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H.B. 430
134th General Assembly

Bill Analysis

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Primary Sponsor: Rep. Cross

Rocky Hernandez, Attorney
Amanda George Goodman, Attorney
Carla Napolitano, Attorney
Nick Thomas, Research Analyst

SUMMARY

Interstate hazardous liquid or gas pipelines

- Requires that if a public improvement is within 660 feet of the center point of any interstate hazardous liquid pipeline or interstate gas pipeline, the pipeline operator must provide specified information to the public authority constructing the public improvement.
- Requires that if the public authority is notified that the public improvement is 660 feet of the center point of an interstate hazardous liquid pipeline or interstate gas pipeline, the public authority must include in the plans and specifications information specified in the bill related to the pipeline.
- Requires a utility to provide the location information of an interstate hazardous pipeline or interstate gas pipeline to a developer or designer of a proposed project requiring excavation when the project is within 660 feet of a center point of the pipeline.
- Requires the developer and designer to include the notice information provided by the utility of the interstate hazardous pipeline and interstate gas pipeline in the developer's or designer's plans and specifications.
- Authorizes a public authority to withhold approval to a project until the requirements have been satisfied by the developer and the utility.
- Provides that a public authority is immune from liability related to the approval or construction of the development when the approval is based on information provided by the developer in the plans and specifications.

Mobile computing units and building regulations

- Exempts “mobile computing units” from statutes governing the construction and condition of buildings and related rules adopted by the Board of Building Standards.
- Defines “mobile computing unit” as an assembly that meets certain criteria.

Ingress/egress obstructions

- Requires the Board of Building Standards to adopt rules providing for the use of a device in a nonresidential building that prevents both ingress and egress through a door in the building for a finite period of time, in an emergency situation, and during active shooter drills.

PUCO regulatory restrictions

- Prohibits the Public Utilities Commission of Ohio (PUCO), in certain service abandonment or withdrawal proceedings, from imposing on certain telecommunication providers or service any regulatory requirement or restriction that is not generally applicable to the service or provider in other contexts.
- Requires PUCO, within 90 days of the bill’s effective, to adopt rules to implement the provisions described immediately above.

Rent control and rent stabilization

- Specifies that the existing law prohibition preventing a municipal corporation or township from adopting any regulation that is in conflict or that regulates the rights and obligations of parties to a rental agreement regulated by the Landlord and Tenant Law applies to all political subdivisions.
- Prohibits rent control and rent stabilization regulations adopted by political subdivisions, specifying that these are considered rental agreement regulations covered by the state Landlord and Tenant Law.
- Allows political subdivisions to adopt and enforce rent control and rent stabilization regulations in specified circumstances.
- Makes legislative findings relating to rent control and rent stabilization regulations.

Orphaned well plugging

- Revises the law governing idle and orphaned oil and gas wells (which, under current law are wells for which a bond has been forfeited or an abandoned well for which no money is available to plug the well).
- Renames that term “orphaned well” and specifies that an orphaned well is a well that was not properly plugged or its land surface restored in accordance with the Oil and Gas Law to which either of the following apply:
 - The well owner is unknown, deceased, or cannot be located and the well is abandoned; or

- The owner has abandoned the well and there is no money available to plug the well in accordance with that Law.
- Alters the current procedures that apply to plugging an idle and orphaned well and applies those procedures to orphaned wells, including all of the following:
 - Streamlining procedures for reporting and evaluating orphaned wells;
 - Modifying the requirements and procedures governing contracts to plug an orphaned well;
 - Revising the procedures that allow a landowner to plug an orphaned well;
 - Modifying the authorized uses of the Oil and Gas Well Fund.

Use of Abandoned Mine Reclamation Fund

- Allows money from the federal Infrastructure Investment and Jobs Act to be deposited in the Abandoned Mine Reclamation Fund.
- Allows the ODNR Division of Mineral Resources Management to use the money for reclaiming land affected by mining or controlling mine drainage in accordance with the requirements of the federal Act.

Ohio Work Zone Safety Awareness Month

- Designates April as “Ohio Work Zone Safety Awareness Month.”

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DETAILED ANALYSIS

General overview

The bill makes a variety of changes to current Ohio law regarding underground utility facilities, oil and gas wells, building regulations, telecommunications, and landlord-tenant law. Below are brief summaries of the bill’s major provisions.

First, the bill adds provisions regarding public improvements around interstate hazardous liquid and interstate gas pipelines. Current Ohio law imposes various responsibilities upon public entities, contractors, and owners of underground utility facilities (such as items buried or submerged for use in connection with the storage or conveyance of water or sewage, electronic communications, electricity, or petroleum products or natural gas) to protect those facilities during the construction of public improvements.¹ Similarly, the law imposes various responsibilities on the utilities, excavators, developers, and designers related to the operation and protection of underground utility facilities during development projects.² The bill adds similar responsibilities to these entities for the protection of interstate hazardous liquid pipelines and interstate gas pipelines.

Next, the bill amends Ohio law governing idle and orphaned oil and gas wells including replacement of the term “idle and orphaned oil and gas well” with “orphaned well” and applying new criteria as well as altering the current procedures applicable to plugging such a well.

Additionally, the bill allows money from the federal Infrastructure Investment and Jobs Act to be deposited into the Abandoned Mine Reclamation Fund for use in funding projects to reclaim land affected by mining or control mine drainage in accordance with the requirements of the federal Act.

The bill makes further changes to some standards adopted by the Board of Building Standards regarding “mobile computing units,” including exempting them from statutes governing the construction and condition of buildings and related rules adopted by the Board. Additionally, the bill requires the Board to adopt rules for the use of a device in a nonresidential building that prevents both ingress and egress through a door in the building for a finite period of time, in an emergency situation, and during active shooter drills.

The bill also prohibits the Public Utilities Commission of Ohio (PUCO) from imposing certain regulatory restrictions on various telecommunication providers and services during proceedings related to the withdrawal or abandonment of certain services.

Changes to Ohio landlord-tenant law are also made by the bill. First, the bill applies an existing prohibition against municipal corporations or townships from interfering in rental

¹ R.C. 153.64.

² R.C. 3781.25 through 3781.38.

agreements to all political subdivisions. Additionally, with some exceptions, the bill prohibits political subdivisions from enacting any type of rent control or rent stabilization regulations and makes some legislative findings regarding such regulations.

Interstate hazardous liquid pipeline or interstate gas pipelines

Public improvements

Under continuing law, in any public improvement that may involve underground utility facilities, the public authority, prior to preparing plans and specifications, must contact a protection service (a notification center that receives notices of this sort and distributes information related to the notice to its members) and owners of underground utility facilities that are not members of a protection service for the existence and location of all underground utility facilities within the construction area. And if requested by the public authority, the owner of the underground utility facility must mark the location of the underground utility facility within the construction area or provide drawings to the public authority. The bill adds that if a public improvement is within 660 feet of the center point of any interstate hazardous liquid pipeline or interstate gas pipeline, the pipeline operator must provide to the public authority the following:

1. A written notice of any special notification requirements;
2. 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;
3. Contact information for the primary contact person for the project area.³

If the public authority is notified that the improvement is 660 feet of the center point of an interstate hazardous liquid pipeline or interstate gas pipeline, the public authority must also include in the plans and specifications for the project all of the following:

- Any special notification requirements;
- The name and contact information of the primary contact person for each pipeline operator who has provided notice to the public;
- 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 (which the public authority is deemed to have done if it provides notice to the protection service);
- 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.⁴

³ R.C. 153.64(A) and (B)(3).

⁴ R.C. 153.64(B)(4).

General utility protection service law

Under continuing law, developers and designers of any property improvement that will require excavation are required to notify a protection service that serves the area of a proposed excavation site. The protection service then notifies each utility having an underground utility facility in the proposed excavation site or gives the developer or designer contact information for the utility. Upon receiving the notice, the utility then must notify the developer or designer of the location of the underground utility facility; the developer or designer must then provide the information to the excavator before excavation begins.⁵

Existing law requires that in the case of interstate hazardous liquid pipelines or interstate gas pipelines, the owner or operator of a utility must provide written notice to the developer or designer of any special notification requirements. The bill limits this requirement to when the proposed project is within 660 feet of the center point of the interstate hazardous liquid pipeline or an interstate gas pipeline. The bill also requires the utility to identify its primary contact person for the project area.⁶

Continuing law requires that if requested by the developer or designer, the utility must mark the location of the underground utility facility at the proposed excavation site or provide drawings.⁷ Under the bill, for these types of pipelines, the utility must 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.⁸

Based on this information, under existing law the developer or designer must include on the plans for the project the approximate location of the underground facility, the contact information for the utility, and, in the case of an interstate hazardous liquid pipeline or an interstate gas pipeline, any special notification requirements. Under the bill, for these types of pipelines, the developer or designer is also required to include in the plans and specifications the following:

- The name and contact information of the primary contact person for each pipeline operator who has provided notice to the developer or designer;
- Notice stating that the developer or designer has utilized reasonable means to contact the pipeline operator to verify the location of the pipeline and pipeline rights-of-way (which the developer or designer is deemed to have done if it notified the protection service as described above);

⁵ R.C. 3781.27(A), (B), (C)(1), and (E); R.C. 3781.26, not in the bill.

⁶ R.C. 3781.27(C)(1).

⁷ R.C. 3781.27(C)(2).

⁸ R.C. 3781.27(C)(3).

- Notice that the developer or designer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator and incorporated requested adjustments into the plans.⁹

The bill authorizes a public authority to withhold approval to a project until the above requirements have been satisfied by the developer and the utility. A public authority may rely solely upon the notice submitted with the plans by the developer or designer, as described above, when determining whether the requirements have been satisfied for purposes of granting final approval of the development. The bill provides that a public authority is immune from liability related to the approval or construction of the development when the approval is based on this information.¹⁰

Mobile computing units and building regulations

The bill exempts mobile computing units from statutes governing the construction and condition of buildings and related rules adopted by the Board of Building Standards. Other examples of buildings that are exempted from such rules and statutes are agricultural buildings and one, two, or three-unit residential buildings that have been converted to a daycare. A mobile computing unit means an assembly that meets all of the following criteria:

- Its purpose is to house and operate computers;
- Its exterior is integral to the protection or cooling, or both, of the computers housed within it;
- It is not attached to a permanent foundation;
- It is not accessible to the public;
- It is not designed for regular occupancy, but rather limited access for service and maintenance;
- It can be moved or transported as a single integrated unit.¹¹

Ingress/egress obstructions

The bill requires the Board of Building Standards to adopt rules providing for the use of devices that prevent both ingress and egress through a door in nonresidential buildings in certain circumstances. Such devices are currently allowed in private and public schools, as well as institutions of higher education. The rules would apply to both existing and new buildings. Such devices would be allowed for a finite period of time, in emergency situations, and during active shooter drills. The rules must:

⁹ R.C. 3781.27(E)(1).

¹⁰ R.C. 3781.27(G).

¹¹ R.C. 3781.06(B)(3).

- Provide that such a device is only permitted if it requires minimal steps to be removed after it is engaged;
- Require the owner of a building to notify the head of the local law enforcement agency and the head of the local fire department prior to the use of such devices in a building;
- Include a definition of “emergency situation.”

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

Any such device must not be permanently mounted to a door. And the owner of a building where such a device is to be used must provide training to any person that may use the device. Records of such training are to be kept on file.

The bill specifies that any provision of the State Fire Code that is in conflict with the bill’s requirements is unenforceable.¹²

PUCO regulatory restrictions

The bill prohibits PUCO, in the context of a proceeding for withdrawal or abandonment of (1) telecommunications service¹³ or basic local exchange service,¹⁴ from imposing on any provider of telecommunications service, wireless service, or internet protocol-enabled services any notice requirement, withdrawal or abandonment restrictions, buildout requirements, or any other regulatory requirement or restriction that is not generally applicable to the service or provider in other contexts.¹⁵ The bill further requires PUCO, not later than 90 days after the bill’s effective date, to amend its rules to the extent necessary to bring them into conformity with these new regulatory restrictions.¹⁶

Rent control and rent stabilization

Under current law, changed in part by the bill, municipal corporations and townships are prohibited from adopting or continuing ordinances or resolutions that are in conflict with the state’s Landlord and Tenant Law, or that regulate the rights and obligations of parties to a rental agreement. The bill, instead, specifies that this provision applies to all political subdivisions, which is defined in the bill as 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. In addition, the bill specifies that this provision includes a prohibition against any requirement imposing rent control or rent stabilization.¹⁷

¹² R.C. 3781.106(C) and (D).

¹³ R.C. 4927.07, not in the bill.

¹⁴ R.C. 4927.10, not in the bill.

¹⁵ R.C. 4927.102.

¹⁶ Section 3 of the bill.

¹⁷ R.C. 5321.01 and 5321.19(A).

“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. “Rent stabilization” is defined as allowing rent increases for residential premises of a fixed amount or on a fixed schedule as set by a political subdivision. Therefore, under the bill, a political subdivision’s regulation regarding rent control or rent stabilization would be preempted by state law,¹⁸ unless one of the exceptions described in the bill applies. Existing law, which the bill maintains, provides an exception for housing, building, health, or safety code, or any ordinance regarding evictions. The bill adds to these exceptions.

The bill specifies that it does not preempt any measure of a political subdivision that regulates, or has the effect of regulating in any way:

- Rent charged or paid for the use of residential premises that the political subdivision owns or operates;
- Any measure to implement a plan to use voluntary incentives or agreements that regulates rent charged or paid for the use of residential premises as long as the regulation is related to voluntary incentives or agreements to increase or maintain the supply or improve the quality of available residential premises, including incentives authorized by federal law;
- Incentives relating to a community reinvestment area, tax abatements, tax credit financing, bond or other financing, or loans or grants from the political subdivision.¹⁹

The bill makes a number of legislative findings regarding rent control and rent stabilization. These include the importance of maintaining adequate housing supply, including access to livable, clean, and well-maintained residential rental premises. The bill describes that rent control and rent stabilization measures may do all of the following:

- Suppress rental and property values and thereby discourage maintenance, upkeep, and rehabilitation of existing residential premises and construction of new residential premises;
- Incentivize landlords to convert residential premises to condominiums, cooperatives, and other types of housing, thereby removing such residential premises from availability on the rental market;
- Lower property tax revenues for state and local governments and political subdivisions;
- Lead to deterioration of residential premises;

¹⁸ See COMMENT.

¹⁹ R.C. 5321.19(B).

- Discourage turnover of residential premises and thus deprive potential tenants of the ability to rent such premises and result in misallocation of residential premises;
- Impede the sale of residential premises;
- Discourage investment in new and existing residential premises, especially during times of rising material costs and labor shortages;
- Have an adverse effect, due to lack of adequate housing, on individuals who seek employment in areas with scarce available housing and on employers who seek employees in such areas;
- Distort the functioning of the market for residential premises;
- Impose substantial administrative and enforcement expenses on political subdivisions; and
- Retroactively deprive owners of residential premises of property rights.

For these reasons, the bill states that the General Assembly finds that the attainment of an adequate housing supply is a matter of overriding statewide interest that requires a uniform approach to rent control and rent stabilization measures in residential premises throughout the state. And that the General Assembly finds and declares that the state Landlord and Tenant Law is a statewide and comprehensive legislative enactment regulating all aspects of the landlord-tenant relationship with respect to residential premises. It is the intent of the General Assembly to preempt political subdivisions from regulating the rights and obligations of parties to a rental agreement that are regulated by the state Landlord and Tenant Law, including through the imposition of rent control and rent stabilization in any manner.²⁰

Orphaned well plugging

The bill revises the law governing the plugging of idle and orphaned oil and gas wells. Under current law, the Chief of the ODNR Division of Oil and Gas Resources Management is tasked with plugging idle and orphaned wells, which are generally wells for which there is no responsible party available to conduct plugging operations. Specifically, “idle and orphaned wells” are wells for which a bond has been forfeited or an abandoned well for which no money is available to plug the well.

The bill refocuses the plugging program on orphaned wells. Under the bill, an orphaned well is a well that was not properly plugged or its land surface restored in accordance with the Oil and Gas Law to which either of the following apply:

1. The well owner is unknown, deceased, or cannot be located and the well is abandoned;
or

²⁰ R.C. 5321.20 and see COMMENT.

2. The owner has abandoned the well and there is no money available to plug the well in accordance with that Law.²¹

The bill alters the current procedures that apply to reporting and plugging an idle and orphaned well and applies those procedures to orphaned wells.²²

Reporting and evaluating orphaned wells

Under current law, if a landowner discovers an idle and orphaned well on the landowner's property, the landowner may report it to the Division of Oil and Gas Resources Management. The Division then must inspect the well and determine its priority for plugging. The bill allows a landowner who discovers *any* well, rather than solely an idle and orphaned well, on the landowner's property to report it. It requires the Division to inspect the well only if the well is previously unknown to the Division, instead of requiring the inspection of all reported idle and orphaned wells as in current law.²³

The bill then modifies the scoring matrix that the Chief uses to determine the priority of orphaned wells to be plugged by requiring each orphaned well to be designated as high, medium, or low priority. It also allows the Chief to add additional orphaned wells to a project regardless of classification. Under current law, the Chief must designate idle and orphaned wells as distressed-high, moderate-medium, or maintenance-low priority.²⁴

After determining that a well is an orphaned well, the Chief must take certain steps to determine if there is an owner of the well. Included in that process under current law is a requirement that the Chief publish notice in a newspaper of general circulation in the county where the well is located that the well is to be plugged. The bill allows that notice to be posted on ODNR's website in lieu of newspaper publication.²⁵

Plugging contracts

Under current law, the Chief (or another state agency) may enter into contracts to plug idle and orphaned wells. Current law requires persons contracting with the Chief to agree to furnish *all* of the materials, equipment, work, and labor for activities associated with the restoration or plugging. The bill eliminates the requirement that a contractor furnish *all* of the materials and labor for plugging. Additionally, regarding the contract, the bill does all of the following:

²¹ R.C. 1509.01(CC).

²² R.C. 1509.01 and 1509.071, conforming changes in R.C. 1509.151.

²³ R.C. 1509.071(C)(2).

²⁴ R.C. 1509.071(C)(3) and (4).

²⁵ R.C. 1509.071(D).

1. Specifies that contracts entered into by the Chief for well plugging are exempt from the law governing contracts for public improvements, instead of solely exempt from the law governing public bid guaranties as in current law;²⁶
2. Eliminates the requirement that contractors use “geophysical” methods to locate a well;
3. Allows employees (and agents as added by the bill) of a contractor to enter on adjacent parcels of property for well access, provided notice is given (current law only allows entry on land on which a well is located);
4. Adds to the activities that may be specified in the contract, including analyzing the well, stabilizing or other work conducted prior to plugging the well, drilling out of wellbores, removal of associated equipment, and replugging of previously plugged orphaned wells or wells for which final restoration was completed; and
5. Allows the Chief to make expenditures for salaries, maintenance, equipment, and other administrative purposes for these activities (current law allows such expenditures only for plugging).²⁷

Under the bill, the Chief may engage in cooperative projects for well plugging with a nonprofit corporation. Under current law retained by the bill, cooperative projects may be conducted with U.S. and state agencies and universities.²⁸

Landowner plugging option

Current law allows a landowner with an orphaned well (idle and orphaned under current law) located on their property to plug the well and be reimbursed by the Division of Oil and Gas Resources Management for the reasonable costs of plugging. The bill makes changes to the procedure that a landowner must undertake to conduct the plugging operation and be reimbursed by the Division. Specifically, the bill does all of the following:

1. Specifies that the owner of the land on which at least one orphaned well is located (instead of only one as in current law) who has received notice of an orphaned well on their land may plug any such well and be reimbursed by the Division if done in accordance with the specified requirements, including pursuant to a proper invoice;
2. Authorizes, instead of requires, a landowner who applies to the Chief to plug an orphaned well to enter into a contract for the plugging after the Chief so approves the application;
3. Specifies that any contract the landowner enters into to plug the orphaned well must require the contractor to restore the site, including the removal of all associated equipment (in addition to requiring the contractor to furnish all materials and labor necessary to plug the well as in current law);

²⁶ R.C. 1509.071(G).

²⁷ R.C. 1509.071(E)(1).

²⁸ R.C. 1509.071(I).

4. Removes a provision of law specifying that, if the Chief allows a landowner to plug an orphaned well, the ownership of the equipment appurtenant to the well is automatically transferred to the landowner;
5. Specifies that if any equipment is removed from the well during the landowner's plugging and subsequently sold, the Chief must deduct the sale amount of the equipment from the payment to the landowner;
6. In addition to well plugging, allows the landowner to do all of the following and be reimbursed for those activities:
 - a. Replug a previously plugged orphaned well;
 - b. Replug a well for which final restoration was completed;
 - c. Drill out or cleanout a well bore to remove material from a well; and
 - d. Install casings.
7. Removes the requirement that the contractor be bonded (but retains the requirement that the contractor be insured);
8. Specifies that expenditures made by the Division to reimburse a landowner who plugs an orphaned well on their land are not subject to Controlling Board approval;
9. Allows changes to a landowner's plugging contract due to unanticipated conditions, including additional costs, upon approval by the Chief; and
10. Accordingly, requires the Chief to determine whether the contract changes are necessary and reasonable.²⁹

Transfer of ownership of an orphaned well

The bill modifies the procedure by which a landowner may transfer ownership of an orphaned well if the landowner chooses not to plug the well themselves. Under the bill, if a landowner receives notice that an orphaned well is on their land, the landowner may transfer ownership of the well in accordance with the existing law governing oil and gas mineral interest right transfers.³⁰ Once the well is transferred, the new owner must comply with the Oil and Gas Law and take title to and possession of the equipment appurtenant to the well that has been identified by the Chief as having been abandoned by the former owner of the well.

Under current law, a landowner who chooses to transfer ownership must do so to an owner who is lawfully doing business in Ohio and who has met certain financial responsibility requirements. The prospective owner must also provide to the Chief sufficient information to demonstrate the landowner's or owner's right to produce a formation or formations, including a deed, lease, or other documentation of ownership or property rights. The Chief must then

²⁹ R.C. 1509.071(E)(2) and (4).

³⁰ See R.C. 1509.31, not in the bill.

approve or disapprove the well transfer by order. The bill eliminates these specific requirements.³¹

Chief's orders

The bill removes the Chief's ability to issue a violation order to a well owner for failing to plug an orphaned well. Under current law, the Chief may issue an order finding that a well owner has committed a material and substantial violation,³² which may include the failure to obtain a permit to drill, failure to obtain required insurance, or failure to obtain a required surety bond. Under the violation order, the Chief may suspend drilling, operating, or plugging activities that are related to the material and substantial violation and suspend and revoke an unused permit.

Currently, the Chief may issue an order for a material and substantial violation that involves the failure to plug an abandoned well or idle and orphaned well. The bill removes the Chief's ability to issue a the order in this circumstance.³³ However, effectively, this may not have any impact because an orphaned well most likely does not have a known, living, or financially solvent owner.

Oil and Gas Well Fund

Under current law, the Chief must spend at least 30% of the revenue in the Oil and Gas Well Fund to do all of the following:

1. Plug idle and orphaned wells (orphaned wells under the bill);
2. Restore the land surface properly after plugging a well;
3. Correct conditions that the Chief reasonably has determined are causing imminent health or safety risks at an idle and orphaned well (orphaned well under the bill) or a well for which the owner cannot be contacted in order to initiate a corrective action within a reasonable period of time as determined by the Chief.

The bill adds that the Chief may correct conditions that the Chief reasonably has determined are causing imminent health or safety risks that are associated with a well, not just conditions at the well itself. The bill also grants the Chief the opportunity to notify the well owner before beginning to correct conditions at the well site. Finally, it specifies that expenditures from the Oil and Gas Well Fund cannot be made to remove a structure in order to access a well, rather than a dwelling as in current law (thus expanding this prohibition).³⁴

Abandoned Mine Reclamation Fund

The bill allows money from the federal Infrastructure Investment and Jobs Act to be deposited in the existing Abandoned Mine Reclamation Fund. Current law specifies that the Fund

³¹ R.C. 1509.071(H).

³² R.C. 1509.04, not in the bill.

³³ R.C. 1509.01(EE).

³⁴ R.C. 1509.071(B)(1) and (2).

consist of money from grants from the Secretary of the Interior from the federal Abandoned Mine Reclamation Fund established by federal Surface Mining Control and Reclamation Act. Currently, the Chief of the Division of Mineral Resources Management may expend money from Ohio's Abandoned Mine Reclamation Fund for the following purposes:

1. Reclamation and restoration of land and water resources adversely affected by past coal mining;
2. Acquisition and filling of voids and sealing of tunnels, shafts, and entryways of non-coal lands;
3. Acquisition of land for reclamation;
4. Administrative expenses incurred in accomplishing reclamation projects; and
5. All other necessary expenses to accomplish authorized reclamation activities.

The bill adds that the Chief may use the Fund money for reclaiming land affected by mining or controlling mine drainage in accordance with the requirements of the federal Infrastructure Investment and Jobs Act.³⁵

Ohio Work Zone Safety Awareness Month

The bill designates the month of April as "Ohio Work Zone Safety Awareness Month."³⁶

COMMENT

The bill's provisions relating to rent control and rent stabilization may raise questions regarding its interactions with the Home Rule Amendment to the Ohio Constitution. That amendment provides municipal corporations and charter counties the power to "adopt and enforce local police, sanitary, and other similar laws as are not in conflict with general laws."³⁷ Not all laws enacted by the General Assembly are "general laws" for home rule purposes. A law is a general law only if it:

- Is part of a statewide and comprehensive legislative enactment;
- Applies to all parts of the state alike and operates uniformly throughout the state;
- Sets forth police, sanitary, or similar regulations, rather than purporting only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations [emphasis added]; and
- Prescribes a rule of conduct upon citizens generally.³⁸

³⁵ R.C. 1513.37.

³⁶ R.C. 5.248.

³⁷ Ohio Constitution, Article XVIII, Section 3 and Article X, Section 3.

³⁸ *Canton v. State*, 95 Ohio St.3d 149; 2002-Ohio-2005.

HISTORY

Action	Date
Introduced	09-21-21
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