

As Introduced

**127th General Assembly
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H. B. No. 357

Representative McGregor, J.

Cosponsors: Representatives Stebelton, Williams, S., Lundy, Adams

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A B I L L

To amend sections 123.01, 1505.07, 1506.11, 1531.06,	1
1571.01, 4503.10, 4503.101, 4503.103, 4928.01,	2
4928.51, 4928.61, and 4928.67, to enact sections	3
122.155, 122.156, 122.157, 131.50, 164.30,	4
1506.111, 1509.50, 1509.51, 1509.52, 1509.53,	5
1509.54, 1509.55, 1551.21, 1572.01 to 1572.07,	6
4928.68, 4928.70, 4928.701, 4928.702, 4928.703,	7
4928.704, 4928.705, 4928.706, 4928.707, 4928.708,	8
4928.709, 4928.7010, 4928.7011, 4928.7012,	9
4928.7013, 4928.7014, 4928.7015, 4928.7016,	10
4928.7017, 4933.51 to 4933.58, 5301.073, 5311.192,	11
and 5501.452, and to repeal sections 5119.40,	12
5120.12, and 5123.23 of the Revised Code to modify	13
and expand the laws governing energy development	14
and supply in the state.	15

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

Section 1. That sections 123.01, 1505.07, 1506.11, 1531.06,	16
1571.01, 4503.10, 4503.101, 4503.103, 4928.01, 4928.51, 4928.61,	17
and 4928.67 be amended and sections 122.155, 122.156, 122.157,	18
131.50, 164.30, 1506.111, 1509.50, 1509.51, 1509.52, 1509.53,	19
1509.54, 1509.55, 1551.21, 1572.01, 1572.02, 1572.03, 1572.04,	20

1572.05, 1572.06, 1572.07, 4928.68, 4928.70, 4928.701, 4928.702, 21
4928.703, 4928.704, 4928.705, 4928.706, 4928.707, 4928.708, 22
4928.709, 4928.7010, 4928.7011, 4928.7012, 4928.7013, 4928.7014, 23
4928.7015, 4928.7016, 4928.7017, 4933.51, 4933.52, 4933.53, 24
4933.54, 4933.55, 4933.56, 4933.57, 4933.58, 5301.073, 5311.192, 25
and 5501.452 of the Revised Code be enacted to read as follows: 26

Sec. 122.155. As used in sections 122.155 to 122.157 of the 27
Revised Code: 28

(A) "Advanced energy project" has the same meaning as in 29
section 4928.01 of the Revised Code. 30

(B) "Translational research" means designing or creating new 31
or enhanced products, equipment, or processes by conducting 32
scientific or technological inquiry and experimentation in 33
advanced energy with the goal of developing practical tools, 34
techniques, and manufacturing applications and technologies that 35
result in marketable advanced energy products. "Translational 36
research" includes the coordination of research and product 37
development with manufacturing technology development that results 38
in accelerating the time by which competitive products are 39
available commercially. 40

Sec. 122.156. The director of development shall establish the 41
Ohio advanced energy manufacturing center. The center shall 42
provide for the exchange of information and expertise regarding 43
advanced energy for the purpose of assisting with the design of 44
advanced energy projects, developing advanced energy workforce 45
training programs, and encouraging investment in advanced energy 46
manufacturing technologies that result in the manufacture of 47
commercially available advanced energy products and sustainable 48
manufacturing operations that create high-paying jobs in the 49
state. The center may do any of the following: 50

(A) Enter into contracts, with the approval of the Ohio 51
advanced energy manufacturing center board, to offer research, 52
technology, and manufacturing process development services in the 53
field of advanced energy; 54

(B) Establish methods by which energy, manufacturing, and 55
technology businesses may work with the state's educational 56
institutions to foster advanced energy product development and 57
translational research; 58

(C) Develop programs that foster cooperation with higher 59
education institutions in order to assist in the development of 60
advanced energy projects; 61

(D) Develop, in cooperation with the department of job and 62
family services, workforce development programs that provide 63
training for job opportunities in the field of advanced energy. 64

Sec. 122.157. (A) There is hereby created the Ohio advanced 65
energy manufacturing center board to assist in developing advanced 66
energy projects in this state. 67

(B) The board shall consist of six members appointed by the 68
governor with the advice and consent of the senate and selected 69
for their knowledge of and experience in advanced energy research 70
or translational research, business, higher education, and federal 71
research and development programs with an emphasis on the 72
development of manufacturing processes and technologies and the 73
use of existing resources in the university and business 74
communities for advanced energy research; the director of 75
development or the director's designee; one member of the senate 76
appointed by the president of the senate; and one member of the 77
house of representatives appointed by the speaker of the house of 78
representatives. 79

Not more than three members of the board appointed by the 80

governor shall be members of the same political party. The terms 81
of office for the six members appointed by the governor shall be 82
for seven years commencing on the first day of January and ending 83
on the thirty-first day of December. 84

Each member shall hold office from the date of appointment 85
until the end of the term for which the member was appointed. As a 86
term of a member of the board appointed by the governor expires, a 87
successor shall be appointed by the governor, with the advice and 88
consent of the senate. Any appointed member of the board is 89
eligible for reappointment. 90

Any member appointed to fill a vacancy occurring prior to the 91
expiration of the term for which the member's predecessor was 92
appointed shall hold office for the remainder of the predecessor's 93
term. Any member shall continue in office subsequent to the 94
expiration date of the member's term until the member's successor 95
takes office, or until a period of sixty days has elapsed, 96
whichever occurs first. 97

The governor may at any time remove any member appointed by 98
the governor pursuant to section 3.04 of the Revised Code. 99

Before entering upon official duties, each member shall take 100
an oath as provided by Section 7 of Article XV, Ohio Constitution. 101

Members of the board shall file financial disclosure 102
statements in accordance with section 102.02 of the Revised Code. 103

Members of the board shall serve without compensation, but 104
shall be reimbursed for their necessary and actual expenses while 105
engaged in the business of the board. 106

Five members of the board constitute a quorum. 107

(C) The board is vested with the powers and duties 108
established in sections 122.155 to 122.157 of the Revised Code, to 109
promote advanced energy projects and the development and 110

<u>manufacture of advanced energy products.</u>	111
<u>(D) The board shall do all of the following:</u>	112
<u>(1) Adopt bylaws for the conduct of its business;</u>	113
<u>(2) Employ and fix the compensation of an executive director</u>	114
<u>who serves at the pleasure of the board to administer the Ohio</u>	115
<u>advanced energy manufacturing center's programs and activities.</u>	116
<u>The executive director may employ and fix the compensation of</u>	117
<u>employees as necessary to implement sections 122.155 to 122.157 of</u>	118
<u>the Revised Code. The executive director shall file financial</u>	119
<u>disclosure statements in accordance with section 102.02 of the</u>	120
<u>Revised Code.</u>	121
<u>(3) Establish an operating budget for the center and</u>	122
<u>administer funds appropriated to the center;</u>	123
<u>(4) Maintain a principal office within the state;</u>	124
<u>(5) Develop policies and guidelines for the administration of</u>	125
<u>the center;</u>	126
<u>(6) Establish cooperative partnerships with the department of</u>	127
<u>development, the department of job and family services, and higher</u>	128
<u>education institutions in the state to facilitate the development</u>	129
<u>of translational research and advanced energy projects;</u>	130
<u>(7) Establish an industry-oriented system for identifying</u>	131
<u>advanced energy projects that have the best potential for</u>	132
<u>generating business opportunities and creating jobs in this state;</u>	133
<u>(8) Establish a research protocol to assist entities that are</u>	134
<u>developing advanced energy projects with an efficient, profitable</u>	135
<u>manufacturing design or process design that follows international</u>	136
<u>standards;</u>	137
<u>(9) Approve contracts pursuant to division (A) of section</u>	138
<u>122.156 of the Revised Code;</u>	139
<u>(10) Develop a plan for the center to become self-sustaining</u>	140

within ten years after the effective date of this section; 141

(11) Submit an annual report of the center's activities to 142
the general assembly beginning not later than one year after the 143
effective date of this section. 144

Sec. 123.01. (A) The department of administrative services, 145
in addition to those powers enumerated in Chapters 124. and 125. 146
of the Revised Code and provided elsewhere by law, shall exercise 147
the following powers: 148

(1) To prepare, or contract to be prepared, by licensed 149
engineers or architects, surveys, general and detailed plans, 150
specifications, bills of materials, and estimates of cost for any 151
projects, improvements, or public buildings to be constructed by 152
state agencies that may be authorized by legislative 153
appropriations or any other funds made available therefor, 154
provided that the construction of the projects, improvements, or 155
public buildings is a statutory duty of the department. This 156
section does not require the independent employment of an 157
architect or engineer as provided by section 153.01 of the Revised 158
Code in the cases to which that section applies nor affect or 159
alter the existing powers of the director of transportation. 160

(2) To have general supervision over the construction of any 161
projects, improvements, or public buildings constructed for a 162
state agency and over the inspection of materials previous to 163
their incorporation into those projects, improvements, or 164
buildings; 165

(3) To make contracts for and supervise the construction of 166
any projects and improvements or the construction and repair of 167
buildings under the control of a state agency, except contracts 168
for the repair of buildings under the management and control of 169
the departments of public safety, job and family services, mental 170
health, mental retardation and developmental disabilities, 171

rehabilitation and correction, and youth services, the bureau of 172
workers' compensation, the rehabilitation services commission, and 173
boards of trustees of educational and benevolent institutions and 174
except contracts for the construction of projects that do not 175
require the issuance of a building permit or the issuance of a 176
certificate of occupancy and that are necessary to remediate 177
conditions at a hazardous waste facility, solid waste facility, or 178
other location at which the director of environmental protection 179
has reason to believe there is a substantial threat to public 180
health or safety or the environment. These contracts shall be made 181
and entered into by the directors of public safety, job and family 182
services, mental health, mental retardation and developmental 183
disabilities, rehabilitation and correction, and youth services, 184
the administrator of workers' compensation, the rehabilitation 185
services commission, the boards of trustees of such institutions, 186
and the director of environmental protection, respectively. All 187
such contracts may be in whole or in part on unit price basis of 188
maximum estimated cost, with payment computed and made upon actual 189
quantities or units. 190

(4) To prepare and suggest comprehensive plans for the 191
development of grounds and buildings under the control of a state 192
agency; 193

(5) To acquire, by purchase, gift, devise, lease, or grant, 194
all real estate required by a state agency, in the exercise of 195
which power the department may exercise the power of eminent 196
domain, in the manner provided by sections 163.01 to 163.22 of the 197
Revised Code; 198

(6) To make and provide all plans, specifications, and models 199
for the construction and perfection of all systems of sewerage, 200
drainage, and plumbing for the state in connection with buildings 201
and grounds under the control of a state agency; 202

(7) To erect, supervise, and maintain all public monuments 203

and memorials erected by the state, except where the supervision 204
and maintenance is otherwise provided by law; 205

(8) To procure, by lease, storage accommodations for a state 206
agency; 207

(9) To lease or grant easements or licenses for unproductive 208
and unused lands or other property under the control of a state 209
agency. Such leases, easements, or licenses shall be granted for a 210
period not to exceed fifteen years and shall be executed for the 211
state by the director of administrative services and the governor 212
and shall be approved as to form by the attorney general, provided 213
that leases, easements, or licenses may be granted to any county, 214
township, municipal corporation, port authority, water or sewer 215
district, school district, library district, health district, park 216
district, soil and water conservation district, conservancy 217
district, or other political subdivision or taxing district, or 218
any agency of the United States government, for the exclusive use 219
of that agency, political subdivision, or taxing district, without 220
any right of sublease or assignment, for a period not to exceed 221
fifteen years, and provided that the director shall grant leases, 222
easements, or licenses of university land for periods not to 223
exceed twenty-five years for purposes approved by the respective 224
university's board of trustees wherein the uses are compatible 225
with the uses and needs of the university and may grant leases of 226
university land for periods not to exceed forty years for purposes 227
approved by the respective university's board of trustees pursuant 228
to section 123.77 of the Revised Code. 229

(10) To lease office space in buildings for the use of a 230
state agency; 231

(11) To have general supervision and care of the storerooms, 232
offices, and buildings leased for the use of a state agency; 233

(12) To exercise general custodial care of all real property 234

of the state; 235

(13) To assign and group together state offices in any city 236
in the state and to establish, in cooperation with the state 237
agencies involved, rules governing space requirements for office 238
or storage use; 239

(14) To lease for a period not to exceed forty years, 240
pursuant to a contract providing for the construction thereof 241
under a lease-purchase plan, buildings, structures, and other 242
improvements for any public purpose, and, in conjunction 243
therewith, to grant leases, easements, or licenses for lands under 244
the control of a state agency for a period not to exceed forty 245
years. The lease-purchase plan shall provide that at the end of 246
the lease period, the buildings, structures, and related 247
improvements, together with the land on which they are situated, 248
shall become the property of the state without cost. 249

(a) Whenever any building, structure, or other improvement is 250
to be so leased by a state agency, the department shall retain 251
either basic plans, specifications, bills of materials, and 252
estimates of cost with sufficient detail to afford bidders all 253
needed information or, alternatively, all of the following plans, 254
details, bills of materials, and specifications: 255

(i) Full and accurate plans suitable for the use of mechanics 256
and other builders in the improvement; 257

(ii) Details to scale and full sized, so drawn and 258
represented as to be easily understood; 259

(iii) Accurate bills showing the exact quantity of different 260
kinds of material necessary to the construction; 261

(iv) Definite and complete specifications of the work to be 262
performed, together with such directions as will enable a 263
competent mechanic or other builder to carry them out and afford 264
bidders all needed information; 265

(v) A full and accurate estimate of each item of expense and 266
of the aggregate cost thereof. 267

(b) The department shall give public notice, in such 268
newspaper, in such form, and with such phraseology as the director 269
of administrative services prescribes, published once each week 270
for four consecutive weeks, of the time when and place where bids 271
will be received for entering into an agreement to lease to a 272
state agency a building, structure, or other improvement. The last 273
publication shall be at least eight days preceding the day for 274
opening the bids. The bids shall contain the terms upon which the 275
builder would propose to lease the building, structure, or other 276
improvement to the state agency. The form of the bid approved by 277
the department shall be used, and a bid is invalid and shall not 278
be considered unless that form is used without change, alteration, 279
or addition. Before submitting bids pursuant to this section, any 280
builder shall comply with Chapter 153. of the Revised Code. 281

(c) On the day and at the place named for receiving bids for 282
entering into lease agreements with a state agency, the director 283
of administrative services shall open the bids and shall publicly 284
proceed immediately to tabulate the bids upon duplicate sheets. No 285
lease agreement shall be entered into until the bureau of workers' 286
compensation has certified that the person to be awarded the lease 287
agreement has complied with Chapter 4123. of the Revised Code, 288
until, if the builder submitting the lowest and best bid is a 289
foreign corporation, the secretary of state has certified that the 290
corporation is authorized to do business in this state, until, if 291
the builder submitting the lowest and best bid is a person 292
nonresident of this state, the person has filed with the secretary 293
of state a power of attorney designating the secretary of state as 294
its agent for the purpose of accepting service of summons in any 295
action brought under Chapter 4123. of the Revised Code, and until 296
the agreement is submitted to the attorney general and the 297

attorney general's approval is certified thereon. Within thirty 298
days after the day on which the bids are received, the department 299
shall investigate the bids received and shall determine that the 300
bureau and the secretary of state have made the certifications 301
required by this section of the builder who has submitted the 302
lowest and best bid. Within ten days of the completion of the 303
investigation of the bids, the department shall award the lease 304
agreement to the builder who has submitted the lowest and best bid 305
and who has been certified by the bureau and secretary of state as 306
required by this section. If bidding for the lease agreement has 307
been conducted upon the basis of basic plans, specifications, 308
bills of materials, and estimates of costs, upon the award to the 309
builder the department, or the builder with the approval of the 310
department, shall appoint an architect or engineer licensed in 311
this state to prepare such further detailed plans, specifications, 312
and bills of materials as are required to construct the building, 313
structure, or improvement. The department shall adopt such rules 314
as are necessary to give effect to this section. The department 315
may reject any bid. Where there is reason to believe there is 316
collusion or combination among bidders, the bids of those 317
concerned therein shall be rejected. 318

(15) To acquire by purchase, gift, devise, or grant and to 319
transfer, lease, or otherwise dispose of all real property 320
required to assist in the development of a conversion facility as 321
defined in section 5709.30 of the Revised Code as that section 322
existed before its repeal by Amended Substitute House Bill 95 of 323
the 125th general assembly; 324

(16) To lease for a period not to exceed forty years, 325
notwithstanding any other division of this section, the 326
state-owned property located at 408-450 East Town Street, 327
Columbus, Ohio, formerly the state school for the deaf, to a 328
developer in accordance with this section. "Developer," as used in 329

this section, has the same meaning as in section 123.77 of the Revised Code.

Such a lease shall be for the purpose of development of the land for use by senior citizens by constructing, altering, renovating, repairing, expanding, and improving the site as it existed on June 25, 1982. A developer desiring to lease the land shall prepare for submission to the department a plan for development. Plans shall include provisions for roads, sewers, water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise, and plans for financing the development, and shall set forth details of the developer's financial responsibility.

The department may employ, as employees or consultants, persons needed to assist in reviewing the development plans. Those persons may include attorneys, financial experts, engineers, and other necessary experts. The department shall review the development plans and may enter into a lease if it finds all of the following:

(a) The best interests of the state will be promoted by entering into a lease with the developer;

(b) The development plans are satisfactory;

(c) The developer has established the developer's financial responsibility and satisfactory plans for financing the development.

The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. The lease shall contain such conditions and

stipulations as the director considers necessary to preserve the 361
best interest of the state. Moneys received by the state pursuant 362
to this lease shall be paid into the general revenue fund. The 363
lease shall provide that at the end of the lease period the 364
buildings, structures, and related improvements shall become the 365
property of the state without cost. 366

~~(17) To lease to any person any tract of land owned by the 367
state and under the control of the department, or any part of such 368
a tract, for the purpose of drilling for or the pooling of oil or 369
gas. Such a lease shall be granted for a period not exceeding 370
forty years, with the full power to contract for, determine the 371
conditions governing, and specify the amount the state shall 372
receive for the purposes specified in the lease, and shall be 373
prepared as in other cases. 374~~

~~(18)~~ To manage the use of space owned and controlled by the 375
department, including space in property under the jurisdiction of 376
the Ohio building authority, by doing all of the following: 377

(a) Biennially implementing, by state agency location, a 378
census of agency employees assigned space; 379

(b) Periodically in the discretion of the director of 380
administrative services: 381

(i) Requiring each state agency to categorize the use of 382
space allotted to the agency between office space, common areas, 383
storage space, and other uses, and to report its findings to the 384
department; 385

(ii) Creating and updating a master space utilization plan 386
for all space allotted to state agencies. The plan shall 387
incorporate space utilization metrics. 388

(iii) Conducting a cost-benefit analysis to determine the 389
effectiveness of state-owned buildings; 390

(iv) Assessing the alternatives associated with consolidating 391
the commercial leases for buildings located in Columbus. 392

(c) Commissioning a comprehensive space utilization and 393
capacity study in order to determine the feasibility of 394
consolidating existing commercially leased space used by state 395
agencies into a new state-owned facility. 396

(B) This section and section 125.02 of the Revised Code shall 397
not interfere with any of the following: 398

(1) The power of the adjutant general to purchase military 399
supplies, or with the custody of the adjutant general of property 400
leased, purchased, or constructed by the state and used for 401
military purposes, or with the functions of the adjutant general 402
as director of state armories; 403

(2) The power of the director of transportation in acquiring 404
rights-of-way for the state highway system, or the leasing of 405
lands for division or resident district offices, or the leasing of 406
lands or buildings required in the maintenance operations of the 407
department of transportation, or the purchase of real property for 408
garage sites or division or resident district offices, or in 409
preparing plans and specifications for and constructing such 410
buildings as the director may require in the administration of the 411
department; 412

(3) The power of the director of public safety and the 413
registrar of motor vehicles to purchase or lease real property and 414
buildings to be used solely as locations to which a deputy 415
registrar is assigned pursuant to division (B) of section 4507.011 416
of the Revised Code and from which the deputy registrar is to 417
conduct the deputy registrar's business, the power of the director 418
of public safety to purchase or lease real property and buildings 419
to be used as locations for division or district offices as 420
required in the maintenance of operations of the department of 421

public safety, and the power of the superintendent of the state 422
highway patrol in the purchase or leasing of real property and 423
buildings needed by the patrol, to negotiate the sale of real 424
property owned by the patrol, to rent or lease real property owned 425
or leased by the patrol, and to make or cause to be made repairs 426
to all property owned or under the control of the patrol; 427

(4) The power of the division of liquor control in the 428
leasing or purchasing of retail outlets and warehouse facilities 429
for the use of the division; 430

(5) The power of the director of development to enter into 431
leases of real property, buildings, and office space to be used 432
solely as locations for the state's foreign offices to carry out 433
the purposes of section 122.05 of the Revised Code; 434

(6) The power of the director of environmental protection to 435
enter into environmental covenants, to grant and accept easements, 436
or to sell property pursuant to division (G) of section 3745.01 of 437
the Revised Code. 438

(C) Purchases for, and the custody and repair of, buildings 439
under the management and control of the capitol square review and 440
advisory board, the rehabilitation services commission, the bureau 441
of workers' compensation, or the departments of public safety, job 442
and family services, mental health, mental retardation and 443
developmental disabilities, and rehabilitation and correction, and 444
buildings of educational and benevolent institutions under the 445
management and control of boards of trustees, are not subject to 446
the control and jurisdiction of the department of administrative 447
services. 448

(D) Any instrument by which real property is acquired 449
pursuant to this section shall identify the agency of the state 450
that has the use and benefit of the real property as specified in 451
section 5301.012 of the Revised Code. 452

Sec. 131.50. (A) There is hereby created in the state 453
treasury the state land royalty fund consisting of all money 454
credited to it under section 1509.53 of the Revised Code. Any 455
investment earnings of the fund shall be credited to the fund. 456

(B) Money in the state land royalty fund shall be used to pay 457
the capital and operating costs of those state agencies on whose 458
behalf money was credited to the fund under section 1509.53 of the 459
Revised Code. A state agency is entitled to a share of the fund 460
that is equivalent to the amounts that are credited to the fund on 461
its behalf under that section and a share of the investment 462
earnings of the fund in an amount that is equivalent to the 463
proportionate share of the amounts that are credited to the fund 464
on behalf of the agency under that section. The general assembly 465
shall appropriate money from the fund for capital and operating 466
costs of state agencies in accordance with this section. 467

Sec. 164.30. (A) There is hereby created in the state 468
treasury the state intersection traffic flow improvement fund, 469
consisting of the motor vehicle registration taxes collected by 470
the registrar of motor vehicles and deputy registrars pursuant to 471
division (C)(2) of section 4503.10 of the Revised Code. No money 472
shall be expended from the fund other than in the form of grants 473
made by the Ohio public works commission to municipal 474
corporations, counties, and townships. These political 475
subdivisions shall use the grants to pay the costs associated with 476
improving and maintaining traffic control signals on a particular 477
street or highway and the equipment that controls those traffic 478
control signals. The timing of these traffic control signals shall 479
be coordinated so that the signals not only control the flow of 480
motor vehicle and pedestrian traffic but do so in a manner that 481
balances the goal of safe and efficient traffic flow with the goal 482
of minimizing the wasting of fuel by motor vehicles waiting for 483

the traffic control signal to change to allow their vehicles to 484
proceed through the intersection. 485

In order to receive a grant under this section, a political 486
subdivision shall provide satisfactory evidence to the department 487
of transportation showing that the traffic control signals at the 488
intersections at issue comply with the manual adopted by the 489
department pursuant to section 4511.09 of the Revised Code and 490
that the political subdivision is consulting and cooperating with 491
all other political subdivisions that control and maintain traffic 492
control signals on that same street or highway to achieve the 493
goals described in this division. If the department determines 494
that a political subdivision has provided such satisfactory 495
evidence, the department shall notify the commission of that fact. 496
The commission then shall apply the rules governing the grant 497
program that the commission adopts pursuant to division (B) of 498
this section to determine whether the political subdivision will 499
receive a grant from the commission under the grant program and 500
shall notify the political subdivision of its decision. 501

All decisions of the commission are final, but a political 502
subdivision whose application for a grant is rejected by the 503
commission may reapply for that grant. 504

(B) The commission, in accordance with Chapter 119. of the 505
Revised Code, shall adopt rules governing the grant program 506
described in division (A) of this section. 507

(C) All investment earnings of the fund shall be credited to 508
the fund. 509

Sec. 1505.07. Subject to the limitation set forth in section 510
1505.08 of the Revised Code, the director of natural resources, 511
with the approval of the director of environmental protection, the 512
attorney general, and the governor, may issue permits and make 513

leases to parties making application for permission to take and 514
remove sand, gravel, stone, and other minerals or substances from 515
and under the bed of Lake Erie other than oil or gas, either upon 516
a royalty or rental basis, as ~~he~~ the director of natural resources 517
determines to be best for the state. Permits shall be issued for 518
terms of not less than one year nor more than ten years, and 519
leases shall be for a term of years or until the economic 520
extraction of the mineral or other substance covered thereby has 521
been completed. Such taking and removal shall be within certain 522
fixed boundaries that do not conflict with the rights of littoral 523
owners. Upon request from the holder of a permit, it shall be 524
canceled, but in the case of any permit or lease, any equipment or 525
buildings owned by the permittee or lessee shall be held as 526
security by the director of natural resources for payment of all 527
rentals or royalties due the state at the time of cancellation. 528

No person shall remove sand, gravel, stone, or other minerals 529
or substances from and under the bed of Lake Erie without first 530
obtaining a permit or lease therefor from the director. 531

The director of natural resources may, in accordance with 532
Chapter 119. of the Revised Code, adopt, amend, and rescind rules 533
for the administration, implementation, and enforcement of this 534
section. 535

Sec. 1506.11. (A) "Territory," as used in this section, means 536
the waters and the lands presently underlying the waters of Lake 537
Erie and the lands formerly underlying the waters of Lake Erie and 538
now artificially filled, between the natural shoreline and the 539
international boundary line with Canada. 540

(B) Whenever the state, acting through the director of 541
natural resources, upon application of any person who wants to 542
develop or improve part of the territory, and after notice that 543
the director, at the director's discretion, may give as provided 544

in this section, determines that any part of the territory can be 545
developed and improved or the waters thereof used as specified in 546
the application without impairment of the public right of 547
navigation, water commerce, and fishery, a lease of all or any 548
part of the state's interest therein may be entered into with the 549
applicant, or a permit may be issued for that purpose, subject to 550
the powers of the United States government and in accordance with 551
rules adopted by the director in accordance with Chapter 119. of 552
the Revised Code, and without prejudice to the littoral rights of 553
any owner of land fronting on Lake Erie, provided that the 554
legislative authority of the municipal corporation within which 555
any such part of the territory is located, if the municipal 556
corporation is not within the jurisdiction of a port authority, or 557
the county commissioners of the county within which such part of 558
the territory is located, excluding any territory within a 559
municipal corporation or under the jurisdiction of a port 560
authority, or the board of directors of a port authority with 561
respect to such part of the territory included in the jurisdiction 562
of the port authority, has enacted an ordinance or resolution 563
finding and determining that such part of the territory, described 564
by metes and bounds or by an alternate description referenced to 565
the applicant's upland property description that is considered 566
adequate by the director, is not necessary or required for the 567
construction, maintenance, or operation by the municipal 568
corporation, county, or port authority of breakwaters, piers, 569
docks, wharves, bulkheads, connecting ways, water terminal 570
facilities, and improvements and marginal highways in aid of 571
navigation and water commerce and that the land uses specified in 572
the application comply with regulation of permissible land use 573
under a waterfront plan of the local authority. 574

(C) Upon the filing of the application with the director, the 575
director may hold a public hearing thereon and may cause written 576
notice of the filing to be given to any municipal corporation, 577

county, or port authority, as the case may be, in which such part 578
of the territory is located and also shall cause public notice of 579
the filing to be given by advertisement in a newspaper of general 580
circulation within the locality where such part of the territory 581
is located. If a hearing is to be held, public notice of the 582
filing may be combined with public notice of the hearing and shall 583
be given once a week for four consecutive weeks prior to the date 584
of the initial hearing. All hearings shall be before the director 585
and shall be open to the public, and a record shall be made of the 586
proceeding. Parties thereto are entitled to be heard and to be 587
represented by counsel. The findings and order of the director 588
shall be in writing. All costs of the hearings, including 589
publication costs, shall be paid by the applicant. The director 590
also may hold public meetings on the filing of an application. 591

If the director finds that a lease may properly be entered 592
into with the applicant or a permit may properly be issued to the 593
applicant, the director shall determine the consideration to be 594
paid by the applicant, which consideration shall exclude the value 595
of the littoral rights of the owner of land fronting on Lake Erie 596
and improvements made or paid for by the owner of land fronting on 597
Lake Erie or that owner's predecessors in title. The lease or 598
permit may be for such periods of time as the director determines. 599
The rentals received under the terms of such a lease or permit 600
shall be paid into the state treasury to the credit of the Lake 601
Erie submerged lands fund, which is hereby created, and shall be 602
distributed from that fund as follows: 603

(1) Fifty per cent of each rental shall be paid to the 604
department of natural resources for the administration of this 605
section and section 1506.10 of the Revised Code and for the 606
coastal management assistance grant program required to be 607
established under division (C) of section 1506.02 of the Revised 608
Code; 609

(2) Fifty per cent of each rental shall be paid to the 610
municipal corporation, county, or port authority making the 611
finding provided for in this section. 612

All leases and permits shall be executed in the manner 613
provided by section ~~5501.01~~ 5301.01 of the Revised Code and shall 614
contain, in addition to the provisions required in this section, a 615
reservation to the state of all mineral rights and a provision 616
that the removal of any minerals shall be conducted in such manner 617
as not to damage any improvements placed by the littoral owner, 618
lessee, or permit holder on the lands. No lease or permit of the 619
lands defined in this section shall express or imply any control 620
of fisheries or aquatic wildlife now vested in the division of 621
wildlife of the department. 622

(D) Upland owners who, prior to October 13, 1955, have 623
erected, developed, or maintained structures, facilities, 624
buildings, or improvements or made use of waters in the part of 625
the territory in front of those uplands shall be granted a lease 626
or permit by the state upon the presentation of a certification by 627
the chief executive of a municipal corporation, resolution of the 628
board of county commissioners, or resolution of the board of 629
directors of the port authority establishing that the structures, 630
facilities, buildings, improvements, or uses do not constitute an 631
unlawful encroachment on navigation and water commerce. The lease 632
or permit shall specifically enumerate the structures, facilities, 633
buildings, improvements, or uses so included. 634

(E) Persons having secured a lease or permit under this 635
section are entitled to just compensation for the taking, whether 636
for navigation, water commerce, or otherwise, by any governmental 637
authority having the power of eminent domain, of structures, 638
facilities, buildings, improvements, or uses erected or placed 639
upon the territory pursuant to the lease or permit or the littoral 640
rights of the person and for the taking of the leasehold and the 641

littoral rights of the person pursuant to the procedure provided 642
in Chapter 163. of the Revised Code. The compensation shall not 643
include any compensation for the site in the territory except to 644
the extent of any interest in the site theretofore acquired by the 645
person under this section or by prior acts of the general assembly 646
or grants from the United States government. The failure of any 647
person to apply for or obtain a lease or permit under this section 648
does not prejudice any right the person may have to compensation 649
for a taking of littoral rights or of improvements made in 650
accordance with a lease, a permit, or littoral rights. 651

(F) If any taxes or assessments are levied or assessed upon 652
property that is the subject of a lease or permit under this 653
section, the taxes or assessments are the obligation of the lessee 654
or permit holder. 655

(G) If a lease or permit secured under this section requires 656
the lessee or permit holder to obtain the approval of the 657
department or any of its divisions for any changes in structures, 658
facilities, or buildings, for any improvements, or for any changes 659
or expansion in uses, no lessee or permit holder shall change any 660
structures, facilities, or buildings, make any improvements, or 661
expand or change any uses unless the director first determines 662
that the proposed action will not adversely affect any current or 663
prospective exercise of the public right of recreation in the 664
territory and in the state's reversionary interest in any 665
territory leased or permitted under this section. 666

Proposed changes or improvements shall be deemed to 667
"adversely affect" the public right of recreation if the changes 668
or improvements cause or will cause any significant demonstrable 669
negative impact upon any present or prospective recreational use 670
of the territory by the public during the term of the lease or 671
permit or any renewals and of any public recreational use of the 672
leased or permitted premises in which the state has a reversionary 673

interest. 674

(H) This section does not apply to leases entered into under 675
section 1506.111 of the Revised Code. 676

Sec. 1506.111. (A) The director of natural resources shall 677
make available for leasing in accordance with rules adopted under 678
division (B) of this section the bed of Lake Erie for purposes of 679
wind energy development. 680

(B) For purposes of leasing the bed of Lake Erie for wind 681
energy development, the director shall adopt rules in accordance 682
with Chapter 119. of the Revised Code that do all of the 683
following: 684

(1) Establish a map showing the areas of the bed of Lake Erie 685
that may be leased for wind energy development. The rules shall 686
ensure that the areas that may be leased are concentrated in the 687
eastern portion of Lake Erie, avoid development in nearshore 688
areas, and avoid areas of Lake Erie where migratory birds are 689
concentrated. 690

(2) Establish application procedures for and requirements 691
governing a lease of the bed of Lake Erie; 692

(3) Establish the consideration to be paid by a lessee, which 693
shall be at a nominal rate; 694

(4) Require that a lessee pay any taxes or assessments levied 695
or assessed on the property that is the subject of the lease; 696

(5) Require that a lease be executed in the manner provided 697
by section 5301.01 of the Revised Code; 698

(6) Establish any other requirements that the director 699
determines are necessary to implement or administer this section. 700

(C) The rentals received under the terms of a lease entered 701
into under this section shall be paid into the state treasury to 702

the credit of the advanced energy fund created in section 4928.61 703
of the Revised Code. 704

Sec. 1509.50. (A) There is hereby created the oil and gas 705
leasing board consisting of the chief of the division of mineral 706
resources management, who shall act as the board's chairperson, 707
the chief of the division of geological survey, who shall act as 708
the board's vice-chairperson, and the following three members 709
appointed by the governor: 710

(1) One member who is a registered professional engineer in 711
this state; 712

(2) One member who is an independent oil and gas producer in 713
this state; 714

(3) One member representing the public. 715

(B) Of the initial appointments to the board made by the 716
governor, one shall be appointed to serve a term of three years, 717
one shall be appointed to serve a term of four years, and one 718
shall be appointed to serve a term of five years. Thereafter, all 719
terms of office of members appointed by the governor shall be five 720
years. A member appointed by the governor shall hold office from 721
the date of the member's appointment until the end of the term for 722
which the member was appointed. Members may be reappointed. 723
Vacancies shall be filled in the manner provided for original 724
appointments. A member appointed by the governor to fill a vacancy 725
occurring prior to the expiration of the term for which the 726
member's predecessor was appointed shall hold office for the 727
remainder of that term. A member shall continue in office 728
subsequent to the expiration of the member's term or until a 729
period of sixty days has elapsed, whichever occurs first. 730

Serving as an appointed member of the board does not 731
constitute holding a public office or position of employment under 732

the laws of this state and does not constitute grounds for removal 733
of public officers or employees from their offices or positions of 734
employment. The governor may remove an appointed member of the 735
board at any time for misfeasance, nonfeasance, or malfeasance in 736
office. 737

Members of the board shall serve without compensation for 738
attending board meetings. The chief of the division of mineral 739
resources management and the chief of the division of geological 740
survey shall serve without additional compensation beyond the 741
compensation that they otherwise receive from the state. Members 742
of the board shall be reimbursed for their actual and necessary 743
expenses incurred in the performance of their duties as members of 744
the board from moneys appropriated to the oil and gas leasing 745
board administration fund created in section 1509.54 of the 746
Revised Code. 747

(C) Three members of the board constitute a quorum of the 748
board, and no action of the board is valid unless it has the 749
concurrence of at least three members. The board shall keep a 750
record of its proceedings. The division of mineral resources 751
management shall provide technical and staff assistance to the 752
board upon the request of the board. 753

Sec. 1509.51. (A) As used in sections 1509.51 to 1509.55 of 754
the Revised Code: 755

(1) "Developed land" means land that is owned by a state 756
agency or for which a state agency owns the mineral rights and 757
that is covered by concrete, asphalt, gravel, turf, crops, or 758
fields that have plants or trees not exceeding ten years of 759
growth. 760

(2) "State agency" has the same meaning as in section 1.60 of 761
the Revised Code. 762

(B) The oil and gas leasing board has exclusive authority to 763
lease any portion of developed land for the purpose of the 764
exploration for, development of, and production of oil or natural 765
gas. Leases entered into by the board shall be awarded pursuant to 766
a nomination and competitive bid process established in this 767
section. The extraction of oil and gas pursuant to a lease entered 768
into under this section shall not unreasonably interfere with the 769
primary use of the developed land. 770

(C) A person who is an owner, is in compliance with this 771
chapter, and seeks to lease developed land for the purpose of 772
exploring for, developing, and producing oil or natural gas may 773
submit a lease nomination identifying the tract of land. The 774
nomination shall be in the form that is required by rules adopted 775
under section 1509.52 of the Revised Code. Not later than thirty 776
days after the receipt of a nomination, the board shall conduct a 777
meeting for the purpose of considering whether to enter into a 778
lease concerning the tract of land that is identified in the 779
nomination. The board shall make a determination approving or 780
denying the nomination not later than sixty days after the 781
meeting. In making its determination, the board shall consider all 782
of the following: 783

(1) The economic benefits that would accrue from a lease of 784
the nominated tract of land, including the income potential from 785
the proposed oil or natural gas operation; 786

(2) Whether the proposed exploration, development, and 787
production of oil or natural gas is incompatible with current uses 788
of the tract of land that is the subject of the nomination; 789

(3) Any objections to the nomination that are submitted to 790
the board by the state agency that owns the developed land on 791
which the proposed exploration for, development of, and production 792
of oil or natural gas would take place; 793

(4) Any other factors that the board may establish in rules 794
adopted under section 1509.52 of the Revised Code. 795

The board shall send written notice of its decision 796
concerning the nomination to the person who submitted the 797
nomination and to the state agency that owns the developed land 798
not later than thirty days after making its determination. 799

(D) For each tract of land for which the board approved a 800
nomination during the previous calendar quarter, the board shall 801
prepare and publish a notice identifying the tract of land. The 802
notice shall be published in a newspaper of general circulation in 803
Franklin county and a newspaper of general circulation in the 804
county or counties in which the tract of land is located. The 805
notice shall include the following additional information: 806

(1) An advertisement for sealed bids for a lease concerning 807
the tract of land; 808

(2) The procedure to be followed in order to submit a lease 809
bid for the tract of land and the deadline for submitting a bid; 810

(3) A statement that the standard oil and gas lease form 811
developed by the board in rules adopted under section 1509.52 of 812
the Revised Code will be used regarding the lease, and a statement 813
concerning how an interested person may obtain a copy of the form; 814

(4) A statement, if applicable, that special terms and 815
conditions are required by the board for the tract of land because 816
of special circumstances related to that tract of land, and a 817
statement concerning how an interested person may obtain a copy of 818
the special terms and conditions; 819

(5) Any other information that is determined to be pertinent 820
by the board. 821

The notice shall be published once a week for four 822
consecutive weeks prior to the deadline established by the board 823

for the submission of bids. 824

(E) To encourage the submission of bids for leases and the 825
responsible and reasonable development of the state's natural 826
resources, the board shall maintain the confidentiality of, and 827
shall not disclose or release, information contained in a lease 828
bid that is submitted under this section. 829

(F) Lease bids shall be unsealed and opened at a time 830
designated by the board, but not later than fifteen days after the 831
deadline established by the board for the submission of bids. Not 832
later than thirty days after unsealing and opening the bids, the 833
board shall enter into a lease for each tract of land that is 834
identified in the notice published under division (D) of this 835
section. The lease shall be entered into with the person who 836
submits the highest and best bid related to the applicable tract 837
of land taking into account the financial responsibility of the 838
prospective lessee and the ability of the prospective lessee to 839
perform its obligations under the lease. 840

Sec. 1509.52. The oil and gas leasing board shall adopt rules 841
in accordance with Chapter 119. of the Revised Code that establish 842
all of the following: 843

(A) The form to be used, procedures to be followed, and 844
information to be provided in submitting nominations to the board 845
under section 1509.51 of the Revised Code; 846

(B) Factors to be considered by the board, in addition to the 847
factors specified in section 1509.51 of the Revised Code, when 848
determining whether to approve or disapprove a nomination 849
submitted under that section; 850

(C) A standard lease form to be used by the board to lease 851
any portion of developed land for the purpose of exploring for, 852
developing, and producing oil or natural gas. The rules shall 853

ensure that the form is consistent with industry practice in the 854
state and contains a landowner royalty of one-eighth payable to 855
the oil and gas leasing board. 856

(D) The factors to be considered by the board when 857
determining whether any special lease terms or conditions will be 858
required for a particular tract of land because of special 859
circumstances related to that tract of land, provided that such 860
terms and conditions shall be consistent with the requirements 861
established in rules adopted under section 1509.03 of the Revised 862
Code pertaining to urbanized areas; 863

(E) The percentage of a landowner royalty that must be 864
credited to the oil and gas leasing board administration fund 865
created in section 1509.54 of the Revised Code; 866

(F) Any other procedures and requirements that are necessary 867
to implement sections 1509.50 to 1509.55 of the Revised Code. 868

Sec. 1509.53. Except as provided in section 1509.54 of the 869
Revised Code, all money that is received by the oil and gas 870
leasing board pursuant to a lease entered into under sections 871
1509.50 to 1509.55 of the Revised Code shall be paid by the board 872
into the state treasury to the credit of the state land royalty 873
fund created in section 131.50 of the Revised Code. Money from a 874
lease shall be credited to the fund on behalf of the state agency 875
that owns the developed land on which the production of oil or 876
natural gas that is the subject of the lease occurs. 877

Sec. 1509.54. There is hereby created in the state treasury 878
the oil and gas leasing board administration fund consisting of a 879
percentage of a landowner royalty that is required to be credited 880
to the fund in rules adopted under section 1509.52 of the Revised 881
Code. Money in the fund shall be used by the oil and gas leasing 882
board to pay the administrative expenses of the board and to pay 883

the actual and necessary expenses incurred by the members of the 884
board in the performance of their duties. 885

Sec. 1509.55. A person who is directly affected by a decision 886
of the oil and gas leasing board to approve or disapprove a 887
nomination under section 1509.51 of the Revised Code may appeal 888
that decision to the oil and gas commission created in section 889
1509.35 of the Revised Code. Such appeals shall be taken in the 890
same manner and to the same extent that orders of the chief of the 891
division of mineral resources management are appealed under 892
section 1509.36 of the Revised Code. 893

Sec. 1531.06. (A) The chief of the division of wildlife, with 894
the approval of the director of natural resources, may acquire by 895
gift, lease, purchase, or otherwise lands or surface rights upon 896
lands and waters or surface rights upon waters for wild animals, 897
fish or game management, preservation, propagation, and 898
protection, outdoor and nature activities, public fishing and 899
hunting grounds, and flora and fauna preservation. The chief, with 900
the approval of the director, may receive by grant, devise, 901
bequest, donation, or assignment evidences of indebtedness, the 902
proceeds of which are to be used for the purchase of such lands or 903
surface rights upon lands and waters or surface rights upon 904
waters. 905

(B)(1) The chief shall adopt rules for the protection of 906
state-owned or leased lands and waters and property under the 907
control of the division of wildlife against wrongful use or 908
occupancy that will ensure the carrying out of the intent of this 909
section, protect those lands, waters, and property from 910
depredations, and preserve them from molestation, spoilation, 911
destruction, or any improper use or occupancy thereof, including 912
rules with respect to recreational activities and for the 913

government and use of such lands, waters, and property. 914

(2) The chief may adopt rules benefiting wild animals, fish 915
or game management, preservation, propagation, and protection, 916
outdoor and nature activities, public fishing and hunting grounds, 917
and flora and fauna preservation, and regulating the taking and 918
possession of wild animals on any lands or waters owned or leased 919
or under the division's supervision and control and, for a 920
specified period of years, may prohibit or recall the taking and 921
possession of any wild animal on any portion of such lands or 922
waters. The division clearly shall define and mark the boundaries 923
of the lands and waters owned or leased or under its supervision 924
and control upon which the taking of any wild animal is 925
prohibited. 926

(C) The chief, with the approval of the director, may acquire 927
by gift, lease, or purchase land for the purpose of establishing 928
state fish hatcheries and game farms and may erect on it buildings 929
or structures that are necessary. 930

The title to or lease of such lands and waters shall be taken 931
by the chief in the name of the state. The lease or purchase price 932
of all such lands and waters may be paid from hunting and trapping 933
and fishing licenses and any other funds. 934

(D) To provide more public recreation, stream and lake 935
agreements for public fishing only may be obtained under rules 936
adopted by the chief. 937

(E) The chief, with the approval of the director, may 938
establish user fees for the use of special public facilities or 939
participation in special activities on lands and waters 940
administered by the division. The special facilities and 941
activities may include hunting or fishing on special designated 942
public lands and waters intensively managed or stocked with 943
artificially propagated game birds or fish, field trial 944

facilities, wildlife nature centers, firearm ranges, boat mooring 945
facilities, camping sites, and other similar special facilities 946
and activities. The chief shall determine whether the user fees 947
are refundable and shall ensure that that information is provided 948
at the time the user fees are paid. 949

(F) The chief, with the approval of the director, may enter 950
into lease agreements for rental of concessions or other special 951
projects situated on state-owned or leased lands or waters or 952
other property under the division's control. The chief shall set 953
and collect the fees for concession rentals or other special 954
projects; regulate through contracts between the division and 955
concessionaires the sale of tangible objects at concessions or 956
other special projects; and keep a record of all such fee payments 957
showing the amount received, from whom received, and for what 958
purpose the fee was collected. 959

(G) The chief may sell or donate conservation-related items 960
or items that promote wildlife conservation, including, but not 961
limited to, stamps, pins, badges, books, bulletins, maps, 962
publications, calendars, and any other educational article or 963
artifact pertaining to wild animals; sell confiscated or forfeited 964
items; and sell surplus structures and equipment, and timber or 965
crops from lands owned, administered, leased, or controlled by the 966
division. The chief, with the approval of the director, also may 967
engage in campaigns and special events that promote wildlife 968
conservation by selling or donating wildlife-related materials, 969
memberships, and other items of promotional value. 970

(H) The chief may sell, lease, or transfer minerals or 971
mineral rights, with the approval of the director, when the chief 972
and the director determine it to be in the best interest of the 973
state. Upon approval of the director, the chief may make, execute, 974
and deliver contracts, including leases, to mine, drill, or 975
excavate iron ore, stone, coal, ~~petroleum, gas,~~ salt, and other 976

minerals, other than oil or gas, upon and under lands owned by the 977
state and administered by the division to any person who complies 978
with the terms of such a contract. No such contract shall be valid 979
for more than fifty years from its effective date. Consideration 980
for minerals and mineral rights shall be by rental or royalty 981
basis as prescribed by the chief and payable as prescribed by 982
contract. Moneys collected under this division shall be paid into 983
the state treasury to the credit of the wildlife habitat fund 984
created in section 1531.33 of the Revised Code. Contracts entered 985
into under this division also may provide for consideration for 986
minerals or mineral rights in the form of acquisition of lands as 987
provided under divisions (A) and (C) of this section. 988

(I) All moneys received under divisions (E), (F), and (G) of 989
this section shall be paid into the state treasury to the credit 990
of a fund that shall be used for the purposes outlined in section 991
1533.15 of the Revised Code and for the management of other wild 992
animals for their ecological and nonconsumptive recreational value 993
or benefit. 994

(J) The chief, with the approval of the director, may barter 995
or sell wild animals to other states, state or federal agencies, 996
and conservation or zoological organizations. Moneys received from 997
the sale of wild animals shall be deposited into the wild animal 998
fund created in section 1531.34 of the Revised Code. 999

(K) The chief shall adopt rules establishing standards and 1000
guidelines for the administration of contraceptive chemicals to 1001
noncaptive wild animals. The rules may specify chemical delivery 1002
methods and devices and monitoring requirements. 1003

The chief shall establish criteria for the issuance of and 1004
shall issue permits for the administration of contraceptive 1005
chemicals to noncaptive wild animals. No person shall administer 1006
contraceptive chemicals to noncaptive wild animals without a 1007
permit issued by the chief. 1008

(L) All fees set by the chief under this section shall be 1009
approved by the wildlife council. 1010

(M) Information contained in the wildlife diversity database 1011
that is established pursuant to division (B)(2) of this section 1012
and section 1531.25 of the Revised Code may be made available to 1013
any individual or public or private agency for research, 1014
educational, environmental, land management, or other similar 1015
purposes that are not detrimental to the conservation of a species 1016
or feature. Information regarding sensitive site locations of 1017
species that are listed pursuant to section 1531.25 of the Revised 1018
Code and of features that are included in the wildlife diversity 1019
database is not subject to section 149.43 of the Revised Code if 1020
the chief determines that the release of the information could be 1021
detrimental to the conservation of a species or feature. 1022

Sec. 1551.21. (A) No municipal corporation, county, or 1023
township shall enact any ordinance or adopt any resolution, 1024
including any zoning law or regulation, that prohibits the 1025
placement on any property of a clothesline, hook, or other device 1026
or object for attaching a clothesline, or any pole for supporting 1027
a clothesline. 1028

(B) An ordinance, resolution, law, or regulation that is in 1029
effect on the effective date of this section that prohibits the 1030
placement on any property of a clothesline, hook, or other device 1031
or object for attaching a clothesline, or any pole for supporting 1032
a clothesline, is against public policy and void. 1033

Sec. 1571.01. As used in this chapter, unless other meaning 1034
is clearly indicated in the context: 1035

(A) "Gas storage reservoir" or "storage reservoir" or 1036
"reservoir" means a continuous area of a subterranean porous sand 1037
or rock stratum or strata, any part of which or of the protective 1038

area of which, is within a coal bearing township, into which gas 1039
is or may be injected for the purpose of storing it therein and 1040
removing it therefrom, or for the purpose of testing whether such 1041
stratum is suitable for such storage purposes. 1042

(B) "Gas" means any natural, manufactured, or by-product gas 1043
or any mixture thereof, but does not include carbon dioxide 1044
regulated under Chapter 1572. of the Revised Code. 1045

(C) "Reservoir operator" or "operator," when used in 1046
referring to the operator of a gas storage reservoir, means a 1047
person who is engaged in the work of preparing to inject, or who 1048
injects gas into, or who stores gas in, or who removes gas from, a 1049
gas storage reservoir, and who owns the right to do so. 1050

(D)(1) "Boundary," when used in referring to the boundary of 1051
a gas storage reservoir, means the boundary of such reservoir as 1052
shown on the map or maps thereof on file in the division of 1053
mineral resources management as required by this chapter. 1054

(2) "Boundary," when used in referring to the boundary of a 1055
reservoir protective area, means the boundary of such reservoir 1056
protective area as shown on the map or maps thereof on file in the 1057
division as required by this chapter. 1058

(E) "Reservoir protective area" or "reservoir's protective 1059
area" means the area of land outside the boundary of a gas storage 1060
reservoir shown as such on the map or maps thereof on file in the 1061
division as required by this chapter. The area of land shown on 1062
such map or maps as such reservoir protective area shall be 1063
outside the boundary of such reservoir, and shall encircle such 1064
reservoir and touch all parts of the boundary of such reservoir, 1065
and no part of the outside boundary of such protective area shall 1066
be less than two thousand nor more than five thousand linear feet 1067
distant from the boundary of such reservoir. 1068

(F) "Coal bearing township" means a township designated as a 1069

coal bearing township by the chief of the division of mineral 1070
resources management as required by section 1561.06 of the Revised 1071
Code. 1072

(G) "Coal mine" means the underground excavations of a mine 1073
that are being used or are usable or are being developed for use 1074
in connection with the extraction of coal from its natural deposit 1075
in the earth. "Underground excavations," when used in referring to 1076
the underground excavations of a coal mine, includes the abandoned 1077
underground excavations of such mine. It also includes the 1078
underground excavations of an abandoned coal mine if such 1079
abandoned mine is connected with underground excavations of a coal 1080
mine. "Coal mine" does not mean or include: 1081

(1) A mine in which coal is extracted from its natural 1082
deposit in the earth by strip or open pit mining methods or by 1083
other methods by which individuals are not required to go 1084
underground in connection with the extraction of coal from its 1085
natural deposit in the earth; 1086

(2) A mine in which not more than fourteen individuals are 1087
regularly employed underground. 1088

(H) "Operator," when used in referring to the operator of a 1089
coal mine, means a person who engages in the work of developing 1090
such mine for use in extracting coal from its natural deposit in 1091
the earth, or who so uses such mine, and who owns the right to do 1092
so. 1093

(I) "Boundary," when used in referring to the boundary of a 1094
coal mine, means the boundary of the underground excavations of 1095
such mine as shown on the maps of such mine on file in the 1096
division as required by sections 1563.03 to 1563.05 and 1571.03 of 1097
the Revised Code. 1098

(J) "Mine protective area" or "mine's protective area" means 1099
the area of land that the operator of a coal mine designates and 1100

shows as such on the map or maps of such coal mine filed with the 1101
division as required by sections 1563.03 to 1563.05 and 1571.03 of 1102
the Revised Code. Such area of land shall be outside of the 1103
boundary of such coal mine, but some part of the boundary of such 1104
area of land shall abut upon a part of the boundary of such coal 1105
mine. Such area of land shall be comprised of such tracts of land 1106
in which such coal mine operator owns the right to extract coal 1107
therefrom by underground mining methods and in which underground 1108
excavations of such coal mine are likely to be made within the 1109
ensuing year for use in connection with the extraction of coal 1110
therefrom. 1111

(K) "Pillar" means a solid block of coal or other material 1112
left unmined to support the overlying strata in a coal mine, or to 1113
protect a well. 1114

(L) "Retreat mining" means the removal of pillars and ribs 1115
and stumps and other coal remaining in a section of a coal mine 1116
after the development mining has been completed in such section. 1117

(M) "Linear feet," when used to indicate distance between two 1118
points that are not in the same plane, means the length in feet of 1119
the shortest horizontal line that connects two lines projected 1120
vertically upward or downward from the two points. 1121

(N) "Map" means a graphic representation of the location and 1122
size of the existing or proposed items it is made to represent, 1123
accurately drawn according to a given scale. 1124

(O) "Well" means any hole, drilled or bored, or being drilled 1125
or bored, into the earth, whether for the purpose of, or whether 1126
used for: 1127

(1) Producing or extracting any gas or liquid mineral, or 1128
natural or artificial brines, or oil field waters; 1129

(2) Injecting gas into or removing gas from an underground 1130
gas storage reservoir; 1131

(3) Introducing water or other liquid pressure into an oil 1132
bearing sand to recover oil contained in such sand, provided that 1133
"well" does not mean a hole drilled or bored, or being drilled or 1134
bored, into the earth, whether for the purpose of, or whether used 1135
for, producing or extracting potable water to be used as such. 1136

(P) "Testing" means injecting gas into, or storing gas in or 1137
removing gas from, a gas storage reservoir for the sole purpose of 1138
determining whether such reservoir is suitable for use as a gas 1139
storage reservoir. 1140

(Q) "Casing" means a string or strings of pipe commonly 1141
placed in a well. 1142

(R) "Inactivate" means to shut off temporarily all flow of 1143
gas from a well at a point below the horizon of the coal mine that 1144
might be affected by such flow of gas, by means of a plug or other 1145
suitable device or by injecting water, bentonite, or some other 1146
equally nonporous material into the well, or any other method 1147
approved by the mineral resources inspector. 1148

(S) "Gas storage well inspector" means the gas storage well 1149
inspector in the division. 1150

(T) The verb "open" or the noun "opening," when used in 1151
clauses relating to the time when a coal mine operator intends to 1152
open a new coal mine, or the time when a new coal mine is opened, 1153
or the time of the opening of a new coal mine, or when used in 1154
other similar clauses to convey like meanings, means that time and 1155
condition in the initial development of a new coal mine when the 1156
second opening required by section 1563.14 of the Revised Code is 1157
completed in such mine. 1158

Sec. 1572.01. As used in this chapter: 1159

(A) "Carbon dioxide" means anthropogenically sourced carbon 1160
dioxide of sufficient purity and quality as to not compromise the 1161

safety and efficiency of an underground reservoir to effectively 1162
contain the carbon dioxide. 1163

(B) "Geologic storage" means the permanent or short-term 1164
underground storage of carbon dioxide in an underground reservoir. 1165

(C) "Storage facility" means the underground reservoir, 1166
underground equipment, and surface buildings and equipment 1167
utilized in the subsurface storage of carbon dioxide, excluding 1168
any pipelines used to transport the carbon dioxide from one or 1169
more capture facilities to the storage facility. "Storage 1170
facility" may include an enhanced oil recovery or natural gas 1171
operation. 1172

(D) "Storage operator" means an individual, corporation, 1173
partnership, limited liability company, or other entity authorized 1174
by the division of mineral resources management to operate a 1175
storage facility in this state. 1176

(E) "Underground reservoir" means a subsurface sedimentary 1177
stratum, formation, aquifer, or cavity or void, naturally or 1178
artificially created, including, but not limited to, oil and 1179
natural gas reservoirs, saline formations, and coal seams suitable 1180
or capable of being made suitable for the injection and storage of 1181
carbon dioxide. "Underground reservoir" includes any necessary and 1182
reasonable areal buffer and subsurface monitoring zones designated 1183
by the division for the purpose of ensuring the safe and efficient 1184
operation of a storage facility and for the purpose of protecting 1185
against pollution and the invasion, escape, or migration of carbon 1186
dioxide. 1187

Sec. 1572.02. (A) The division of mineral resources 1188
management has exclusive authority to regulate the geologic 1189
storage of carbon dioxide in this state and shall administer the 1190
geologic carbon dioxide storage program established in this 1191
chapter. 1192

(B) A person seeking to operate a storage facility in this 1193
state shall apply for a permit to do so from the chief of the 1194
division of mineral resources management in accordance with rules 1195
adopted under section 1572.03 of the Revised Code. The chief shall 1196
issue such a permit only if all of the following apply: 1197

(1) The storage facility is suitable and feasible for the 1198
injection and storage of carbon dioxide. 1199

(2) A good faith effort has been made by the permit applicant 1200
to obtain the consent of a majority of the owners of property 1201
interests that will be affected by the storage facility, and the 1202
applicant has obtained remaining property interests in accordance 1203
with section 1572.04 of the Revised Code. 1204

(3) The use of the storage facility for the geologic storage 1205
of carbon dioxide will not contaminate resources containing fresh 1206
water, oil, natural gas, coal, or other commercial mineral 1207
deposits. 1208

(4) The storage will not unduly endanger human health and the 1209
environment. 1210

In issuing a permit under this section, the chief may include 1211
terms and conditions in the permit that the chief determines to be 1212
necessary. 1213

(C) With respect to each parcel of property that is affected 1214
by the issuance of a permit under division (B) of this section, 1215
the chief shall cause a copy of the permit to be filed and 1216
recorded in the office of the county recorder of the county in 1217
which the parcel is located. 1218

(D) Prior to injecting any carbon dioxide into a storage 1219
facility pursuant to a permit issued under this section, the 1220
storage operator shall cause to be filed and recorded in the 1221
office of the applicable county recorder and with the division of 1222
mineral resources management a statement that the storage operator 1223

has acquired by purchase, lease, eminent domain, or otherwise all 1224
of the necessary property rights with respect to the storage 1225
facility that is the subject of the permit. The filing shall 1226
include the date on which carbon dioxide will commence being 1227
injected into the storage facility. 1228

Sec. 1572.03. The chief of the division of mineral resources 1229
management shall adopt rules in accordance with Chapter 119. of 1230
the Revised Code that do all of the following: 1231

(A) Establish application procedures for permits issued under 1232
section 1572.02 of the Revised Code and procedures for the 1233
issuance or denial of an application for a permit; 1234

(B) Establish requirements applicable to storage operators 1235
for obtaining the approval of the chief prior to appropriating 1236
property interests under section 1572.04 of the Revised Code; 1237

(C) Establish financial assurance requirements for the proper 1238
maintenance, well plugging, and abandonment of a storage facility 1239
by a storage operator and to protect the storage facility against 1240
pollution and the invasion, escape, or migration of carbon 1241
dioxide. The financial assurance requirements may include a 1242
requirement that a storage operator purchase a surety bond or 1243
other financial surety. 1244

(D) Establish penalties and procedures for the enforcement of 1245
this chapter and rules adopted under it, including civil penalties 1246
that may be imposed on persons violating this chapter or rules 1247
adopted or terms and conditions of a permit issued under it; 1248

(E) Establish the amount of a fee to be charged by the 1249
division of mineral resources management and paid by a storage 1250
operator for each ton of carbon dioxide that is injected into a 1251
storage facility by the storage operator. The rules shall require 1252
that the proceeds from the fee be deposited in the state treasury 1253

to the credit of the carbon dioxide storage facility trust fund 1254
created in section 1572.06 of the Revised Code. 1255

(F) Establish closure requirements applicable to storage 1256
facilities upon the completion of carbon dioxide injection 1257
operations at a storage facility. The rules shall require the 1258
division to issue a certificate of completion of injection 1259
operations upon the termination of carbon dioxide injection at a 1260
storage facility and the successful closure of the storage 1261
facility. The rules shall require that not later than ten years, 1262
or another time frame specified by rule, after the issuance of a 1263
certificate, upon a showing by the storage operator that the 1264
storage facility is reasonably expected to retain its mechanical 1265
integrity and remain emplaced, the ownership of the storage 1266
facility shall transfer to the state. The rules shall provide that 1267
upon such transfer of ownership, the storage operator, and any 1268
generator of carbon dioxide that was injected into the storage 1269
facility by the storage operator, shall be released from liability 1270
with respect to the storage facility and that any long-term 1271
monitoring or remediation of any leakage at the storage facility 1272
shall become the responsibility of the state. 1273

(G) Establish a long-term monitoring program for the purposes 1274
of monitoring storage facilities, remediation of mechanical 1275
problems associated with storage facilities and surface 1276
infrastructure, repairing mechanical leaks at storage facilities, 1277
and plugging and abandoning wells that are associated with storage 1278
facilities; 1279

(H) Establish procedures for allowing the conversion of 1280
enhanced recovery of oil or natural gas operations into a storage 1281
facility; 1282

(I) Establish any other requirements or procedures that are 1283
determined necessary by the chief in order to implement this 1284
chapter. 1285

Sec. 1572.04. (A) Subject to rules adopted under section 1286
1572.03 of the Revised Code, a storage operator may appropriate, 1287
in the manner provided in sections 163.01 to 163.22 of the Revised 1288
Code, surface and subsurface rights and interests in land, 1289
including easements and rights-of-way, that are necessary for both 1290
of the following: 1291

(1) The operation of a storage facility; 1292

(2) The transporting of carbon dioxide among facilities 1293
constituting a storage facility. 1294

(B) Notwithstanding division (A) of this section, no property 1295
rights in a storage facility may be acquired pursuant to that 1296
division. 1297

Sec. 1572.05. The director of natural resources may enter 1298
into cooperative agreements with the federal government and other 1299
states that the division of mineral resources management 1300
determines to be necessary for the purpose of regulating carbon 1301
dioxide storage projects. 1302

Sec. 1572.06. There is hereby created in the state treasury 1303
the carbon dioxide storage facility trust fund to be administered 1304
by the division of mineral resources management. The fund shall 1305
consist of the proceeds of the fee established in rules adopted 1306
under section 1572.03 of the Revised Code. Money in the fund shall 1307
be used by the division for both of the following purposes: 1308

(A) The administration of this chapter; 1309

(B) To provide funding for the long-term monitoring of 1310
storage facilities as provided in rules adopted under section 1311
1572.03 of the Revised Code. 1312

Sec. 1572.07. Nothing in this chapter or rules adopted under 1313

it applies to the use of carbon dioxide as part of or in 1314
conjunction with any enhanced recovery of oil or natural gas where 1315
the sole purpose of the project is the recovery of oil or natural 1316
gas. 1317

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 1318
motorcycle, and all-purpose vehicle required to be registered 1319
under section 4519.02 of the Revised Code shall file an 1320
application for registration under section 4519.03 of the Revised 1321
Code. The owner of a motor vehicle, other than a snowmobile, 1322
off-highway motorcycle, or all-purpose vehicle, that is not 1323
designed and constructed by the manufacturer for operation on a 1324
street or highway may not register it under this chapter except 1325
upon certification of inspection pursuant to section 4513.02 of 1326
the Revised Code by the sheriff, or the chief of police of the 1327
municipal corporation or township, with jurisdiction over the 1328
political subdivision in which the owner of the motor vehicle 1329
resides. Except as provided in section 4503.103 of the Revised 1330
Code, every owner of every other motor vehicle not previously 1331
described in this section and every person mentioned as owner in 1332
the last certificate of title of a motor vehicle that is operated 1333
or driven upon the public roads or highways shall cause to be 1334
filed each year, by mail or otherwise, in the office of the 1335
registrar of motor vehicles or a deputy registrar, a written or 1336
electronic application or a preprinted registration renewal notice 1337
issued under section 4503.102 of the Revised Code, the form of 1338
which shall be prescribed by the registrar, for registration for 1339
the following registration year, which shall begin on the first 1340
day of January of every calendar year and end on the thirty-first 1341
day of December in the same year. Applications for registration 1342
and registration renewal notices shall be filed at the times 1343
established by the registrar pursuant to section 4503.101 of the 1344

Revised Code. A motor vehicle owner also may elect to apply for or
renew a motor vehicle registration by electronic means using
electronic signature in accordance with rules adopted by the
registrar. Except as provided in division (J) of this section,
applications for registration shall be made on blanks furnished by
the registrar for that purpose, containing the following
information:

(1) A brief description of the motor vehicle to be
registered, including the year, make, model, and vehicle
identification number, and, in the case of commercial cars, the
gross weight of the vehicle fully equipped computed in the manner
prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the
township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined
as follows:

(a) In case the motor vehicle to be registered is used for
hire or principally in connection with any established business or
branch business, conducted at a particular place, the district of
registration is the municipal corporation in which that place is
located or, if not located in any municipal corporation, the
county and township in which that place is located.

(b) In case the vehicle is not so used, the district of
registration is the municipal corporation or county in which the
owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration
or transfer of the motor vehicle, during the preceding
registration year and during the preceding period of the current

registration year, have been paid. Each application for 1375
registration shall be signed by the owner, either manually or by 1376
electronic signature, or pursuant to obtaining a limited power of 1377
attorney authorized by the registrar for registration, or other 1378
document authorizing such signature. If the owner elects to apply 1379
for or renew the motor vehicle registration with the registrar by 1380
electronic means, the owner's manual signature is not required. 1381

(7) The owner's social security number, driver's license 1382
number, or state identification number, or, where a motor vehicle 1383
to be registered is used for hire or principally in connection 1384
with any established business, the owner's federal taxpayer 1385
identification number. The bureau of motor vehicles shall retain 1386
in its records all social security numbers provided under this 1387
section, but the bureau shall not place social security numbers on 1388
motor vehicle certificates of registration. 1389

(B) Except as otherwise provided in this division, each time 1390
an applicant first registers a motor vehicle in the applicant's 1391
name, the applicant shall present for inspection a physical 1392
certificate of title or memorandum certificate showing title to 1393
the motor vehicle to be registered in the name of the applicant if 1394
a physical certificate of title or memorandum certificate has been 1395
issued by a clerk of a court of common pleas. If, under sections 1396
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 1397
instead has issued an electronic certificate of title for the 1398
applicant's motor vehicle, that certificate may be presented for 1399
inspection at the time of first registration in a manner 1400
prescribed by rules adopted by the registrar. An applicant is not 1401
required to present a certificate of title to an electronic motor 1402
vehicle dealer acting as a limited authority deputy registrar in 1403
accordance with rules adopted by the registrar. When a motor 1404
vehicle inspection and maintenance program is in effect under 1405
section 3704.14 of the Revised Code and rules adopted under it, 1406

each application for registration for a vehicle required to be 1407
inspected under that section and those rules shall be accompanied 1408
by an inspection certificate for the motor vehicle issued in 1409
accordance with that section. The application shall be refused if 1410
any of the following applies: 1411

(1) The application is not in proper form. 1412

(2) The application is prohibited from being accepted by 1413
division (D) of section 2935.27, division (A) of section 2937.221, 1414
division (A) of section 4503.13, division (B) of section 4510.22, 1415
or division (B)(1) of section 4521.10 of the Revised Code. 1416

(3) A certificate of title or memorandum certificate of title 1417
is required but does not accompany the application or, in the case 1418
of an electronic certificate of title, is required but is not 1419
presented in a manner prescribed by the registrar's rules. 1420

(4) All registration and transfer fees for the motor vehicle, 1421
for the preceding year or the preceding period of the current 1422
registration year, have not been paid. 1423

(5) The owner or lessee does not have an inspection 1424
certificate for the motor vehicle as provided in section 3704.14 1425
of the Revised Code, and rules adopted under it, if that section 1426
is applicable. 1427

This section does not require the payment of license or 1428
registration taxes on a motor vehicle for any preceding year, or 1429
for any preceding period of a year, if the motor vehicle was not 1430
taxable for that preceding year or period under sections 4503.02, 1431
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 1432
Revised Code. When a certificate of registration is issued upon 1433
the first registration of a motor vehicle by or on behalf of the 1434
owner, the official issuing the certificate shall indicate the 1435
issuance with a stamp on the certificate of title or memorandum 1436
certificate or, in the case of an electronic certificate of title, 1437

an electronic stamp or other notation as specified in rules 1438
adopted by the registrar, and with a stamp on the inspection 1439
certificate for the motor vehicle, if any. The official also shall 1440
indicate, by a stamp or by other means the registrar prescribes, 1441
on the registration certificate issued upon the first registration 1442
of a motor vehicle by or on behalf of the owner the odometer 1443
reading of the motor vehicle as shown in the odometer statement 1444
included in or attached to the certificate of title. Upon each 1445
subsequent registration of the motor vehicle by or on behalf of 1446
the same owner, the official also shall so indicate the odometer 1447
reading of the motor vehicle as shown on the immediately preceding 1448
certificate of registration. 1449

The registrar shall include in the permanent registration 1450
record of any vehicle required to be inspected under section 1451
3704.14 of the Revised Code the inspection certificate number from 1452
the inspection certificate that is presented at the time of 1453
registration of the vehicle as required under this division. 1454

(C)(1) Commencing with each registration renewal with an 1455
expiration date on or after October 1, 2003, and for each initial 1456
application for registration received on and after that date, the 1457
registrar and each deputy registrar shall collect an additional 1458
fee of eleven dollars for each application for registration and 1459
registration renewal received. The additional fee is for the 1460
purpose of defraying the department of public safety's costs 1461
associated with the administration and enforcement of the motor 1462
vehicle and traffic laws of Ohio. Each deputy registrar shall 1463
transmit the fees collected under division (C)(1) of this section 1464
in the time and manner provided in this section. The registrar 1465
shall deposit all moneys received under division (C)(1) of this 1466
section into the state highway safety fund established in section 1467
4501.06 of the Revised Code. 1468

(2) Commencing with each registration renewal with an 1469

expiration date on or after October 1, 2008, and for each initial 1470
application for registration received on and after that date, the 1471
registrar and each deputy registrar shall collect an additional 1472
tax of five dollars for each application for registration and 1473
registration renewal received. Each deputy registrar shall 1474
transmit the taxes collected under division (C)(2) of this section 1475
in the time and manner provided in this section. The registrar 1476
shall deposit all money received under division (C)(2) of this 1477
section into the state treasury to the credit of the state 1478
intersection traffic flow improvement fund created by section 1479
164.30 of the Revised Code for use as prescribed in that section. 1480

(3) In addition, a charge of twenty-five cents shall be made 1481
for each reflectorized safety license plate issued, and a single 1482
charge of twenty-five cents shall be made for each county 1483
identification sticker or each set of county identification 1484
stickers issued, as the case may be, to cover the cost of 1485
producing the license plates and stickers, including material, 1486
manufacturing, and administrative costs. Those fees shall be in 1487
addition to the license tax. If the total cost of producing the 1488
plates is less than twenty-five cents per plate, or if the total 1489
cost of producing the stickers is less than twenty-five cents per 1490
sticker or per set issued, any excess moneys accruing from the 1491
fees shall be distributed in the same manner as provided by 1492
section 4501.04 of the Revised Code for the distribution of 1493
license tax moneys. If the total cost of producing the plates 1494
exceeds twenty-five cents per plate, or if the total cost of 1495
producing the stickers exceeds twenty-five cents per sticker or 1496
per set issued, the difference shall be paid from the license tax 1497
moneys collected pursuant to section 4503.02 of the Revised Code. 1498

(D) Each deputy registrar shall be allowed a fee of two 1499
dollars and seventy-five cents commencing on July 1, 2001, three 1500
dollars and twenty-five cents commencing on January 1, 2003, and 1501

three dollars and fifty cents commencing on January 1, 2004, for 1502
each application for registration and registration renewal notice 1503
the deputy registrar receives, which shall be for the purpose of 1504
compensating the deputy registrar for the deputy registrar's 1505
services, and such office and rental expenses, as may be necessary 1506
for the proper discharge of the deputy registrar's duties in the 1507
receiving of applications and renewal notices and the issuing of 1508
registrations. 1509

(E) Upon the certification of the registrar, the county 1510
sheriff or local police officials shall recover license plates 1511
erroneously or fraudulently issued. 1512

(F) Each deputy registrar, upon receipt of any application 1513
for registration or registration renewal notice, together with the 1514
license fee and any local motor vehicle license tax levied 1515
pursuant to Chapter 4504. of the Revised Code, shall transmit that 1516
fee and tax, if any, in the manner provided in this section, 1517
together with the original and duplicate copy of the application, 1518
to the registrar. The registrar, subject to the approval of the 1519
director of public safety, may deposit the funds collected by 1520
those deputies in a local bank or depository to the credit of the 1521
"state of Ohio, bureau of motor vehicles." Where a local bank or 1522
depository has been designated by the registrar, each deputy 1523
registrar shall deposit all moneys collected by the deputy 1524
registrar into that bank or depository not more than one business 1525
day after their collection and shall make reports to the registrar 1526
of the amounts so deposited, together with any other information, 1527
some of which may be prescribed by the treasurer of state, as the 1528
registrar may require and as prescribed by the registrar by rule. 1529
The registrar, within three days after receipt of notification of 1530
the deposit of funds by a deputy registrar in a local bank or 1531
depository, shall draw on that account in favor of the treasurer 1532
of state. The registrar, subject to the approval of the director 1533

and the treasurer of state, may make reasonable rules necessary 1534
for the prompt transmittal of fees and for safeguarding the 1535
interests of the state and of counties, townships, municipal 1536
corporations, and transportation improvement districts levying 1537
local motor vehicle license taxes. The registrar may pay service 1538
charges usually collected by banks and depositories for such 1539
service. If deputy registrars are located in communities where 1540
banking facilities are not available, they shall transmit the fees 1541
forthwith, by money order or otherwise, as the registrar, by rule 1542
approved by the director and the treasurer of state, may 1543
prescribe. The registrar may pay the usual and customary fees for 1544
such service. 1545

(G) This section does not prevent any person from making an 1546
application for a motor vehicle license directly to the registrar 1547
by mail, by electronic means, or in person at any of the 1548
registrar's offices, upon payment of a service fee of two dollars 1549
and seventy-five cents commencing on July 1, 2001, three dollars 1550
and twenty-five cents commencing on January 1, 2003, and three 1551
dollars and fifty cents commencing on January 1, 2004, for each 1552
application. 1553

(H) No person shall make a false statement as to the district 1554
of registration in an application required by division (A) of this 1555
section. Violation of this division is falsification under section 1556
2921.13 of the Revised Code and punishable as specified in that 1557
section. 1558

(I)(1) Where applicable, the requirements of division (B) of 1559
this section relating to the presentation of an inspection 1560
certificate issued under section 3704.14 of the Revised Code and 1561
rules adopted under it for a motor vehicle, the refusal of a 1562
license for failure to present an inspection certificate, and the 1563
stamping of the inspection certificate by the official issuing the 1564
certificate of registration apply to the registration of and 1565

issuance of license plates for a motor vehicle under sections 1566
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 1567
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 1568
4503.47, and 4503.51 of the Revised Code. 1569

(2)(a) The registrar shall adopt rules ensuring that each 1570
owner registering a motor vehicle in a county where a motor 1571
vehicle inspection and maintenance program is in effect under 1572
section 3704.14 of the Revised Code and rules adopted under it 1573
receives information about the requirements established in that 1574
section and those rules and about the need in those counties to 1575
present an inspection certificate with an application for 1576
registration or preregistration. 1577

(b) Upon request, the registrar shall provide the director of 1578
environmental protection, or any person that has been awarded a 1579
contract under division (D) of section 3704.14 of the Revised 1580
Code, an on-line computer data link to registration information 1581
for all passenger cars, noncommercial motor vehicles, and 1582
commercial cars that are subject to that section. The registrar 1583
also shall provide to the director of environmental protection a 1584
magnetic data tape containing registration information regarding 1585
passenger cars, noncommercial motor vehicles, and commercial cars 1586
for which a multi-year registration is in effect under section 1587
4503.103 of the Revised Code or rules adopted under it, including, 1588
without limitation, the date of issuance of the multi-year 1589
registration, the registration deadline established under rules 1590
adopted under section 4503.101 of the Revised Code that was 1591
applicable in the year in which the multi-year registration was 1592
issued, and the registration deadline for renewal of the 1593
multi-year registration. 1594

(J) Application for registration under the international 1595
registration plan, as set forth in sections 4503.60 to 4503.66 of 1596
the Revised Code, shall be made to the registrar on forms 1597

furnished by the registrar. In accordance with international 1598
registration plan guidelines and pursuant to rules adopted by the 1599
registrar, the forms shall include the following: 1600

(1) A uniform mileage schedule; 1601

(2) The gross vehicle weight of the vehicle or combined gross 1602
vehicle weight of the combination vehicle as declared by the 1603
registrant; 1604

(3) Any other information the registrar requires by rule. 1605

Sec. 4503.101. (A) The registrar of motor vehicles shall 1606
adopt rules to establish a system of motor vehicle registration 1607
based upon the type of vehicle to be registered, the type of 1608
ownership of the vehicle, the class of license plate to be issued, 1609
and any other factor the registrar determines to be relevant. 1610
Except for commercial cars, buses, trailers, and semitrailers 1611
taxed under section 4503.042 of the Revised Code; except for 1612
rental vehicles owned by motor vehicle renting dealers; and except 1613
as otherwise provided by rule, motor vehicles owned by an 1614
individual shall be registered based upon the motor vehicle 1615
owner's date of birth. Beginning with the 2004 registration year, 1616
the registrar shall assign motor vehicles to the registration 1617
periods established by rules adopted under this section. 1618

(B) The registrar shall adopt rules to permit motor vehicle 1619
owners residing together at one address to select the date of 1620
birth of any one of the owners as the date to register any or all 1621
of the vehicles at that residence address, as shown in the records 1622
of the bureau of motor vehicles. 1623

(C) The registrar shall adopt rules to assign and reassign 1624
all commercial cars, trailers, and semitrailers taxed under 1625
section 4503.042 of the Revised Code and all rental vehicles owned 1626
by motor vehicle renting dealers to a system of registration so 1627

that the registrations of approximately one-twelfth of all such 1628
vehicles expire on the last day of each month of a calendar year. 1629
To effect a reassignment from the registration period in effect on 1630
June 30, 2003, to the new registration periods established by the 1631
rules adopted under this section as amended, the rules may require 1632
the motor vehicle to be registered for more or less than a 1633
twelve-month period at the time the motor vehicle's registration 1634
is subject to its initial renewal following the effective date of 1635
such rules. If necessary to effect an efficient transition, the 1636
rules may provide that the registration reassignments take place 1637
over two consecutive registration periods. The registration taxes 1638
to be charged shall be determined by the registrar on the basis of 1639
the annual tax otherwise due on the motor vehicle, prorated in 1640
accordance with the number of months for which the motor vehicle 1641
is registered, except that the ~~fee~~ fees and taxes established by 1642
~~division~~ divisions (C)(1) and (2) of section 4503.10 of the 1643
Revised Code shall be collected in full for each renewal that 1644
occurs during the transition period and shall not be prorated. 1645

(D) The registrar shall adopt rules to permit any commercial 1646
motor vehicle owner or motor vehicle renting dealer who owns two 1647
or more motor vehicles to request the registrar to permit the 1648
owner to separate the owner's fleet into up to four divisions for 1649
assignment to separate dates upon which to register the vehicles, 1650
provided that the registrar may disapprove any such request 1651
whenever the registrar has reason to believe that an uneven 1652
distribution of registrations throughout the calendar year has 1653
developed or is likely to develop. 1654

(E) Every owner or lessee of a motor vehicle holding a 1655
certificate of registration shall notify the registrar of any 1656
change of the owner's or lessee's correct address within ten days 1657
after the change occurs. The notification shall be in writing on a 1658
form provided by the registrar or by electronic means approved by 1659

the registrar and shall include the full name, date of birth if 1660
applicable, license number, county of residence or place of 1661
business, social security account number of an individual or 1662
federal tax identification number of a business, and new address. 1663

(F) As used in this section, "motor vehicle renting dealer" 1664
has the same meaning as in section 4549.65 of the Revised Code. 1665

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 1666
may adopt rules to permit any person or lessee, other than a 1667
person receiving an apportioned license plate under the 1668
international registration plan, who owns or leases one or more 1669
motor vehicles to file a written application for registration for 1670
no more than five succeeding registration years. The rules adopted 1671
by the registrar may designate the classes of motor vehicles that 1672
are eligible for such registration. At the time of application, 1673
all annual taxes and fees shall be paid for each year for which 1674
the person is registering. 1675

(ii) The registrar shall adopt rules to permit any person or 1676
lessee who owns or leases two or more trailers or semitrailers 1677
that are subject to the tax rates prescribed in section 4503.042 1678
of the Revised Code for such trailers or semitrailers to file a 1679
written application for registration for not more than five 1680
succeeding registration years. At the time of application, all 1681
annual taxes and fees shall be paid for each year for which the 1682
person is registering. 1683

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 1684
section, the registrar shall adopt rules to permit any person who 1685
owns a motor vehicle to file an application for registration for 1686
the next two succeeding registration years. At the time of 1687
application, the person shall pay the annual taxes and fees for 1688
each registration year, calculated in accordance with division (C) 1689
of section 4503.11 of the Revised Code. A person who is 1690

registering a vehicle under division (A)(1)(b) of this section 1691
shall pay for each year of registration the additional ~~fee~~ fees 1692
and taxes established under ~~division~~ divisions (C)(1) and (2) of 1693
section 4503.10 of the Revised Code. The person shall also pay one 1694
and one-half times the amount of the deputy registrar service fee 1695
specified in division (D) of section 4503.10 of the Revised Code 1696
or the bureau of motor vehicles service fee specified in division 1697
(G) of that section, as applicable. 1698

(ii) Division (A)(1)(b)(i) of this section does not apply to 1699
a person receiving an apportioned license plate under the 1700
international registration plan, or the owner of a commercial car 1701
used solely in intrastate commerce, or the owner of a bus as 1702
defined in section 4513.50 of the Revised Code. 1703

(2) No person applying for a multi-year registration under 1704
division (A)(1) of this section is entitled to a refund of any 1705
taxes or fees paid. 1706

(3) The registrar shall not issue to any applicant who has 1707
been issued a final, nonappealable order under division (B) of 1708
this section a multi-year registration or renewal thereof under 1709
this division or rules adopted under it for any motor vehicle that 1710
is required to be inspected under section 3704.14 of the Revised 1711
Code the district of registration of which, as determined under 1712
section 4503.10 of the Revised Code, is or is located in the 1713
county named in the order. 1714

(B) Upon receipt from the director of environmental 1715
protection of a notice issued under rules adopted under section 1716
3704.14 of the Revised Code indicating that an owner of a motor 1717
vehicle that is required to be inspected under that section who 1718
obtained a multi-year registration for the vehicle under division 1719
(A) of this section or rules adopted under that division has not 1720
obtained a required inspection certificate for the vehicle, the 1721
registrar in accordance with Chapter 119. of the Revised Code 1722

shall issue an order to the owner impounding the certificate of 1723
registration and identification license plates for the vehicle. 1724
The order also shall prohibit the owner from obtaining or renewing 1725
a multi-year registration for any vehicle that is required to be 1726
inspected under that section, the district of registration of 1727
which is or is located in the same county as the county named in 1728
the order during the number of years after expiration of the 1729
current multi-year registration that equals the number of years 1730
for which the current multi-year registration was issued. 1731

An order issued under this division shall require the owner 1732
to surrender to the registrar the certificate of registration and 1733
license plates for the vehicle named in the order within five days 1734
after its issuance. If the owner fails to do so within that time, 1735
the registrar shall certify that fact to the county sheriff or 1736
local police officials who shall recover the certificate of 1737
registration and license plates for the vehicle. 1738

(C) Upon the occurrence of either of the following 1739
circumstances, the registrar in accordance with Chapter 119. of 1740
the Revised Code shall issue to the owner a modified order 1741
rescinding the provisions of the order issued under division (B) 1742
of this section impounding the certificate of registration and 1743
license plates for the vehicle named in that original order: 1744

(1) Receipt from the director of environmental protection of 1745
a subsequent notice under rules adopted under section 3704.14 of 1746
the Revised Code that the owner has obtained the inspection 1747
certificate for the vehicle as required under those rules; 1748

(2) Presentation to the registrar by the owner of the 1749
required inspection certificate for the vehicle. 1750

(D) The owner of a motor vehicle for which the certificate of 1751
registration and license plates have been impounded pursuant to an 1752
order issued under division (B) of this section, upon issuance of 1753

a modified order under division (C) of this section, may apply to 1754
the registrar for their return. A fee of two dollars and fifty 1755
cents shall be charged for the return of the certificate of 1756
registration and license plates for each vehicle named in the 1757
application. 1758

Sec. 4928.01. (A) As used in this chapter: 1759

(1) "Ancillary service" means any function necessary to the 1760
provision of electric transmission or distribution service to a 1761
retail customer and includes, but is not limited to, scheduling, 1762
system control, and dispatch services; reactive supply from 1763
generation resources and voltage control service; reactive supply 1764
from transmission resources service; regulation service; frequency 1765
response service; energy imbalance service; operating 1766
reserve-spinning reserve service; operating reserve-supplemental 1767
reserve service; load following; back-up supply service; 1768
real-power loss replacement service; dynamic scheduling; system 1769
black start capability; and network stability service. 1770

(2) "Billing and collection agent" means a fully independent 1771
agent, not affiliated with or otherwise controlled by an electric 1772
utility, electric services company, electric cooperative, or 1773
governmental aggregator subject to certification under section 1774
4928.08 of the Revised Code, to the extent that the agent is under 1775
contract with such utility, company, cooperative, or aggregator 1776
solely to provide billing and collection for retail electric 1777
service on behalf of the utility company, cooperative, or 1778
aggregator. 1779

(3) "Certified territory" means the certified territory 1780
established for an electric supplier under sections 4933.81 to 1781
4933.90 of the Revised Code as amended by Sub. S.B. No. 3 of the 1782
123rd general assembly. 1783

(4) "Competitive retail electric service" means a component 1784

of retail electric service that is competitive as provided under 1785
division (B) of this section. 1786

(5) "Electric cooperative" means a not-for-profit electric 1787
light company that both is or has been financed in whole or in 1788
part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 1789
7 U.S.C. 901, and owns or operates facilities in this state to 1790
generate, transmit, or distribute electricity, or a not-for-profit 1791
successor of such company. 1792

(6) "Electric distribution utility" means an electric utility 1793
that supplies at least retail electric distribution service. 1794

(7) "Electric light company" has the same meaning as in 1795
section 4905.03 of the Revised Code and includes an electric 1796
services company, but excludes any self-generator to the extent it 1797
consumes electricity it so produces or to the extent it sells for 1798
resale electricity it so produces. 1799

(8) "Electric load center" has the same meaning as in section 1800
4933.81 of the Revised Code. 1801

(9) "Electric services company" means an electric light 1802
company that is engaged on a for-profit or not-for-profit basis in 1803
the business of supplying or arranging for the supply of only a 1804
competitive retail electric service in this state. "Electric 1805
services company" includes a power marketer, power broker, 1806
aggregator, or independent power producer but excludes an electric 1807
cooperative, municipal electric utility, governmental aggregator, 1808
or billing and collection agent. 1809

(10) "Electric supplier" has the same meaning as in section 1810
4933.81 of the Revised Code. 1811

(11) "Electric utility" means an electric light company that 1812
is engaged on a for-profit basis in the business of supplying a 1813
noncompetitive retail electric service in this state or in the 1814
businesses of supplying both a noncompetitive and a competitive 1815

retail electric service in this state. "Electric utility" excludes 1816
a municipal electric utility or a billing and collection agent. 1817

(12) "Firm electric service" means electric service other 1818
than nonfirm electric service. 1819

(13) "Governmental aggregator" means a legislative authority 1820
of a municipal corporation, a board of township trustees, or a 1821
board of county commissioners acting as an aggregator for the 1822
provision of a competitive retail electric service under authority 1823
conferred under section 4928.20 of the Revised Code. 1824

(14) A person acts "knowingly," regardless of the person's 1825
purpose, when the person is aware that the person's conduct will 1826
probably cause a certain result or will probably be of a certain 1827
nature. A person has knowledge of circumstances when the person is 1828
aware that such circumstances probably exist. 1829

(15) "Level of funding for low-income customer energy 1830
efficiency programs provided through electric utility rates" means 1831
the level of funds specifically included in an electric utility's 1832
rates on October 5, 1999, pursuant to an order of the public 1833
utilities commission issued under Chapter 4905. or 4909. of the 1834
Revised Code and in effect on October 4, 1999, for the purpose of 1835
improving the energy efficiency of housing for the utility's 1836
low-income customers. The term excludes the level of any such 1837
funds committed to a specific nonprofit organization or 1838
organizations pursuant to a stipulation or contract. 1839

(16) "Low-income customer assistance programs" means the 1840
percentage of income payment plan program, the home energy 1841
assistance program, the home weatherization assistance program, 1842
and the targeted energy efficiency and weatherization program. 1843

(17) "Market development period" for an electric utility 1844
means the period of time beginning on the starting date of 1845
competitive retail electric service and ending on the applicable 1846

date for that utility as specified in section 4928.40 of the 1847
Revised Code, irrespective of whether the utility applies to 1848
receive transition revenues under this chapter. 1849

(18) "Market power" means the ability to impose on customers 1850
a sustained price for a product or service above the price that 1851
would prevail in a competitive market. 1852

(19) "Mercantile commercial customer" means a commercial or 1853
industrial customer if the electricity consumed is for 1854
nonresidential use and the customer consumes more than seven 1855
hundred thousand kilowatt hours per year or is part of a national 1856
account involving multiple facilities in one or more states. 1857

(20) "Municipal electric utility" means a municipal 1858
corporation that owns or operates facilities to generate, 1859
transmit, or distribute electricity. 1860

(21) "Noncompetitive retail electric service" means a 1861
component of retail electric service that is noncompetitive as 1862
provided under division (B) of this section. 1863

(22) "Nonfirm electric service" means electric service 1864
provided pursuant to a schedule filed under section 4905.30 of the 1865
Revised Code or pursuant to an arrangement under section 4905.31 1866
of the Revised Code, which schedule or arrangement includes 1867
conditions that may require the customer to curtail or interrupt 1868
electric usage during nonemergency circumstances upon notification 1869
by an electric utility. 1870

(23) "Percentage of income payment plan arrears" means funds 1871
eligible for collection through the percentage of income payment 1872
plan rider, but uncollected as of July 1, 2000. 1873

(24) "Person" has the same meaning as in section 1.59 of the 1874
Revised Code. 1875

(25) "Advanced energy project" means any technologies, 1876

products, activities, or management practices or strategies that 1877
facilitate the generation or use of electricity and that reduce or 1878
support the reduction of energy consumption or support the 1879
production of clean, renewable energy for industrial, 1880
distribution, commercial, institutional, governmental, research, 1881
not-for-profit, or residential energy users. Such energy includes, 1882
but is not limited to, wind power; geothermal energy; solar 1883
thermal energy; and energy produced by micro turbines in 1884
distributed generation applications with high electric 1885
efficiencies, by combined heat and power applications, by fuel 1886
cells powered by hydrogen derived from wind, solar, biomass, 1887
hydroelectric, landfill gas, or geothermal sources, or by solar 1888
electric generation, landfill gas, or hydroelectric generation. 1889

(26) "Regulatory assets" means the unamortized net regulatory 1890
assets that are capitalized or deferred on the regulatory books of 1891
the electric utility, pursuant to an order or practice of the 1892
public utilities commission or pursuant to generally accepted 1893
accounting principles as a result of a prior commission 1894
rate-making decision, and that would otherwise have been charged 1895
to expense as incurred or would not have been capitalized or 1896
otherwise deferred for future regulatory consideration absent 1897
commission action. "Regulatory assets" includes, but is not 1898
limited to, all deferred demand-side management costs; all 1899
deferred percentage of income payment plan arrears; 1900
post-in-service capitalized charges and assets recognized in 1901
connection with statement of financial accounting standards no. 1902
109 (receivables from customers for income taxes); future nuclear 1903
decommissioning costs and fuel disposal costs as those costs have 1904
been determined by the commission in the electric utility's most 1905
recent rate or accounting application proceeding addressing such 1906
costs; the undepreciated costs of safety and radiation control 1907
equipment on nuclear generating plants owned or leased by an 1908
electric utility; and fuel costs currently deferred pursuant to 1909

the terms of one or more settlement agreements approved by the 1910
commission. 1911

(27) "Retail electric service" means any service involved in 1912
supplying or arranging for the supply of electricity to ultimate 1913
consumers in this state, from the point of generation to the point 1914
of consumption. For the purposes of this chapter, retail electric 1915
service includes one or more of the following "service 1916
components": generation service, aggregation service, power 1917
marketing service, power brokerage service, transmission service, 1918
distribution service, ancillary service, metering service, and 1919
billing and collection service. 1920

(28) "Small electric generation facility" means an electric 1921
generation plant and associated facilities designed for, or 1922
capable of, operation at a capacity of less than two megawatts. 1923

(29) "Starting date of competitive retail electric service" 1924
means January 1, 2001, except as provided in division (C) of this 1925
section. 1926

(30) ~~"Customer generator" means a user of a net metering 1927
system. 1928~~

~~(31) "Net metering" means measuring the difference in an 1929
applicable billing period between the electricity supplied by an 1930
electric service provider and the electricity generated by a 1931
customer generator that is fed back to the electric service 1932
provider. 1933~~

~~(32) "Net metering system" means a facility for the 1934
production of electrical energy that does all of the following: 1935~~

~~(a) Uses as its fuel either solar, wind, biomass, landfill 1936
gas, or hydropower, or uses a microturbine or a fuel cell; 1937~~

~~(b) Is located on a customer generator's premises; 1938~~

~~(c) Operates in parallel with the electric utility's 1939~~

~~transmission and distribution facilities;~~ 1940

~~(d) Is intended primarily to offset part or all of the 1941~~
~~customer generator's requirements for electricity. 1942~~

~~(33)~~ "Self-generator" means an entity in this state that owns 1943
an electric generation facility that produces electricity 1944
primarily for the owner's consumption and that may provide any 1945
such excess electricity to retail electric service providers, 1946
whether the facility is installed or operated by the owner or by 1947
an agent under a contract. 1948

(B) For the purposes of this chapter, a retail electric 1949
service component shall be deemed a competitive retail electric 1950
service if the service component is competitive pursuant to a 1951
declaration by a provision of the Revised Code or pursuant to an 1952
order of the public utilities commission authorized under division 1953
(A) of section 4928.04 of the Revised Code. Otherwise, the service 1954
component shall be deemed a noncompetitive retail electric 1955
service. 1956

(C) Prior to January 1, 2001, and after application by an 1957
electric utility, notice, and an opportunity to be heard, the 1958
public utilities commission may issue an order delaying the 1959
January 1, 2001, starting date of competitive retail electric 1960
service for the electric utility for a specified number of days 1961
not to exceed six months, but only for extreme technical 1962
conditions precluding the start of competitive retail electric 1963
service on January 1, 2001. 1964

Sec. 4928.51. (A) There is hereby established in the state 1965
treasury a universal service fund, into which shall be deposited 1966
all universal service revenues remitted to the director of 1967
development under this section, for the exclusive purposes of 1968
providing funding for the low-income customer assistance programs 1969
and for the consumer education program authorized under section 1970

4928.56 of the Revised Code, and paying the administrative costs 1971
of the low-income customer assistance programs and the consumer 1972
education program. Interest on the fund shall be credited to the 1973
fund. Disbursements from the fund shall be made to any supplier 1974
that provides a competitive retail electric service or a 1975
noncompetitive retail electric service to a customer who is 1976
approved to receive assistance under a specified low-income 1977
customer assistance program and to any authorized provider of 1978
weatherization or energy efficiency service to a customer approved 1979
to receive such assistance under a specified low-income customer 1980
assistance program. 1981

(B) Universal service revenues shall include all of the 1982
following: 1983

(1) Revenues remitted to the director after collection by an 1984
electric distribution utility beginning July 1, 2000, attributable 1985
to the collection from customers of the universal service rider 1986
prescribed under section 4928.52 of the Revised Code; 1987

(2) Revenues remitted to the director that have been 1988
collected by an electric distribution utility beginning July 1, 1989
2000, as customer payments under the percentage of income payment 1990
plan program, including revenues remitted under division (C) of 1991
this section; 1992

(3) Adequate revenues remitted to the director after 1993
collection by a municipal electric utility or electric cooperative 1994
in this state not earlier than July 1, 2000, upon the utility's or 1995
cooperative's decision to participate in the low-income customer 1996
assistance programs; 1997

(4) Forfeiture amounts collected pursuant to section 1998
4928.7014 of the Revised Code. 1999

(C)(1) Beginning July 1, 2000, an electric distribution 2000
utility shall transfer to the director the right to collect all 2001

arrearage payments of a customer for percentage of income payment 2002
plan program debt owed to the utility on the day before that date 2003
or retain the right to collect that debt but remit to the director 2004
all program revenues received by the utility for that customer. 2005

(2) A current or past percentage of income payment plan 2006
program customer is relieved of any payment obligation under the 2007
percentage of income payment program for any unpaid arrears 2008
accrued by the customer under the program as of the effective date 2009
of this section if the customer, as determined by the director, 2010
meets both of the following criteria: 2011

(a) The customer as of that date has complied with customer 2012
payment responsibilities under the program. 2013

(b) The customer is permanently and totally disabled as 2014
defined in section 5117.01 of the Revised Code or is sixty-five 2015
years of age or older as defined in that section. 2016

(D) The public utilities commission shall complete an audit 2017
of each electric utility by July 1, 2000, for the purpose of 2018
establishing a baseline for the percentage of income payment plan 2019
program component of the low-income assistance programs. 2020

Sec. 4928.61. (A) There is hereby established in the state 2021
treasury the advanced energy fund, into which shall be deposited 2022
all advanced energy revenues remitted to the director of 2023
development under division (B) of this section and the rentals 2024
received by the director of natural resources under leases entered 2025
into under section 1506.111 of the Revised Code, for the exclusive 2026
purposes of funding the advanced energy program created under 2027
section 4928.62 of the Revised Code and paying the program's 2028
administrative costs. Interest on the fund shall be credited to 2029
the fund. 2030

(B) Advanced energy revenues shall include all of the 2031

following: 2032

(1) Revenues remitted to the director of development after 2033
collection by each electric distribution utility in this state of 2034
a temporary rider on retail electric distribution service rates as 2035
such rates are determined by the public utilities commission 2036
pursuant to this chapter. The rider shall be a uniform amount 2037
statewide, determined by the director ~~of development~~, after 2038
consultation with the public benefits advisory board created by 2039
section 4928.58 of the Revised Code. The amount shall be 2040
determined by dividing an aggregate revenue target for a given 2041
year as determined by the director, after consultation with the 2042
advisory board, by the number of customers of electric 2043
distribution utilities in this state in the prior year. ~~Such~~ The 2044
aggregate revenue target shall not exceed more than fifteen 2045
million dollars in any year through 2005 and shall not exceed more 2046
than five million dollars in any year after 2005. The rider shall 2047
be imposed beginning on the effective date of the amendment of 2048
this section by Sub. H.B. 251 of the 126th general assembly, 2049
January 4, 2007, and shall terminate at the end of ten years 2050
following the starting date of competitive retail electric service 2051
or until the advanced energy fund, including interest, reaches one 2052
hundred million dollars, whichever is first. 2053

(2) Revenues from payments, repayments, and collections under 2054
the advanced energy program and from program income; 2055

(3) Revenues remitted to the director after collection by a 2056
municipal electric utility or electric cooperative in this state 2057
upon the utility's or cooperative's decision to participate in the 2058
advanced energy fund; 2059

(4) Interest earnings on the advanced energy fund; 2060

(5) Revenues credited to the fund following a forfeiture made 2061
under section 4933.57 of the Revised Code; 2062

(6) Forfeiture amounts collected pursuant to section 2063
4928.7012 of the Revised Code. 2064

(C)(1) Each electric distribution utility in this state shall 2065
remit to the director on a quarterly basis the revenues described 2066
in divisions (B)(1) and (2) of this section. Such remittances 2067
shall occur within thirty days after the end of each calendar 2068
quarter. 2069

(2) Each participating electric cooperative and participating 2070
municipal electric utility shall remit to the director on a 2071
quarterly basis the revenues described in division (B)(3) of this 2072
section. Such remittances shall occur within thirty days after the 2073
end of each calendar quarter. For the purpose of division (B)(3) 2074
of this section, the participation of an electric cooperative or 2075
municipal electric utility in the energy efficiency revolving loan 2076
program as it existed immediately prior to the effective date of 2077
the amendment of this section by Sub. H.B. 251 of the 126th 2078
general assembly, January 4, 2007, does not constitute a decision 2079
to participate in the advanced energy fund under this section as 2080
so amended. 2081

(3) All remittances under divisions (C)(1) and (2) of this 2082
section shall continue only until the end of ten years following 2083
the starting date of competitive retail electric service or until 2084
the advanced energy fund, including interest, reaches one hundred 2085
million dollars, whichever is first. 2086

(D) Any moneys collected in rates for non-low-income customer 2087
energy efficiency programs, as of October 5, 1999, and not 2088
contributed to the energy efficiency revolving loan fund 2089
authorized under this section prior to the effective date of its 2090
amendment by Sub. H.B. 251 of the 126th general assembly, January 2091
4, 2007, shall be used to continue to fund cost-effective, 2092
residential energy efficiency programs, be contributed into the 2093
universal service fund as a supplement to that required under 2094

section 4928.53 of the Revised Code, or be returned to ratepayers 2095
in the form of a rate reduction at the option of the affected 2096
electric distribution utility. 2097

Sec. 4928.67. (A) As used in this section: 2098

(1) "Customer-generator" means a user of a net metering 2099
system. 2100

(2) "Electric light company" has the same meaning as in 2101
section 4905.03 of the Revised Code. 2102

(3) "Net metering" means measuring the difference in an 2103
applicable billing period between the electricity supplied by an 2104
electric light company and the electricity generated by a 2105
customer-generator that is fed back to the electric light company. 2106

(4) "Net metering system" means a facility for the production 2107
of electrical energy that does all of the following: 2108

(a) Uses as its fuel either solar, wind, biomass, landfill 2109
gas, or hydropower, or uses a micro turbine or a fuel cell; 2110

(b) Is located on a customer-generator's premises; 2111

(c) Operates in parallel with the electric light company's 2112
transmission and distribution facilities; 2113

(d) Is intended primarily to offset part or all of the 2114
customer-generator's requirements for electricity. 2115

(B)(1) Beginning on the starting date of competitive retail 2116
electric service, ~~a retail~~ an electric service provider light 2117
company in this state shall develop a standard contract or tariff 2118
providing for net energy metering. ~~Any time that the total rated~~ 2119
~~generating capacity used by customer generators is less than one~~ 2120
~~per cent of the provider's aggregate customer peak demand in this~~ 2121
~~state, the provider shall make this contract or tariff available~~ 2122
~~to customer generators, upon request and on a first come,~~ 2123

~~first served basis. The contract or tariff that~~ shall be identical 2124
in rate structure, all retail rate components, and any monthly 2125
charges, to the contract or tariff to which the same customer 2126
would be assigned if that customer were not a customer-generator. 2127

(2) Net metering under this section shall be accomplished 2128
using a single meter capable of registering the flow of 2129
electricity in each direction. If its existing electrical meter is 2130
not capable of measuring the flow of electricity in two 2131
directions, the customer-generator shall be responsible for all 2132
expenses involved in purchasing and installing a meter that is 2133
capable of measuring electricity flow in two directions. 2134

(3) Such an electric ~~service provider~~ light company, at its 2135
own expense and with the written consent of the 2136
customer-generator, may install one or more additional meters to 2137
monitor the flow of electricity in each direction. 2138

~~(B)~~(C) Consistent with the other provisions of this section, 2139
the measurement of net electricity supplied or generated shall be 2140
calculated in the following manner: 2141

(1) The electric ~~service provider~~ light company shall measure 2142
the net electricity produced or consumed during the billing 2143
period, in accordance with normal metering practices. 2144

(2) If the electricity supplied by the electric ~~service~~ 2145
~~provider~~ light company exceeds the electricity generated by the 2146
customer-generator and fed back to the electric ~~service provider~~ 2147
light company during the billing period, the customer-generator 2148
shall be billed for the net electricity supplied by the electric 2149
~~service provider~~ light company, in accordance with normal metering 2150
practices. If electricity is provided to the electric ~~service~~ 2151
~~provider~~ light company, the credits for that electricity shall 2152
appear in the next billing cycle. 2153

~~(C)~~(D)(1) A net metering system used by a customer-generator 2154

shall meet all applicable safety and performance standards 2155
established by the national electrical code, the institute of 2156
electrical and electronics engineers, and underwriters 2157
laboratories. 2158

(2) The public utilities commission shall adopt rules 2159
relating to additional control and testing requirements for 2160
customer-generators which the commission determines are necessary 2161
to protect public and worker safety and system reliability. 2162

~~(D)~~(E) An electric ~~service provider~~ light company shall not 2163
require a customer-generator whose net metering system meets the 2164
standards and requirements provided for in ~~divisions (C)(1) and~~ 2165
division (D) of this section to do any of the following: 2166

(1) Comply with additional safety or performance standards; 2167

(2) Perform or pay for additional tests; 2168

(3) Purchase additional liability insurance. 2169

Sec. 4928.68. Electric light company rates charged for net 2170
electricity supplied to customer generators shall not include 2171
reservation or capacity charges for generation services if 2172
wholesale generation services are available to the company from 2173
regional transmission organization markets. Electricity from 2174
wholesale generation services provided through a regional 2175
transmission organization shall be sold to a customer-generator at 2176
the electric light company's cost. 2177

Sec. 4928.70. As used in sections 4928.701 to 4928.7017 of 2178
the Revised Code: 2179

(A) A measure is "cost effective" if the benefit-cost ratio, 2180
which is the ratio of the net present value of the total benefits, 2181
including avoided costs, of the measure to the net present value 2182
of the total costs as calculated over the lifetime of the measure, 2183

is greater than one. 2184

(B) "Electric distribution utility" has the same meaning as 2185
in section 4928.01 of the Revised Code, but excludes any electric 2186
distribution utility that, on December 31, 2006, provided retail 2187
electric service to one hundred thousand or fewer retail electric 2188
service customers in the state. 2189

Sec. 4928.701. Electric distribution utilities and the 2190
director of development shall implement energy efficiency measures 2191
that achieve the following relative to a baseline period of the 2192
twelve months ending May 31, 2008: 2193

(A) A savings of two-tenths of one per cent of electricity 2194
delivered to retail electric service customers for the 2195
twelve-month period commencing June 1, 2008; 2196

(B) A savings of an additional two-tenths of one per cent of 2197
electricity delivered to retail electric service customers for 2198
each of the next four twelve-month periods commencing on the first 2199
day of June, until a savings of one per cent is achieved for the 2200
twelve-month period commencing on June 1, 2012; 2201

(C) A savings of an additional four-tenths of one per cent of 2202
electricity delivered to retail electric service customers for 2203
each of the next two twelve-month periods commencing on the first 2204
day of June, until a savings of one and eight-tenths per cent is 2205
achieved for the twelve-month period commencing on June 1, 2014; 2206

(D) A savings of two per cent of electricity delivered to 2207
retail electric service customers for the twelve-month period 2208
commencing on June 1, 2015, and for each twelve-month period 2209
commencing thereafter on the first day of June. 2210

Sec. 4928.702. Electric distribution utilities shall 2211
implement cost-effective measures to decrease peak electricity 2212
demand or shift demand from peak to off-peak periods with regard 2213

to electricity delivered to all retail electric service customers 2214
other than self-generators and persons with special contracts 2215
under section 4905.31 of the Revised Code. For each of the next 2216
ten twelve-month periods beginning with the initial period on June 2217
1, 2008, the measures shall reduce such peak demand by one-tenth 2218
of one per cent over the immediately preceding twelve-month 2219
period's peak demand. 2220

Sec. 4928.703. (A) For each of the four twelve-month periods 2221
starting with the initial period commencing on June 1, 2008, an 2222
electric distribution utility and the director of development 2223
shall limit the energy-efficiency and peak-demand reduction 2224
measures implemented as required by sections 4928.701 and 4928.702 2225
of the Revised Code by an amount necessary to limit the estimated 2226
average increase in the amounts paid by retail electric service 2227
customers for retail electric service due to the cost of those 2228
measures to one-half per cent of the amount paid per kilowatt hour 2229
by those customers during the twelve-month period ending May 31, 2230
2007. The limitation percentage shall increase incrementally by 2231
one-half per cent for each twelve-month period thereafter until 2232
the limitation percentage for the twelve-month period commencing 2233
on June 1, 2011, is two per cent of the amount paid per kilowatt 2234
hour for retail electric service by retail electric service 2235
customers during the twelve-month period ending May 31, 2007. 2236
Beginning with the twelve-month period commencing on June 1, 2012 2237
and for every twelve-month period thereafter, the limitation 2238
percentage shall be two and fifteen-hundredths per cent of the 2239
amount paid per kilowatt-hour for retail electric service by 2240
retail electric service customers during the twelve-month period 2241
ending May 31, 2007. 2242

(B) Not later than June 30, 2011, the public utilities 2243
commission shall review the limitation imposed by this section and 2244

shall report to the general assembly its findings as to whether it 2245
unduly constrains the procurement of energy-efficiency and 2246
peak-demand reduction measures. 2247

Sec. 4928.704. (A) Not later than January 15, 2008, each 2248
electric distribution utility shall file with the public utilities 2249
commission a plan to meet the energy-efficiency standards and 2250
peak-demand reduction standards of sections 4928.701, 4928.702, 2251
and 4928.703 of the Revised Code for the three twelve-month 2252
periods beginning June 1, 2008. Not later than the fifteenth day 2253
of January of every third year thereafter, each electric 2254
distribution utility shall file an energy-efficiency and 2255
peak-demand reduction measure plan for the next succeeding three 2256
twelve-month periods. Each plan shall set forth proposals to meet 2257
the energy-efficiency standards and peak-demand reduction 2258
standards, taking into account the service territory served by the 2259
electric distribution utility. 2260

(B) Electric distribution utilities shall be responsible for 2261
overseeing the design and development of energy-efficiency and 2262
peak-demand reduction measure plans. With respect to 2263
energy-efficiency measures, each utility shall consult with the 2264
director of development regarding their design and development. 2265
Each utility and the director shall also agree upon a reasonable 2266
portfolio of energy-efficiency measures, determine the percentage 2267
of the required savings that shall be assigned to each of those 2268
measures, and determine which measures the utility or the director 2269
shall be responsible for implementing. 2270

(C) If an electric distribution utility and the director are 2271
unable to agree on the energy-efficiency provisions required to be 2272
included in a plan, the utility and director shall each file their 2273
own versions of the energy-efficiency provisions of the plan by 2274
the date required in division (A) of this section. The public 2275

utilities commission shall determine the appropriate standards for 2276
the energy-efficiency provisions of the plan pursuant to section 2277
4928.706 of the Revised Code. 2278

Sec. 4928.705. Plans submitted pursuant to section 4928.704 2279
of the Revised Code shall do all of the following: 2280

(A) Demonstrate that the proposed energy-efficiency and 2281
peak-demand reduction measures will achieve the requirements of 2282
sections 4928.701, 4928.702, and 4928.703 of the Revised Code; 2283

(B) Present specific proposals for the implementation of 2284
building and appliance standards; 2285

(C) Include a description of the energy-efficiency measures 2286
the director of development is responsible for implementing in 2287
accordance with sections 4928.704 and 4928.707 of the Revised 2288
Code; 2289

(D) Present estimates of the total amount to be paid for 2290
retail electric service expressed on a per kilowatt-hour basis 2291
associated with the proposed portfolio of measures designed to 2292
meet the requirements of sections 4928.701, 4928.702, and 4928.703 2293
of the Revised Code; 2294

(E) Provide for coordination with the director of development 2295
in order to present a portfolio of energy-efficiency measures 2296
targeted for participants in, and persons eligible for, low-income 2297
customer assistance programs; 2298

(F) Demonstrate that the proposed energy-efficiency and 2299
peak-demand reduction measures, not including those measures 2300
covered in division (E) of this section, are cost-effective and 2301
represent a diverse cross-section of opportunities for customers 2302
of all rate classes to participate in the programs; 2303

(G) Include a cost-recovery tariff mechanism to fund the 2304
proposed energy-efficiency and peak-demand reduction measures 2305

described in the plan and to ensure the recovery of just and 2306
reasonable costs; 2307

(H) Provide for an annual independent evaluation of the cost 2308
effectiveness of the portfolio of proposed energy-efficiency and 2309
peak-demand reduction measures, as well as a full review of the 2310
three-year results of the broader net program impacts, and to the 2311
extent practical, for prospective adjustment of the measures on 2312
the basis of the evaluations. The cost of the evaluation shall not 2313
exceed three per cent of the portfolio's savings in any given 2314
year. 2315

Sec. 4928.706. The public utilities commission shall seek 2316
public comment on each plan filed under section 4928.704 of the 2317
Revised Code and, after notice and a hearing, shall issue an order 2318
approving or disapproving the plan not later than sixty days after 2319
the date the plan was filed. If the commission disapproves a plan, 2320
the commission shall provide written findings that detail the 2321
reason the plan was not approved and what changes should be made 2322
in the plan in order to obtain commission approval. Not later than 2323
thirty days after the issuance of the written disapproval 2324
findings, the electric distribution utility shall re-file a 2325
modified plan. Any re-filed plan shall be subject to the same 2326
review procedure, time limitations, and notice and hearing 2327
requirements imposed for originally filed plans. If the commission 2328
fails to approve or disapprove a plan within the sixty-day time 2329
limit required by this section, the plan shall be considered 2330
approved. 2331

Sec. 4928.707. Each electric distribution utility shall 2332
implement all peak-demand reduction measures and approximately 2333
seventy-five per cent of the energy-efficiency measures included 2334
in the plan approved by the public utilities commission under 2335
section 4928.706 or 4928.7013 of the Revised Code. The director of 2336

development shall implement approximately twenty-five per cent of 2337
all energy-efficiency measures included in plans approved under 2338
that section. The director may outsource implementation of 2339
measures assigned to the director under each approved plan. A 2340
minimum of ten per cent of the entire portfolio of measures under 2341
each approved plan shall be procured from units of local 2342
government, school districts, and community college districts. 2343

Sec. 4928.708. The tariff approved by the public utilities 2344
commission pursuant to section 4928.706 or 4928.7013 of the 2345
Revised Code as part of an energy-efficiency and peak-demand 2346
reduction plan shall be reviewed annually in order to reconcile 2347
any amounts collected with the actual costs and to determine the 2348
required adjustment to the annual tariff to match annual 2349
expenditures. The tariff may be modified by the adjustment only 2350
after notice and a hearing. 2351

Sec. 4928.709. Tariff amounts collected by an electric 2352
distribution utility to cover the cost of energy-efficiency 2353
measures implemented by the director of development shall be paid 2354
by such utility to the public utilities commission for deposit 2355
into the energy-efficiency fund which is hereby created in the 2356
state treasury. The amounts in the fund shall be used by the 2357
director only for the purpose of implementing the 2358
energy-efficiency measures required by plans approved under 2359
section 4928.706 or 4928.7013 of the Revised Code. All investment 2360
earnings of the fund shall be retained by the fund. 2361

Sec. 4928.7010. Not more than three per cent of revenues 2362
raised by a tariff imposed by a plan approved under section 2363
4928.706 or 4928.7013 of the Revised Code may be used to fund 2364
demonstration of breakthrough equipment and devices. 2365

Sec. 4928.7011. The director of development shall report to 2366
the public utilities commission on an annual basis regarding the 2367
costs actually incurred in the implementation of the 2368
energy-efficiency measures for which the director is responsible 2369
under plans approved under section 4928.706 or 4928.7013 of the 2370
Revised Code. 2371

Sec. 4928.7012. (A) If an electric distribution utility fails 2372
to file a plan on the appropriate date required by section 2373
4928.704 of the Revised Code, the utility shall forfeit one 2374
hundred thousand dollars per day until the plan is filed. 2375

(B) If an electric distribution utility does not re-file a 2376
plan that has been disapproved pursuant to section 4928.706 or 2377
4928.7013 of the Revised Code in the time period required by that 2378
section, the utility shall forfeit one hundred thousand dollars 2379
per day until the plan is re-filed. 2380

(C) An electric distribution utility shall not be subject to 2381
a forfeiture pursuant to this section for failure to make a timely 2382
filing if that failure is the result of lack of agreement with the 2383
director of development regarding the energy efficiency provisions 2384
of a plan required to be filed pursuant to section 4928.704 of the 2385
Revised Code. 2386

(D) Forfeitures imposed pursuant to this section shall be 2387
recovered in accordance with sections 4905.57, 4905.59, and 2388
4905.61 of the Revised Code, except that forfeiture amounts 2389
collected shall be deposited into the advanced energy fund created 2390
under section 4928.61 of the Revised Code. 2391

Sec. 4928.7013. If the director of development is unable to 2392
meet the director's annual energy efficiency performance standards 2393
required by a plan approved under section 4928.706 of the Revised 2394
Code for any one year of the plan, the electric distribution 2395

utility subject to the plan and the director shall jointly file a 2396
modified plan with the public utilities commission as well as an 2397
explanation of the performance failure and the remedial course 2398
proposed in the modified plan. The modified plan shall comply with 2399
the requirements of sections 4928.701, 4928.702, 4928.703, and 2400
4928.705 and division (B) of section 4928.704 of the Revised Code. 2401
The commission shall approve the modified plan in accordance with 2402
the requirements of section 4928.706 of the Revised Code. 2403

Sec. 4928.7014. (A) As used in this section: 2404

(1) "Large electric distribution utility" means an electric 2405
distribution utility that, on December 31, 2006, served more than 2406
two million retail electric-service customers in the state. 2407

(2) "Medium electric distribution utility" means an electric 2408
distribution utility that, on December 31, 2006, served more than 2409
one hundred thousand but no more than two million retail 2410
electric-service customers in the state. 2411

(3) One or more electric distribution utilities that are 2412
affiliated by virtue of a common parent company shall be 2413
considered one electric distribution utility for purposes of this 2414
section. 2415

(B) If an electric distribution utility fails, by the end of 2416
the second year, or if an electric distribution utility fails, by 2417
the end of the third year, to meet the energy-efficiency savings 2418
requirements imposed on it under an energy-efficiency and 2419
peak-demand reduction measures plan approved pursuant to section 2420
4928.06 or 4928.7013 of the Revised Code, the utility shall be 2421
subject to a forfeiture as described in division (C) of this 2422
section. 2423

(C)(1) With respect to failure to meet the energy-efficiency 2424
requirements by the end of the second year of an approved plan, a 2425

large electric distribution utility shall forfeit not more than 2426
six hundred sixty-five thousand dollars and a medium electric 2427
distribution utility shall forfeit not more than three hundred 2428
thirty-five thousand dollars. If two or more large electric 2429
distribution utilities fail to meet the energy-efficiency 2430
requirements by the end of the second year, the total forfeiture 2431
amount imposed on the large electric distribution utilities for 2432
their failure shall not exceed six hundred sixty-five thousand 2433
dollars. If two or more medium electric distribution utilities 2434
fail to meet the energy-efficiency requirements by the end of the 2435
second year, the total forfeiture amount imposed on the medium 2436
electric distribution utilities for their failure shall not exceed 2437
three hundred thirty-five thousand dollars. 2438

(2) With respect to failure to meet the energy-efficiency 2439
requirements by the end of the third year of an approved plan, a 2440
large electric distribution utility shall forfeit not more than 2441
six hundred sixty-five thousand dollars and a medium electric 2442
distribution utility shall forfeit not more than three hundred 2443
thirty-five thousand dollars. If two or more large electric 2444
distribution utilities fail to meet the energy-efficiency 2445
requirements by the end of the third year, the total forfeiture 2446
amount imposed on the large electric distribution utilities for 2447
their failure shall not exceed six hundred sixty-five thousand 2448
dollars. If two or more medium electric distribution utilities 2449
fail to meet the energy-efficiency requirements by the end of the 2450
third year, the total forfeiture amount imposed on the medium 2451
electric distribution utilities for their failure shall not exceed 2452
three hundred thirty-five thousand dollars. 2453

(D) Forfeitures imposed pursuant to this section shall be 2454
recovered in accordance with sections 4905.57, 4905.59, and 2455
4905.61 of the Revised Code, except that forfeiture amounts 2456
collected shall be deposited into the universal service fund 2457

created under section 4928.51 of the Revised Code. 2458

Sec. 4928.7015. Any forfeiture amount imposed pursuant to 2459
section 4928.7012 or 4928.7014 of the Revised Code on an electric 2460
distribution utility shall not be collected in any manner from the 2461
utility's retail electric-service customers. 2462

Sec. 4928.7016. If any electric distribution utility fails, 2463
by the end of the third year, or if the director of development 2464
fails, by the end of the third year, to meet the energy-efficiency 2465
requirements imposed on it by an energy-efficiency and peak-demand 2466
reduction measures plan approved pursuant to section 4928.706 or 2467
4928.7013 of the Revised Code, the public utilities commission may 2468
assume the responsibility for implementing energy-efficiency 2469
measures to meet the requirements. The commission shall institute 2470
a competitive procurement program to obtain and implement the 2471
energy-efficiency measures over which the commission has assumed 2472
control. The program established by the commission shall require 2473
the commission to obtain at least three bids or quotes from 2474
different vendors and shall be governed by a rebuttable 2475
presumption that the lowest responsive and responsible bid or 2476
quote shall be selected. 2477

Sec. 4928.7017. No electric distribution utility shall be 2478
deemed to have failed to meet the energy-efficiency requirements 2479
imposed on it by an energy-efficiency and peak-demand reduction 2480
measures plan approved pursuant to section 4928.706 or 4928.7013 2481
of the Revised Code, to the extent any such failure is due to a 2482
failure of the director of development or the public utilities 2483
commission. 2484

Sec. 4933.51. As used in sections 4933.51 to 4933.58 of the 2485
Revised Code: 2486

<u>(A) "Biomass" means any of the following:</u>	2487
<u>(1) Cellulosic organic material from a plant that is grown</u>	2488
<u>for the purpose of being used in the production of electricity;</u>	2489
<u>(2) Nonhazardous, plant-based waste material that is</u>	2490
<u>segregated from other solid waste materials and derived from</u>	2491
<u>agricultural crops, crop byproducts or residues, forestry</u>	2492
<u>maintenance residues, or landscape or right-of-way tree trimmings</u>	2493
<u>or clean wood waste;</u>	2494
<u>(3) Gasified animal waste;</u>	2495
<u>(4) Gasified food waste;</u>	2496
<u>(5) Landfill methane;</u>	2497
<u>(6) Methane from food or farm waste;</u>	2498
<u>(7) Plant oils including used restaurant grease;</u>	2499
<u>(8) Municipal solid waste;</u>	2500
<u>(9) Post-consumer waste paper;</u>	2501
<u>(10) Painted, treated, or pressurized wood;</u>	2502
<u>(11) Construction debris;</u>	2503
<u>(12) Wood contaminated with plastic or metals;</u>	2504
<u>(13) Tires.</u>	2505
<u>(B) "Fuel cell" means an electromechanical device that</u>	2506
<u>converts chemical energy in a hydrogen-rich fuel directly into</u>	2507
<u>electricity, heat, and water without combustion.</u>	2508
<u>(C) "Generation supplier" means a public utility electric</u>	2509
<u>light company as defined in sections 4905.02 and 4905.03 of the</u>	2510
<u>Revised Code that supplies retail electric generation service in</u>	2511
<u>this state.</u>	2512
<u>(D) "Hydrogen-rich fuel" includes hydrogen that is produced</u>	2513
<u>from fossil fuels including natural gas, oil, propane, and coal</u>	2514

including coal-mined methane. 2515

(E) "New renewable energy system" includes any of the 2516
following: 2517

(1) A renewable energy system that is placed in operation on 2518
or after January 1, 1997; 2519

(2) A facility in existence prior to January 1, 1997, that 2520
has been reconfigured so that at least eighty per cent of the fair 2521
market value of the electricity it generates or distributes is 2522
from renewable energy; 2523

(3) A separable, improved part of a facility in existence 2524
prior to January 1, 1997, that generates or distributes 2525
electricity derived from renewable energy separately from the 2526
original facility; 2527

(4) A facility in existence prior to January 1, 1997, that 2528
has converted one hundred per cent of its fuel source to renewable 2529
energy. 2530

(F) "Qualified energy" means either of the following: 2531

(1) Renewable energy from a new renewable energy system; 2532

(2) Energy represented by a renewable energy credit awarded 2533
to or purchased by a generation supplier. 2534

(G) "Renewable energy" means any of the following: 2535

(1) Solar energy; 2536

(2) Wind energy; 2537

(3) Geothermal energy; 2538

(4) Biomass energy; 2539

(5) Hydropower, but only for the purposes of divisions (I)(5) 2540
and (6) of this section; 2541

(6) Energy from a fuel cell. 2542

"Renewable energy" excludes nuclear energy, pump storage, and 2543
energy derived from fossil fuels including natural gas, oil, 2544
propane, and coal including coal-mined methane. 2545

(H) "Renewable energy credit" means a tradable, verifiable 2546
instrument representing one megawatt hour of electricity produced 2547
from energy described in division (F)(1) of this section. 2548

(I) "Renewable energy system" means any of the following: 2549

(1) A facility or energy system that uses renewable energy to 2550
generate electricity; 2551

(2) A biomass cofiring facility that cofires nonrenewable 2552
energy sources with biomass; 2553

(3) A landfill methane facility; 2554

(4) A fuel cell technology system; 2555

(5) A hydroelectric generating facility located at a dam 2556
within the state or on the border of the state that has a total 2557
stated production capacity of thirty megawatts or less of 2558
electricity; 2559

(6) A series of units, each with a stated production capacity 2560
of forty megawatts or less of electricity, at a hydroelectric 2561
generating facility located at a dam or lock and dam in the state 2562
or on the border of the state. 2563

Sec. 4933.52. A generation supplier shall derive a minimum 2564
aggregate amount of its total retail electric sales from any 2565
combination of qualified energy sources in accordance with the 2566
following schedule: 2567

<u>Calendar year</u>	<u>Minimum Percentage of Total</u>	
	<u>Retail Electric Sales</u>	
<u>2010</u>	<u>2%</u>	2569
<u>2011</u>	<u>4%</u>	2570

<u>2012</u>	<u>6%</u>	2571
<u>2013</u>	<u>8%</u>	2572
<u>2014</u>	<u>10%</u>	2573
<u>2015</u>	<u>12%</u>	2574
<u>2016</u>	<u>14%</u>	2575
<u>2017</u>	<u>16%</u>	2576
<u>2018</u>	<u>18%</u>	2577
<u>2019</u>	<u>20%</u>	2578
<u>2020 and each subsequent year</u>	<u>22%</u>	2579

For the purposes of this section, total retail electric sales 2580
for a calendar year shall be determined to be the average of the 2581
supplier's retail electric sales in this state for the immediately 2582
preceding three calendar years. 2583

Sec. 4933.53. Annually, not later than the fifteenth day of 2584
April, every generation supplier shall submit a report to the 2585
public utilities commission describing the supplier's compliance 2586
with the minimum retail sales requirements specified in section 2587
4933.52 of the Revised Code for the previous calendar year. The 2588
report shall include the following: 2589

(A) A list, itemized by system, of the monthly megawatt hours 2590
purchased from renewable energy systems and the megawatt capacity 2591
of each such system; 2592

(B) The percentage of sales in megawatt hours from energy 2593
described in division (F)(1) of section 4933.51 of the Revised 2594
Code; 2595

(C) The rate of compliance with section 4933.52 of the 2596
Revised Code; 2597

(D) Implementation plans for compliance with that section in 2598
future years; 2599

(E) A statement that no renewable energy credits awarded to 2600

or purchased by the supplier have been or will be used to meet 2601
other states' renewable energy or similar requirements; 2602

(F) A twenty-year projection of energy loads and annual 2603
energy demands for electricity, anticipated generating capacity, 2604
and seasonal peak demands; 2605

(G) Any other information required by the commission by rule. 2606
The rules may require that the report be filed as part of the 2607
annual report filed pursuant to section 4905.14 of the Revised 2608
Code. 2609

Sec. 4933.54. (A) The public utilities commission shall 2610
establish by rule a system of renewable energy credits and 2611
annually shall review the retail sales of electricity in this 2612
state for each generation supplier. If the supplier has retail 2613
sales of electricity that exceed the minimum requirements 2614
specified in section 4933.52 of the Revised Code, the commission 2615
shall award renewable energy credits to the supplier in a 2616
proportion to be determined by the commission. 2617

To be eligible for the renewable energy credit calculation, 2618
the retail sales shall take place in the same year the electricity 2619
is generated and shall be of electricity produced in this state 2620
from energy described in division (F)(1) of section 4933.51 of the 2621
Revised Code. Subject to rules adopted by the commission, a 2622
supplier may negotiate the sale or purchase of one or more credits 2623
at any price. 2624

(B) The commission shall adopt rules that specify the 2625
following: 2626

(1) The number of credits to be awarded for exceeding the 2627
minimum retail sales requirement under section 4933.52 of the 2628
Revised Code; 2629

(2) The allowable uses of a credit; 2630

<u>(3) The reporting of a credit;</u>	2631
<u>(4) A system for tracking used and unused credits;</u>	2632
<u>(5) The requirements and procedures for the sale or purchase</u>	2633
<u>of a credit.</u>	2634
<u>To the extent possible, the commission shall conform its</u>	2635
<u>rules such that they are consistent with national standards.</u>	2636
<u>(C) A supplier may apply a credit awarded by the commission</u>	2637
<u>for exceeding the minimum retail sales requirements, or a credit</u>	2638
<u>purchased from another party, in one calendar year to either or</u>	2639
<u>both of the subsequent two calendar years provided that all of the</u>	2640
<u>following apply:</u>	2641
<u>(1) The supplier met the minimum requirements for all</u>	2642
<u>previous calendar years as specified in section 4933.52 of the</u>	2643
<u>Revised Code.</u>	2644
<u>(2) The credit previously has not been applied to meet the</u>	2645
<u>requirements specified in section 4933.52 of the Revised Code.</u>	2646
<u>(3) The credit has not been claimed or represented as part of</u>	2647
<u>satisfying requirements in other states that are similar to the</u>	2648
<u>requirements under section 4933.52 of the Revised Code.</u>	2649
<u>Sec. 4933.55. The public utilities commission shall develop a</u>	2650
<u>renewable energy credit registry that shall be made available to</u>	2651
<u>generation suppliers and the public. The registry shall include</u>	2652
<u>pertinent information regarding the current status of all</u>	2653
<u>available renewable energy credits; transactions among suppliers;</u>	2654
<u>the number of renewable energy credits awarded; the number of</u>	2655
<u>renewable energy credits sold and the price paid for the sale of</u>	2656
<u>credits to a non-Ohio-based entity; the number of renewable energy</u>	2657
<u>credits sold and the price paid for the sale of credits to an</u>	2658
<u>Ohio-based entity; and the average price paid for the sale of all</u>	2659
<u>credits.</u>	2660

Sec. 4933.56. (A) To encourage generation of electricity from fuel cells, the public utilities commission may authorize, after notice and the opportunity for a hearing, the collection of a just and reasonable surcharge on the retail electric rates of customers receiving electricity from a generation supplier that does either of the following with respect to a fuel cell facility that has a generating capacity of thirty kilowatts or less of electricity:

(1) Constructs or is in the process of constructing such a facility;

(2) Purchases electricity from an entity that constructs or is in the process of constructing such a facility.

(B) The surcharge shall be imposed for the purpose of paying the costs of designing and constructing the facility and shall not exceed the amount the commission determines necessary to pay only those costs. Such costs shall include architectural and engineering fees, land acquisition or remediation costs, and such other third-party costs related to a facility's design or construction. The surcharge shall terminate on such date as the commission specifies by order upon a determination, after hearing, that all such costs have been paid.

Sec. 4933.57. (A) Upon initiative of the public utilities commission or a complaint of any person, if it appears that reasonable grounds for complaint are stated, the commission shall determine whether a generation supplier has failed to comply with section 4933.52 of the Revised Code. The commission shall fix a time for a hearing and shall notify complainants and the supplier of the time. The notice shall be served not less than fifteen days before the hearing and shall state the matters listed in the complaint. The commission may adjourn the hearing from time to time. The parties to the complaint shall be entitled to be heard

and represented by counsel, and to have process to enforce the 2691
attendance of witnesses. 2692

(B) The commission may assess a forfeiture against a supplier 2693
that it finds has failed to comply with section 4933.52 of the 2694
Revised Code, to be collected pursuant to sections 4905.57, 2695
4905.59, and 4905.60 of the Revised Code. For each percentage 2696
below the minimum retail sales requirement during the period of 2697
noncompliance, the forfeiture shall be in an amount equal to two 2698
hundred per cent of the average price of a renewable energy credit 2699
awarded pursuant to section 4933.54 of the Revised Code during 2700
that period. 2701

Money collected from a forfeiture assessed under this 2702
division shall be deposited to the credit of the advanced energy 2703
fund created in section 4928.61 of the Revised Code. 2704

(C) If the commission, after notice and an opportunity to be 2705
heard, finds that a generation supplier has engaged or is engaging 2706
in a persistent pattern of failures to comply with section 4933.52 2707
of the Revised Code, the commission may suspend or rescind the 2708
supplier's certification under section 4928.08 of the Revised 2709
Code. 2710

Sec. 4933.58. The forfeiture imposed pursuant to section 2711
4933.57 of the Revised Code shall not be collected in any way from 2712
customers receiving electricity from the generation supplier 2713
subject to the forfeiture. 2714

Sec. 5301.073. (A) No covenant, condition, or restriction set 2715
forth in a deed, and no rule, regulation, bylaw, or other 2716
governing document or agreement of a homeowners, neighborhood, 2717
civic, or other association shall prohibit or be construed to 2718
prohibit the placement on any property of a clothesline, hook, or 2719
other device or object for attaching a clothesline, or any pole 2720

for supporting a clothesline. 2721

(B) A covenant, condition, restriction, rule, regulation, 2722
bylaw, governing document, or agreement or a construction of any 2723
of these items that violates division (A) of this section is 2724
against public policy and void and unenforceable in any court of 2725
this state to the extent it violates that division. 2726

Sec. 5311.192. (A) No declaration, bylaw, rule, regulation, 2727
or agreement of a condominium property or construction of any of 2728
these items by the board of managers of its unit owners 2729
association shall prohibit or be construed to prohibit the 2730
placement of a clothesline, hook, or other device or object for 2731
attaching a clothesline, or any pole for supporting a clothesline 2732
within the limited common areas and facilities of a unit owner. 2733

(B) A declaration, bylaw, rule, regulation, or agreement or 2734
the construction of any of these items that violates division (A) 2735
of this section is against public policy and void and 2736
unenforceable in any court of this state to the extent it violates 2737
that division. 2738

Sec. 5501.452. In accordance with section 5501.45 of the 2739
Revised Code, the director of transportation shall implement a 2740
program allowing, by lease or permit, the use of lands owned by 2741
the state and acquired or used for the state highway system or for 2742
highways or in connection with highways or as incidental to the 2743
acquisition of land for highways by persons operating pipelines 2744
that are necessary for the operation of storage facilities 2745
regulated under Chapter 1572. of the Revised Code. The program 2746
shall be operated in accordance with guidelines in effect on 2747
January 1, 1996. 2748

Nothing in this section shall require the director to 2749
maintain a lease or permit at a specific location or prohibit the 2750

director from modifying the terms of a specific lease or permit. 2751

Section 2. That existing sections 123.01, 1505.07, 1506.11, 2752
1531.06, 1571.01, 4503.10, 4503.101, 4503.103, 4928.01, 4928.51, 2753
4928.61, and 4928.67 and sections 5119.40, 5120.12, and 5123.23 of 2754
the Revised Code are hereby repealed. 2755

Section 3. A lease of any lands that are owned or controlled 2756
by a state agency as defined in section 1.60 of the Revised Code 2757
for the purpose of exploring for, developing, and producing oil or 2758
natural gas that was entered into prior to the effective date of 2759
this act shall remain in effect until the term of the lease 2760
expires as provided for in the lease. 2761

Section 4. Not later than six months after the effective date 2762
of this section, the Department of Transportation shall transfer 2763
to the Department of Natural Resources the control and management 2764
of not less than thirty thousand acres of right-of-way located 2765
along state and interstate freeways. Upon such transfer, the 2766
Department of Natural Resources shall be responsible for the 2767
control and management of such acreage. 2768

The Department of Natural Resources shall replace the grass 2769
and other vegetation currently growing on this acreage with both 2770
of the following: 2771

(A) Vegetation, suitable for the climate of this state, that 2772
when harvested can be processed into the fuel cellulosic ethanol; 2773

(B) Vegetation, suitable for the climate of this state, that 2774
contributes to the beautification of the street or highway. 2775

In selecting the acreage to be transferred under this 2776
section, the Department of Transportation shall give due 2777
consideration to any valid safety concerns that are present at a 2778
particular location. The Department of Transportation shall not 2779
transfer any acreage pursuant to this section if the Department 2780

determines that after such transfer the safety of the traveling	2781
public would be adversely affected to any degree.	2782