state. The price paid for 1140  
land acquired under this section shall reflect the market value 1141  
of the land as adversely affected by past coal mining practices. 1142

(b) The chief may receive grants on a matching basis from 1143  
the secretary of the interior for the purpose of carrying out 1144  
this section. 1145

(5) (a) Where land acquired pursuant to this section is 1146  
considered to be suitable for industrial, commercial, 1147  
residential, or recreational development, the chief may sell the 1148  
land by public sale under a system of competitive bidding at not 1149  
less than fair market value and under other requirements imposed 1150  
by rule to ensure that the lands are put to proper use 1151  
consistent with local and state land use plans, if any, as 1152  
determined by the chief. 1153

(b) The chief, when requested, and after appropriate 1154  
public notice, shall hold a public meeting in the county, 1155  
counties, or other appropriate political subdivisions of the 1156



state in which lands acquired pursuant to this section are 1157  
located. The meetings shall be held at a time that shall afford 1158  
local citizens and governments the maximum opportunity to 1159  
participate in the decision concerning the use or disposition of 1160  
the lands after restoration, reclamation, abatement, control, or 1161  
prevention of the adverse effects of past coal mining practices. 1162

(6) In addition to the authority to acquire land under 1163  
division (F)(3) of this section, the chief may use money in the 1164  
fund to acquire land by purchase, donation, or condemnation, and 1165  
to reclaim and transfer acquired land to a political 1166  
subdivision, or to any person, if the chief determines that it 1167  
is an integral and necessary element of an economically feasible 1168  
plan for the construction or rehabilitation of housing for 1169  
persons disabled as the result of employment in the mines or 1170  
work incidental to that employment, persons displaced by 1171  
acquisition of land pursuant to this section, persons dislocated 1172  
as the result of adverse effects of coal mining practices that 1173  
constitute an emergency as provided in the "Surface Mining 1174  
Control and Reclamation Act of 1977," 91 Stat. 466, 30 U.S.C.A. 1175  
1240, or amendments to it, or persons dislocated as the result 1176  
of natural disasters or catastrophic failures from any cause. 1177  
Such activities shall be accomplished under such terms and 1178  
conditions as the chief requires, which may include transfers of 1179  
land with or without monetary consideration, except that to the 1180  
extent that the consideration is below the fair market value of 1181  
the land transferred, no portion of the difference between the 1182  
fair market value and the consideration shall accrue as a profit 1183  
to those persons. No part of the funds provided under this 1184  
section may be used to pay the actual construction costs of 1185  
housing. The chief may carry out the purposes of division (F)(6) 1186  
of this section directly or by making grants and commitments for 1187

grants and may advance money under such terms and conditions as 1188  
the chief may require to any agency or instrumentality of the 1189  
state or any public body or nonprofit organization designated by 1190  
the chief. 1191

(G) (1) Within six months after the completion of projects 1192  
to restore, reclaim, abate, control, or prevent adverse effects 1193  
of past coal mining practices on privately owned land, the chief 1194  
shall itemize the money so expended and may file a statement of 1195  
the expenditures in the office of the county recorder of the 1196  
county in which the land lies, together with a notarized 1197  
appraisal by an independent appraiser of the value of the land 1198  
before the restoration, reclamation, abatement, control, or 1199  
prevention of adverse effects of past coal mining practices if 1200  
the money so expended result in a significant increase in 1201  
property value. The statement shall constitute a lien upon the 1202  
land as of the date of the expenditures of the money and shall 1203  
have priority as a lien second only to the lien of real property 1204  
taxes imposed upon the land. The lien shall not exceed the 1205  
amount determined by the appraisal to be the increase in the 1206  
fair market value of the land as a result of the restoration, 1207  
reclamation, abatement, control, or prevention of the adverse 1208  
effects of past coal mining practices. No lien shall be filed 1209  
under division (G) of this section against the property of any 1210  
person who owned the surface prior to May 2, 1977, and did not 1211  
consent to, participate in, or exercise control over the mining 1212  
operation that necessitated the reclamation performed. 1213

(2) The landowner may petition, within sixty days after 1214  
the filing of the lien, to determine the increase in the fair 1215  
market value of the land as a result of the restoration, 1216  
reclamation, abatement, control, or prevention of the adverse 1217  
effects of past coal mining practices. The amount reported to be 1218

the increase in value of the premises shall constitute the 1219  
amount of the lien and shall be recorded with the statement 1220  
provided in this section. Any party aggrieved by the decision 1221  
may appeal as provided by state law. 1222

(3) The lien provided in division (G) of this section 1223  
shall be recorded and indexed, under the name of the state and 1224  
the landowner, in the official records in the office of the 1225  
county recorder of the county in which the land lies. The county 1226  
recorder shall impose no charge for the recording or indexing of 1227  
the lien. If the land is registered, the county recorder shall 1228  
make a notation and enter a memorial of the lien upon the page 1229  
of the register in which the last certificate of title to the 1230  
land is registered, stating the name of the claimant, amount 1231  
claimed, volume and page of the record where recorded, and exact 1232  
time the memorial was entered. 1233

(4) The lien shall continue in force so long as any 1234  
portion of the amount of the lien remains unpaid. If the lien 1235  
remains unpaid at the time of conveyance of the land on which 1236  
the lien was placed, the conveyance may be set aside. Upon 1237  
repayment in full of the money expended under this section, the 1238  
chief promptly shall issue a certificate of release of the lien. 1239  
Upon presentation of the certificate of release, the county 1240  
recorder of the county in which the lien is recorded shall 1241  
record the lien as having been discharged. 1242

(5) A lien imposed under this section shall be foreclosed 1243  
upon the substantial failure of a landowner to pay any portion 1244  
of the amount of the lien. Before foreclosing any lien under 1245  
this section, the chief shall make a written demand upon the 1246  
landowner for payment. If the landowner does not pay the amount 1247  
due within sixty days, the chief shall refer the matter to the 1248

attorney general, who shall institute a civil action to 1249  
foreclose the lien. 1250

(H) (1) The chief may fill voids, seal abandoned tunnels, 1251  
shafts, and entryways, and reclaim surface impacts of 1252  
underground or strip mines that the chief determines could 1253  
endanger life and property, constitute a hazard to the public 1254  
health and safety, or degrade the environment. 1255

(2) In those instances where mine waste piles are being 1256  
reworked for conservation purposes, the incremental costs of 1257  
disposing of the wastes from those operations by filling voids 1258  
and sealing tunnels may be eligible for funding, provided that 1259  
the disposal of these wastes meets the purposes of this section. 1260

(3) The chief may acquire by purchase, donation, easement, 1261  
or otherwise such interest in land as the chief determines 1262  
necessary to carry out division (H) of this section. 1263

(I) The chief shall report annually to the secretary of 1264  
the interior on operations under the fund and include 1265  
recommendations as to its future uses. 1266

(J) (1) The chief may engage in any work and do all things 1267  
necessary or expedient, including the adoption of rules, to 1268  
implement and administer this section. 1269

(2) The chief may engage in cooperative projects under 1270  
this section with any agency of the United States, any other 1271  
state, or their governmental agencies or with any state 1272  
university or college as defined in section 3345.27 of the 1273  
Revised Code. The cooperative projects are not subject to 1274  
division (B) of section 127.16 of the Revised Code. 1275

(3) The chief may request the attorney general to initiate 1276  
in any court of competent jurisdiction an action in equity for 1277

an injunction to restrain any interference with the exercise of 1278  
the right to enter or to conduct any work provided in this 1279  
section, which remedy is in addition to any other remedy 1280  
available under this section. 1281

(4) The chief may construct or operate a plant or plants 1282  
for the control and treatment of water pollution resulting from 1283  
mine drainage. The extent of this control and treatment may be 1284  
dependent upon the ultimate use of the water. Division (J) (4) of 1285  
this section does not repeal or supersede any portion of the 1286  
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 1287  
U.S.C.A. 1151, as amended, and no control or treatment under 1288  
division (J) (4) of this section, in any way, shall be less than 1289  
that required by that act. The construction of a plant or plants 1290  
may include major interceptors and other facilities appurtenant 1291  
to the plant. 1292

(5) The chief may transfer money from the abandoned mine 1293  
reclamation fund and the acid mine drainage abatement and 1294  
treatment fund to other appropriate state agencies or to state 1295  
universities or colleges in order to carry out the reclamation 1296  
activities authorized by this section. 1297

(K) The chief may contract for any part of work to be 1298  
performed under this section, with or without advertising for 1299  
bids, if the chief determines that a condition exists that could 1300  
reasonably be expected to cause substantial physical harm to 1301  
persons, property, or the environment and to which persons or 1302  
improvements on real property are currently exposed. 1303

The chief shall require every contractor performing 1304  
reclamation work under this section to pay its workers at the 1305  
greater of their regular rate of pay, as established by 1306  
contract, agreement, or prior custom or practice, or the average 1307

wage rate paid in this state for the same or similar work as 1308  
determined by the chief under section 1513.02 of the Revised 1309  
Code. 1310

(L) (1) The chief may contract for the emergency 1311  
restoration, reclamation, abatement, control, or prevention of 1312  
adverse effects of mining practices on eligible lands if the 1313  
chief determines that an emergency exists constituting a danger 1314  
to the public health, safety, or welfare and that no other 1315  
person or agency will act expeditiously to restore, reclaim, 1316  
abate, control, or prevent those adverse effects. The chief may 1317  
enter into a contract for emergency work under division (L) of 1318  
this section without advertising for bids. Any such contract or 1319  
any purchase of materials for emergency work under division (L) 1320  
of this section is not subject to division (B) of section 127.16 1321  
of the Revised Code. 1322

(2) The chief or the chief's agents, employees, or 1323  
contractors may enter on any land where such an emergency 1324  
exists, and on other land in order to have access to that land, 1325  
in order to restore, reclaim, abate, control, or prevent the 1326  
adverse effects of mining practices and to do all things 1327  
necessary or expedient to protect the public health, safety, or 1328  
welfare. Such an entry shall be construed as an exercise of the 1329  
police power and shall not be construed as an act of 1330  
condemnation of property or of trespass. The money expended for 1331  
the work and the benefits accruing to any premises so entered 1332  
upon shall be chargeable against the land and shall mitigate or 1333  
offset any claim in or any action brought by any owner of any 1334  
interest in the premises for any alleged damages by virtue of 1335  
the entry. This provision is not intended to create new rights 1336  
of action or eliminate existing immunities. 1337

**Sec. 3781.06.** (A) (1) Any building that may be used as a 1338  
place of resort, assembly, education, entertainment, lodging, 1339  
dwelling, trade, manufacture, repair, storage, traffic, or 1340  
occupancy by the public, any residential building, and all other 1341  
buildings or parts and appurtenances of those buildings erected 1342  
within this state, shall be so constructed, erected, equipped, 1343  
and maintained that they shall be safe and sanitary for their 1344  
intended use and occupancy. 1345

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 1346  
3791.04 of the Revised Code shall be construed to limit the 1347  
power of the division of industrial compliance of the department 1348  
of commerce to adopt rules of uniform application governing 1349  
manufactured home parks pursuant to section 4781.26 of the 1350  
Revised Code. 1351

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of 1352  
the Revised Code do not apply to ~~either~~any of the following: 1353

(1) Buildings or structures that are incident to the use 1354  
for agricultural purposes of the land on which the buildings or 1355  
structures are located, provided those buildings or structures 1356  
are not used in the business of retail trade. For purposes of 1357  
this division, a building or structure is not considered used in 1358  
the business of retail trade if fifty per cent or more of the 1359  
gross income received from sales of products in the building or 1360  
structure by the owner or operator is from sales of products 1361  
produced or raised in a normal crop year on farms owned or 1362  
operated by the seller. 1363

(2) Existing single-family, two-family, and three-family 1364  
detached dwelling houses for which applications have been 1365  
submitted to the director of job and family services pursuant to 1366  
section 5104.03 of the Revised Code for the purposes of 1367

operating type A family day-care homes as defined in section 1368  
5104.01 of the Revised Code; 1369

(3) A mobile computing unit. As used in this division, 1370  
"mobile computing unit" means an assembly that meets all of the 1371  
following criteria: 1372

(a) Its purpose is to house and operate computers as 1373  
defined in section 2913.01 of the Revised Code. 1374

(b) Its exterior is integral to the protection or cooling, 1375  
or both, of the computers housed within it. 1376

(c) It is not attached to a permanent foundation. 1377

(d) It is not accessible to the public. 1378

(e) It is not designed for regular occupancy, but rather 1379  
limited access for service and maintenance. 1380

(f) It can be moved or transported as a single integrated 1381  
unit. 1382

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of 1383  
the Revised Code: 1384

(1) "Agricultural purposes" include agriculture, farming, 1385  
dairying, pasturage, apiculture, algaculture meaning the farming 1386  
of algae, horticulture, floriculture, viticulture, ornamental 1387  
horticulture, olericulture, pomiculture, and animal and poultry 1388  
husbandry. 1389

(2) "Building" means any structure consisting of 1390  
foundations, walls, columns, girders, beams, floors, and roof, 1391  
or a combination of any number of these parts, with or without 1392  
other parts or appurtenances. 1393

(3) "Industrialized unit" means a building unit or 1394



assembly of closed construction fabricated in an off-site 1395  
facility, that is substantially self-sufficient as a unit or as 1396  
part of a greater structure, and that requires transportation to 1397  
the site of intended use. "Industrialized unit" includes units 1398  
installed on the site as independent units, as part of a group 1399  
of units, or incorporated with standard construction methods to 1400  
form a completed structural entity. "Industrialized unit" does 1401  
not include a manufactured home as defined by division (C) (4) of 1402  
this section or a mobile home as defined by division (O) of 1403  
section 4501.01 of the Revised Code. 1404

(4) "Manufactured home" means a building unit or assembly 1405  
of closed construction that is fabricated in an off-site 1406  
facility and constructed in conformance with the federal 1407  
construction and safety standards established by the secretary 1408  
of housing and urban development pursuant to the "Manufactured 1409  
Housing Construction and Safety Standards Act of 1974," 88 Stat. 1410  
700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or 1411  
tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying 1412  
compliance with all applicable federal construction and safety 1413  
standards. 1414

(5) "Permanent foundation" means permanent masonry, 1415  
concrete, or a footing or foundation approved by the division of 1416  
industrial compliance of the department of commerce pursuant to 1417  
Chapter 4781. of the Revised Code, to which a manufactured or 1418  
mobile home may be affixed. 1419

(6) "Permanently sited manufactured home" means a 1420  
manufactured home that meets all of the following criteria: 1421

(a) The structure is affixed to a permanent foundation and 1422  
is connected to appropriate facilities; 1423

(b) The structure, excluding any addition, has a width of 1424  
at least twenty-two feet at one point, a length of at least 1425  
twenty-two feet at one point, and a total living area, excluding 1426  
garages, porches, or attachments, of at least nine hundred 1427  
square feet; 1428

(c) The structure has a minimum 3:12 residential roof 1429  
pitch, conventional residential siding, and a six-inch minimum 1430  
eave overhang, including appropriate guttering; 1431

(d) The structure was manufactured after January 1, 1995; 1432

(e) The structure is not located in a manufactured home 1433  
park as defined by section 4781.01 of the Revised Code. 1434

(7) "Safe," with respect to a building, means it is free 1435  
from danger or hazard to the life, safety, health, or welfare of 1436  
persons occupying or frequenting it, or of the public and from 1437  
danger of settlement, movement, disintegration, or collapse, 1438  
whether such danger arises from the methods or materials of its 1439  
construction or from equipment installed therein, for the 1440  
purpose of lighting, heating, the transmission or utilization of 1441  
electric current, or from its location or otherwise. 1442

(8) "Sanitary," with respect to a building, means it is 1443  
free from danger or hazard to the health of persons occupying or 1444  
frequenting it or to that of the public, if such danger arises 1445  
from the method or materials of its construction or from any 1446  
equipment installed therein, for the purpose of lighting, 1447  
heating, ventilating, or plumbing. 1448

(9) "Residential building" means a one-family, two-family, 1449  
or three-family dwelling house, and any accessory structure 1450  
incidental to that dwelling house. "Residential building" 1451  
includes a one-family, two-family, or three-family dwelling 1452

house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C) (3) of this section, a manufactured home as defined by division (C) (4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

**Sec. 3781.106.** (A) As used in this section:

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Nonresidential building" means a building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences, or erections thereon or therein. "Nonresidential building" does not include an institution of higher education, private school, or public school, as defined

in this section. 1482

(3) "Owner" means an individual or entity possessing title 1483  
to a nonresidential building or an authorized agent of the 1484  
owner. 1485

(4) "Private school" means a chartered nonpublic school or 1486  
a nonchartered nonpublic school. 1487

(5) "Public school" means any school operated by a school 1488  
district board of education, any community school established 1489  
under Chapter 3314. of the Revised Code, any STEM school 1490  
established under Chapter 3326. of the Revised Code, and any 1491  
college-preparatory boarding school established under Chapter 1492  
3328. of the Revised Code. 1493

(6) "School building" means a structure used for the 1494  
instruction of students by a public or private school or 1495  
institution of higher education. 1496

(B) (1) The board of building standards shall adopt rules, 1497  
in accordance with Chapter 119. of the Revised Code, for the use 1498  
of a device by a staff member of a public or private school or 1499  
institution of higher education that prevents both ingress and 1500  
egress through a door in a school building, for a finite period 1501  
of time, in an emergency situation, and during active shooter 1502  
drills. The rules shall provide that the use of a device is 1503  
permissible only if the device requires minimal steps to remove 1504  
it after it is engaged. 1505

The rules shall provide that the administrative authority 1506  
of a building notify the police chief, or equivalent, of the law 1507  
enforcement agency that has jurisdiction over the building, and 1508  
the fire chief, or equivalent, of the fire department that 1509  
serves the political subdivision in which the building is 1510

located, prior to the use of such devices in a building. 1511

The rules may require that the device be visible from the 1512  
exterior of the door. 1513

~~(B) (2)~~ The device described in division ~~(A) (B) (1)~~ of 1514  
this section shall not be permanently mounted to the door. 1515

~~(C) (3)~~ Each public and private school and institution of 1516  
higher education shall provide its staff members in-service 1517  
training on the use of the device described in division ~~(A) (B)~~ 1518  
~~(1)~~ of this section. The school shall maintain a record 1519  
verifying this training on file. 1520

~~(D) (4)~~ In consultation with the state board of education 1521  
and the chancellor of higher education, the board shall 1522  
determine and include in the rules a definition of "emergency 1523  
situation." These rules shall apply to both existing and new 1524  
school buildings. 1525

~~(E) As used in this section:~~ 1526

~~(1) "Institution of higher education" means a state 1527  
institution of higher education as defined in section 3345.011- 1528  
of the Revised Code, a private nonprofit college or university 1529  
located in this state that possesses a certificate of 1530  
authorization issued pursuant to Chapter 1713. of the Revised 1531  
Code, or a school located in this state that possesses a 1532  
certificate of registration and one or more program 1533  
authorizations issued by the state board of career colleges and 1534  
schools under Chapter 3332. of the Revised Code. 1535~~

~~(2) "Private school" means a chartered nonpublic school or 1536  
a nonchartered nonpublic school. 1537~~

~~(3) "Public school" means any school operated by a school 1538~~

~~district board of education, any community school established~~ 1539  
~~under Chapter 3314. of the Revised Code, any STEM school~~ 1540  
~~established under Chapter 3326. of the Revised Code, and any~~ 1541  
~~college preparatory boarding school established under Chapter~~ 1542  
~~3328. of the Revised Code.~~ 1543

~~(4) "School building" means a structure used for the~~ 1544  
~~instruction of students by a public or private school or~~ 1545  
~~institution of higher education.~~ 1546

(C) (1) The board of building standards shall adopt rules, 1547  
in accordance with Chapter 119. of the Revised Code, for the use 1548  
of a device by the owner, or a person authorized by the owner, 1549  
of a nonresidential building that prevents both ingress and 1550  
egress through a door in the building, for a finite period of 1551  
time, in an emergency situation, and during active shooter 1552  
drills. The rules shall provide that the use of a device is 1553  
permissible only if the device requires minimal steps to remove 1554  
it after it is engaged. 1555

The rules shall require the owner of a building notify the 1556  
police chief, or equivalent, of the law enforcement agency that 1557  
has jurisdiction over the building, and the fire chief, or 1558  
equivalent, of the fire department that serves the political 1559  
subdivision in which the building is located, prior to the use 1560  
of such devices in a building. 1561

The rules may require that the device be visible from the 1562  
exterior of the door. 1563

(2) The device described in division (C) (1) of this 1564  
section shall not be permanently mounted to the door. 1565

(3) Each owner of a nonresidential building shall provide 1566  
any person that may use the device described in division (C) (1) 1567

of this section training on the use of the device. The owner of 1568  
the building shall maintain a record verifying this training on 1569  
file. 1570

(4) The board shall determine and include in the rules a 1571  
definition of "emergency situation" for purposes of division (C) 1572  
(1) of this section. These rules shall apply to both existing 1573  
and new nonresidential buildings. 1574

(D) Any provision of the state fire code that is in 1575  
conflict with this section or section 3737.84 of the Revised 1576  
Code is unenforceable. 1577

**Sec. 3781.27.** (A) In order to ascertain the name of each 1578  
utility with underground utility facilities located at the 1579  
proposed excavation site and the types and tolerance zones of 1580  
those facilities based on current records of the utility, any 1581  
developer who is planning a project that will require excavation 1582  
or the designer employed by the developer for the project shall 1583  
notify a protection service of the location of the proposed 1584  
excavation site. 1585

(B) Except in the case of limited basis participants, the 1586  
protection service shall provide notice of the proposed 1587  
excavation to each participant in the service that has 1588  
underground utility facilities in the area of the proposed 1589  
excavation site. Except as provided in section 3781.271 of the 1590  
Revised Code, in the case of limited basis participants, the 1591  
protection service shall notify the developer or the designer 1592  
employed by the developer of the name of each limited basis 1593  
participant with underground utility facilities within the 1594  
municipal corporation or township and county of the proposed 1595  
excavation site, and the developer or designer shall contact 1596  
that utility. 1597

(C) (1) Each utility that has any underground utility 1598  
facilities in the area of the proposed excavation site shall 1599  
notify the developer or the designer employed by the developer 1600  
of the locations and description of the utility's underground 1601  
utility facilities located at the proposed excavation site in 1602  
accordance with division (C) (2) of this section. The utility 1603  
shall make this notification within ten working days of 1604  
receiving a notice under division (B) of this section or by a 1605  
later date acceptable to the developer or designer and utility. 1606  
~~In-If the case-proposed project is within six hundred sixty feet~~ 1607  
of the center point of an interstate hazardous liquid pipeline 1608  
or an interstate gas pipeline, the utility ~~also~~ shall provide 1609  
written notice to the developer or designer of any special 1610  
notification requirements and identify its primary contact 1611  
person for the project area. 1612

(2) If requested by the developer or the designer employed 1613  
by the developer, each utility shall do one of the following in 1614  
order to comply with the notification requirements of division 1615  
(C) (1) of this section: 1616

(a) Mark the location of the underground utility 1617  
facilities, other than those facilities serving single-family or 1618  
two-, three-, or four-unit dwellings, at the proposed excavation 1619  
site in accordance with the marking standards described in 1620  
division (C) of section 3781.29 of the Revised Code; 1621

(b) Provide digital or paper drawings, or both, that meet 1622  
both of the following requirements: 1623

(i) They are drawn to scale and include locatable items. 1624  
Locatable items may include poles, pedestals, back of curb, 1625  
sidewalk, edge of pavement, centerline of ditch, property lines, 1626  
and other similar items. 1627



(ii) They depict the location of the underground utility facilities. 1628  
1629

(3) In the case of an interstate hazardous pipeline and an interstate gas pipeline, the utility shall also provide the location and description of any right-of-way associated with the underground utility facilities as well as pipeline location information, such as providing documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps. 1630  
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Compliance with ~~division~~ divisions (C) (2) and (3) of this section does not relieve a utility from compliance with the marking requirements of section 3781.29 of the Revised Code. 1637  
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(D) The utility shall determine if any relocation, support, or removal, or protective steps beyond those described in divisions (A) (1) to (5) of section 3781.30 of the Revised Code are required in order to prevent disturbance or interference with the underground utility facilities during excavation. The utility shall determine whether it will permit the developer or the designer employed by the developer to make those adjustments, and, if the adjustments are to be made by the utility, a reasonable amount of time necessary to make those adjustments. 1640  
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(E) (1) Based on the information provided pursuant to division (C) of this section, the developer or the designer employed by the developer shall indicate the approximate locations of underground utility facilities either on or with the plans prepared for the project. The developer or designer shall include with the plans the names, addresses, and telephone numbers of utilities with underground facilities at the excavation site, indicating which utilities are limited basis 1650  
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participants; the name and telephone number of any appropriate 1658  
protection service; and any required adjustments as described in 1659  
division (D) of this section, including the reasonable time 1660  
necessary for the utility to make those adjustments. In the case 1661  
of an interstate hazardous liquid pipeline or an interstate gas 1662  
pipeline, the developer or designer also shall include ~~any~~all 1663  
of the following: 1664

(a) Any special notification requirements; 1665

(b) The name and contact information of the primary 1666  
contact person for each pipeline operator who has provided 1667  
notice to the developer or designer under division (C) (1) of 1668  
this section; 1669

(c) Notice stating that the developer or designer has 1670  
utilized reasonable means to contact the pipeline operator to 1671  
verify the location of the pipeline and pipeline rights-of-way. 1672  
Developers and designers who provide notice to the protection 1673  
service in accordance with division (A) of this section are 1674  
deemed to have complied with the notification requirement under 1675  
this division. 1676

(d) Notice that the developer or designer has reviewed, or 1677  
attempted to review, preliminary information about the proposed 1678  
development with the pipeline operator and incorporated 1679  
requested adjustments into the plans. 1680

(2) (a) Except as otherwise provided in division (E) (2) (b) 1681  
of this section, the developer or designer shall provide the 1682  
plans to the commercial excavator prior to entering into a 1683  
contract that involves such excavation. If the developer does 1684  
not prepare written plans or have any written plans prepared, 1685  
the developer shall otherwise provide the approximate locations, 1686

identifying information on the utilities, information on 1687  
required adjustments, and any special notification requirements 1688  
to the commercial excavator before excavation begins. 1689

(b) When the developer is a utility, the utility shall 1690  
provide either the plans or the approximate locations, 1691  
identifying information on the utilities, information on 1692  
required adjustments, and any special notification requirements 1693  
to the excavator before excavation begins. 1694

(3) The developer or designer shall design the project 1695  
taking into account the approximate location of existing 1696  
underground utility facilities in order to prevent, as far as is 1697  
practicable, disturbance or interference with those facilities. 1698

(4) When a project includes installation of new 1699  
underground utility facilities, the developer or designer shall 1700  
attempt to design the installation so that at least a twelve- 1701  
inch clearance is provided between the facilities. No facility 1702  
shall be installed with less than a twelve-inch clearance unless 1703  
the owners of existing facilities are notified, in writing, 1704  
prior to installation. 1705

(F) (1) This section does not apply in the case of a 1706  
utility making emergency repair to its own underground utility 1707  
facility. 1708

(2) This section does not apply in the case of the owner 1709  
of the types of real property identified in divisions (C) (1) to 1710  
(4) of section 3781.25 of the Revised Code, unless the owner 1711  
employs a designer to make written plans for work that will 1712  
involve excavation. If the owner employs a designer, the 1713  
designer shall contact a protection service and utilities that 1714  
are limited basis participants in accordance with divisions (A) 1715

and (B) of this section, and shall include in or with the plans 1716  
the information required under division (E) of this section. The 1717  
owner shall provide that information to the excavator. 1718

(G) A public authority, as defined in section 153.64 of 1719  
the Revised Code, may withhold approval to a project until the 1720  
requirements of this section have been satisfied by the 1721  
developer and utility, as applicable. A public authority may 1722  
rely solely upon the notice submitted under division (E) of this 1723  
section when determining whether the requirements of this 1724  
section have been satisfied for purposes of granting final 1725  
approval of such development. A public authority is immune from 1726  
liability related to the approval or construction of such 1727  
development when the approval is based upon information as 1728  
provided in this division. 1729

**Sec. 4927.102.** Notwithstanding any other provision of this 1730  
chapter, the public utilities commission shall not, in 1731  
connection with any proceeding pursuant to section 4927.07 or 1732  
4927.10 of the Revised Code, impose on any provider of 1733  
telecommunications service, wireless service, or internet 1734  
protocol-enabled services any notice requirement, withdrawal or 1735  
abandonment restrictions, buildout requirements, or any other 1736  
regulatory requirement or restriction that is not generally 1737  
applicable to the service or the provider in other contexts. 1738

**Sec. 5321.01.** As used in this chapter: 1739

(A) "Tenant" means a person entitled under a rental 1740  
agreement to the use and occupancy of residential premises to 1741  
the exclusion of others. 1742

(B) "Landlord" means the owner, lessor, or sublessor of 1743  
residential premises, the agent of the owner, lessor, or 1744

sublessor, or any person authorized by the owner, lessor, or 1745  
sublessor to manage the premises or to receive rent from a 1746  
tenant under a rental agreement. 1747

(C) "Residential premises" means a dwelling unit for 1748  
residential use and occupancy and the structure of which it is a 1749  
part, the facilities and appurtenances in it, and the grounds, 1750  
areas, and facilities for the use of tenants generally or the 1751  
use of which is promised the tenant. "Residential premises" 1752  
includes a dwelling unit that is owned or operated by a college 1753  
or university. "Residential premises" does not include any of 1754  
the following: 1755

(1) Prisons, jails, workhouses, and other places of 1756  
incarceration or correction, including, but not limited to, 1757  
halfway houses or residential arrangements that are used or 1758  
occupied as a requirement of a community control sanction, a 1759  
post-release control sanction, or parole; 1760

(2) Hospitals and similar institutions with the primary 1761  
purpose of providing medical services, and homes licensed 1762  
pursuant to Chapter 3721. of the Revised Code; 1763

(3) Tourist homes, hotels, motels, recreational vehicle 1764  
parks, recreation camps, combined park-camps, temporary park- 1765  
camps, and other similar facilities where circumstances indicate 1766  
a transient occupancy; 1767

(4) Elementary and secondary boarding schools, where the 1768  
cost of room and board is included as part of the cost of 1769  
tuition; 1770

(5) Orphanages and similar institutions; 1771

(6) Farm residences furnished in connection with the 1772  
rental of land of a minimum of two acres for production of 1773

agricultural products by one or more of the occupants;	1774
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	1775 1776
(8) Occupancy by an owner of a condominium unit;	1777
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	1778 1779 1780 1781 1782 1783 1784
(a) The occupancy is for a period of less than sixty days.	1785
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	1786 1787 1788 1789
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	1790 1791 1792 1793 1794
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	1795 1796
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of	1797 1798 1799 1800 1801

domestic violence, and juvenile runaways. 1802

(D) "Rental agreement" means any agreement or lease, 1803  
written or oral, which establishes or modifies the terms, 1804  
conditions, rules, amount of rent charged or paid, or any other 1805  
provisions concerning the use and occupancy of residential 1806  
premises by one of the parties. 1807

(E) "Security deposit" means any deposit of money or 1808  
property to secure performance by the tenant under a rental 1809  
agreement. 1810

(F) "Dwelling unit" means a structure or the part of a 1811  
structure that is used as a home, residence, or sleeping place 1812  
by one person who maintains a household or by two or more 1813  
persons who maintain a common household. 1814

(G) "Controlled substance" has the same meaning as in 1815  
section 3719.01 of the Revised Code. 1816

(H) "Student tenant" means a person who occupies a 1817  
dwelling unit owned or operated by the college or university at 1818  
which the person is a student, and who has a rental agreement 1819  
that is contingent upon the person's status as a student. 1820

(I) "Recreational vehicle park," "recreation camp," 1821  
"combined park-camp," and "temporary park-camp" have the same 1822  
meanings as in section 3729.01 of the Revised Code. 1823

(J) "Community control sanction" has the same meaning as 1824  
in section 2929.01 of the Revised Code. 1825

(K) "Post-release control sanction" has the same meaning 1826  
as in section 2967.01 of the Revised Code. 1827

(L) "School premises" has the same meaning as in section 1828  
2925.01 of the Revised Code. 1829

(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 1830  
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(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code. 1833  
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(O) "Rent control" means requiring below-market rents for residential premises or controlling rental rates for residential premises in any manner, including by prohibiting rent increases, regulating rental rate changes between tenancies, limiting rental rate increases, regulating the rental rates of residential premises based on income or wealth of tenants, and other forms of restraint or limitation of rental rates. 1835  
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(P) "Rent stabilization" means allowing rent increases for residential premises of a fixed amount or on a fixed schedule as set by a political subdivision. 1842  
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(Q) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 1845  
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**Sec. 5321.19.** ~~No municipal corporation~~ (A) Except as provided in division (B) of this section, no political subdivision may enact, adopt, renew, maintain, enforce, or continue in existence any ordinance and no township may adopt or continue in existence any resolution charter provision, ordinance, resolution, rule, or other measure that is in conflict with this chapter, or that regulates the rights and obligations of parties to a rental agreement that are regulated by this chapter, including, without limitation, by any way imposing or requiring rent control or rent stabilization. ~~This~~ 1849  
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(B) This chapter does not preempt any housing of the 1859  
following: 1860

(1) Housing, building, health, or safety code, or any 1861  
ordinance as described in division (A) (9) of section 5321.04 of 1862  
the Revised Code, of any ~~municipal corporation or~~ 1863  
~~township~~ political subdivision; 1864

(2) Charter provision, ordinance, resolution, rule, or 1865  
other measure of a political subdivision that regulates, or has 1866  
the effect of regulating in any way, rent charged or paid for 1867  
the use of residential premises that such political subdivision 1868  
owns or operates; 1869

(3) A political subdivision from adopting any charter 1870  
provision, ordinance, resolution, rule, or other measure to 1871  
implement a plan to use voluntary incentives or agreements that 1872  
regulates, or has the effect of regulating in any way, rent 1873  
charged or paid for the use of residential premises so long as 1874  
such regulating is related to voluntary incentives or agreements 1875  
to increase or maintain the supply or improve the quality of 1876  
available residential premises, including, without limitation, 1877  
incentives authorized by federal law, the incentives set forth 1878  
in sections 3735.65 to 3735.70 of the Revised Code, tax 1879  
abatements, tax credit financing, bond or other financing, or 1880  
loans or grants from the political subdivision. 1881

**Sec. 5321.20.** The general assembly finds and declares that 1882  
maintenance of an adequate housing supply, including access to 1883  
livable, clean, and well-maintained residential rental premises, 1884  
in the state of Ohio is an urgent statewide priority and 1885  
necessary to the well-being of Ohioans. In furtherance of that 1886  
finding and declaration, the general assembly further finds and 1887  
declares that rent control and rent stabilization measures may 1888

<u>do any of the following:</u>	1889
<u>(A) Suppress rental and property values and thereby</u>	1890
<u>discourage maintenance, upkeep, and rehabilitation of existing</u>	1891
<u>residential premises and construction of new residential</u>	1892
<u>premises;</u>	1893
<u>(B) Incentivize landlords to convert residential premises</u>	1894
<u>to condominiums, cooperatives, and other types of housing,</u>	1895
<u>thereby removing such residential premises from availability on</u>	1896
<u>the rental market;</u>	1897
<u>(C) Lower property tax revenues for state and local</u>	1898
<u>governments and political subdivisions;</u>	1899
<u>(D) Lead to deterioration of residential premises;</u>	1900
<u>(E) Discourage turnover of residential premises and thus</u>	1901
<u>deprive potential tenants of the ability to rent such premises</u>	1902
<u>and result in misallocation of residential premises;</u>	1903
<u>(F) Impede the sale of residential premises;</u>	1904
<u>(G) Discourage investment in new and existing residential</u>	1905
<u>premises, especially during times of rising material costs and</u>	1906
<u>labor shortages;</u>	1907
<u>(H) Have an adverse effect, due to lack of adequate</u>	1908
<u>housing, on individuals who seek employment in areas with scarce</u>	1909
<u>available housing and on employers who seek employees in such</u>	1910
<u>areas;</u>	1911
<u>(I) Distort the functioning of the market for residential</u>	1912
<u>premises;</u>	1913
<u>(J) Impose substantial administrative and enforcement</u>	1914
<u>expenses on political subdivisions;</u>	1915

(K) Retroactively deprive owners of residential premises 1916  
of property rights. 1917

The general assembly therefore finds and declares that, 1918  
for these reasons, attainment of an adequate housing supply is a 1919  
matter of overriding statewide interest that requires a uniform 1920  
approach to rent control and rent stabilization measures in 1921  
residential premises throughout the state. The general assembly 1922  
finds and declares that Chapter 5321. of the Revised Code is a 1923  
statewide and comprehensive legislative enactment regulating all 1924  
aspects of the landlord-tenant relationship with respect to 1925  
residential premises. The general assembly further finds and 1926  
declares that the imposition of rent control and rent 1927  
stabilization on private residential premises by any political 1928  
subdivision is a matter of statewide concern and would be 1929  
inconsistent with the statewide, comprehensive legislative 1930  
enactment in this chapter. Therefore, rent control and rent 1931  
stabilization of private residential premises that are regulated 1932  
by this chapter is a matter of general statewide concern that 1933  
requires uniform statewide regulation. The general assembly 1934  
reiterates, by the enactment of Chapter 5321. of the Revised 1935  
Code, that it is the intent of the general assembly to preempt 1936  
political subdivisions from regulating the rights and 1937  
obligations of parties to a rental agreement that are regulated 1938  
by this chapter, including through the imposition of rent 1939  
control and rent stabilization in any manner. 1940

**Section 2.** That existing sections 153.64, 1509.01, 1941  
1509.071, 1509.151, 1513.37, 3781.06, 3781.106, 3781.27, 1942  
5321.01, and 5321.19 of the Revised Code are hereby repealed. 1943

**Section 3.** Not later than ninety days after the effective 1944  
date of this section, the Public Utilities Commission shall 1945

amend its rules to the extent necessary to bring them into  
conformity with section 4927.102 of the Revised Code.

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