

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 350

Senator Faber

Cosponsors: Senators Seitz, Goodman, Mumper, Padgett, Buehrer

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A B I L L

To amend sections 123.01, 1505.07, 1531.06, and 1
3706.01, to enact sections 1501.50 and 3745.50, 2
and to repeal sections 5119.40, 5120.12, and 3
5123.23 of the Revised Code to grant the 4
Department of Natural Resources exclusive 5
authority to enter into leases for oil and gas 6
development on state land, to require the Director 7
of Environmental Protection and the Director of 8
Development to create a streamlined permitting 9
process for certain energy related facilities, to 10
expand the facilities that may be funded by the 11
Air Quality Development Authority to include 12
certain energy related facilities, and to create 13
the Energy Planning Task Force. 14

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

Section 1. That sections 123.01, 1505.07, 1531.06, and 15
3706.01 be amended and sections 1501.50 and 3745.50 of the Revised 16
Code be enacted to read as follows: 17

Sec. 123.01. (A) The department of administrative services, 18
in addition to those powers enumerated in Chapters 124. and 125. 19

of the Revised Code and provided elsewhere by law, shall exercise 20
the following powers: 21

(1) To prepare, or contract to be prepared, by licensed 22
engineers or architects, surveys, general and detailed plans, 23
specifications, bills of materials, and estimates of cost for any 24
projects, improvements, or public buildings to be constructed by 25
state agencies that may be authorized by legislative 26
appropriations or any other funds made available therefor, 27
provided that the construction of the projects, improvements, or 28
public buildings is a statutory duty of the department. This 29
section does not require the independent employment of an 30
architect or engineer as provided by section 153.01 of the Revised 31
Code in the cases to which that section applies nor affect or 32
alter the existing powers of the director of transportation. 33

(2) To have general supervision over the construction of any 34
projects, improvements, or public buildings constructed for a 35
state agency and over the inspection of materials previous to 36
their incorporation into those projects, improvements, or 37
buildings; 38

(3) To make contracts for and supervise the construction of 39
any projects and improvements or the construction and repair of 40
buildings under the control of a state agency, except contracts 41
for the repair of buildings under the management and control of 42
the departments of public safety, job and family services, mental 43
health, mental retardation and developmental disabilities, 44
rehabilitation and correction, and youth services, the bureau of 45
workers' compensation, the rehabilitation services commission, and 46
boards of trustees of educational and benevolent institutions and 47
except contracts for the construction of projects that do not 48
require the issuance of a building permit or the issuance of a 49
certificate of occupancy and that are necessary to remediate 50
conditions at a hazardous waste facility, solid waste facility, or 51

other location at which the director of environmental protection 52
has reason to believe there is a substantial threat to public 53
health or safety or the environment. These contracts shall be made 54
and entered into by the directors of public safety, job and family 55
services, mental health, mental retardation and developmental 56
disabilities, rehabilitation and correction, and youth services, 57
the administrator of workers' compensation, the rehabilitation 58
services commission, the boards of trustees of such institutions, 59
and the director of environmental protection, respectively. All 60
such contracts may be in whole or in part on unit price basis of 61
maximum estimated cost, with payment computed and made upon actual 62
quantities or units. 63

(4) To prepare and suggest comprehensive plans for the 64
development of grounds and buildings under the control of a state 65
agency; 66

(5) To acquire, by purchase, gift, devise, lease, or grant, 67
all real estate required by a state agency, in the exercise of 68
which power the department may exercise the power of eminent 69
domain, in the manner provided by sections 163.01 to 163.22 of the 70
Revised Code; 71

(6) To make and provide all plans, specifications, and models 72
for the construction and perfection of all systems of sewerage, 73
drainage, and plumbing for the state in connection with buildings 74
and grounds under the control of a state agency; 75

(7) To erect, supervise, and maintain all public monuments 76
and memorials erected by the state, except where the supervision 77
and maintenance is otherwise provided by law; 78

(8) To procure, by lease, storage accommodations for a state 79
agency; 80

(9) To lease or grant easements or licenses for unproductive 81
and unused lands or other property under the control of a state 82

agency. Such leases, easements, or licenses shall be granted for a 83
period not to exceed fifteen years and shall be executed for the 84
state by the director of administrative services and the governor 85
and shall be approved as to form by the attorney general, provided 86
that leases, easements, or licenses may be granted to any county, 87
township, municipal corporation, port authority, water or sewer 88
district, school district, library district, health district, park 89
district, soil and water conservation district, conservancy 90
district, or other political subdivision or taxing district, or 91
any agency of the United States government, for the exclusive use 92
of that agency, political subdivision, or taxing district, without 93
any right of sublease or assignment, for a period not to exceed 94
fifteen years, and provided that the director shall grant leases, 95
easements, or licenses of university land for periods not to 96
exceed twenty-five years for purposes approved by the respective 97
university's board of trustees wherein the uses are compatible 98
with the uses and needs of the university and may grant leases of 99
university land for periods not to exceed forty years for purposes 100
approved by the respective university's board of trustees pursuant 101
to section 123.77 of the Revised Code. 102

(10) To lease office space in buildings for the use of a 103
state agency; 104

(11) To have general supervision and care of the storerooms, 105
offices, and buildings leased for the use of a state agency; 106

(12) To exercise general custodial care of all real property 107
of the state; 108

(13) To assign and group together state offices in any city 109
in the state and to establish, in cooperation with the state 110
agencies involved, rules governing space requirements for office 111
or storage use; 112

(14) To lease for a period not to exceed forty years, 113

pursuant to a contract providing for the construction thereof 114
under a lease-purchase plan, buildings, structures, and other 115
improvements for any public purpose, and, in conjunction 116
therewith, to grant leases, easements, or licenses for lands under 117
the control of a state agency for a period not to exceed forty 118
years. The lease-purchase plan shall provide that at the end of 119
the lease period, the buildings, structures, and related 120
improvements, together with the land on which they are situated, 121
shall become the property of the state without cost. 122

(a) Whenever any building, structure, or other improvement is 123
to be so leased by a state agency, the department shall retain 124
either basic plans, specifications, bills of materials, and 125
estimates of cost with sufficient detail to afford bidders all 126
needed information or, alternatively, all of the following plans, 127
details, bills of materials, and specifications: 128

(i) Full and accurate plans suitable for the use of mechanics 129
and other builders in the improvement; 130

(ii) Details to scale and full sized, so drawn and 131
represented as to be easily understood; 132

(iii) Accurate bills showing the exact quantity of different 133
kinds of material necessary to the construction; 134

(iv) Definite and complete specifications of the work to be 135
performed, together with such directions as will enable a 136
competent mechanic or other builder to carry them out and afford 137
bidders all needed information; 138

(v) A full and accurate estimate of each item of expense and 139
of the aggregate cost thereof. 140

(b) The department shall give public notice, in such 141
newspaper, in such form, and with such phraseology as the director 142
of administrative services prescribes, published once each week 143
for four consecutive weeks, of the time when and place where bids 144

will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the bureau and the secretary of state have made the certifications required by this section of the builder who has submitted the lowest and best bid. Within ten days of the completion of the investigation of the bids, the department shall award the lease

agreement to the builder who has submitted the lowest and best bid 178
and who has been certified by the bureau and secretary of state as 179
required by this section. If bidding for the lease agreement has 180
been conducted upon the basis of basic plans, specifications, 181
bills of materials, and estimates of costs, upon the award to the 182
builder the department, or the builder with the approval of the 183
department, shall appoint an architect or engineer licensed in 184
this state to prepare such further detailed plans, specifications, 185
and bills of materials as are required to construct the building, 186
structure, or improvement. The department shall adopt such rules 187
as are necessary to give effect to this section. The department 188
may reject any bid. Where there is reason to believe there is 189
collusion or combination among bidders, the bids of those 190
concerned therein shall be rejected. 191

(15) To acquire by purchase, gift, devise, or grant and to 192
transfer, lease, or otherwise dispose of all real property 193
required to assist in the development of a conversion facility as 194
defined in section 5709.30 of the Revised Code as that section 195
existed before its repeal by Amended Substitute House Bill 95 of 196
the 125th general assembly; 197

(16) To lease for a period not to exceed forty years, 198
notwithstanding any other division of this section, the 199
state-owned property located at 408-450 East Town Street, 200
Columbus, Ohio, formerly the state school for the deaf, to a 201
developer in accordance with this section. "Developer," as used in 202
this section, has the same meaning as in section 123.77 of the 203
Revised Code. 204

Such a lease shall be for the purpose of development of the 205
land for use by senior citizens by constructing, altering, 206
renovating, repairing, expanding, and improving the site as it 207
existed on June 25, 1982. A developer desiring to lease the land 208
shall prepare for submission to the department a plan for 209

development. Plans shall include provisions for roads, sewers, 210
water lines, waste disposal, water supply, and similar matters to 211
meet the requirements of state and local laws. The plans shall 212
also include provision for protection of the property by insurance 213
or otherwise, and plans for financing the development, and shall 214
set forth details of the developer's financial responsibility. 215

The department may employ, as employees or consultants, 216
persons needed to assist in reviewing the development plans. Those 217
persons may include attorneys, financial experts, engineers, and 218
other necessary experts. The department shall review the 219
development plans and may enter into a lease if it finds all of 220
the following: 221

(a) The best interests of the state will be promoted by 222
entering into a lease with the developer; 223

(b) The development plans are satisfactory; 224

(c) The developer has established the developer's financial 225
responsibility and satisfactory plans for financing the 226
development. 227

The lease shall contain a provision that construction or 228
renovation of the buildings, roads, structures, and other 229
necessary facilities shall begin within one year after the date of 230
the lease and shall proceed according to a schedule agreed to 231
between the department and the developer or the lease will be 232
terminated. The lease shall contain such conditions and 233
stipulations as the director considers necessary to preserve the 234
best interest of the state. Moneys received by the state pursuant 235
to this lease shall be paid into the general revenue fund. The 236
lease shall provide that at the end of the lease period the 237
buildings, structures, and related improvements shall become the 238
property of the state without cost. 239

~~(17) To lease to any person any tract of land owned by the 240~~

~~state and under the control of the department, or any part of such 241
a tract, for the purpose of drilling for or the pooling of oil or 242
gas. Such a lease shall be granted for a period not exceeding 243
forty years, with the full power to contract for, determine the 244
conditions governing, and specify the amount the state shall 245
receive for the purposes specified in the lease, and shall be 246
prepared as in other cases. 247~~

~~(18) To manage the use of space owned and controlled by the 248
department, including space in property under the jurisdiction of 249
the Ohio building authority, by doing all of the following: 250~~

~~(a) Biennially implementing, by state agency location, a 251
census of agency employees assigned space; 252~~

~~(b) Periodically in the discretion of the director of 253
administrative services: 254~~

~~(i) Requiring each state agency to categorize the use of 255
space allotted to the agency between office space, common areas, 256
storage space, and other uses, and to report its findings to the 257
department; 258~~

~~(ii) Creating and updating a master space utilization plan 259
for all space allotted to state agencies. The plan shall 260
incorporate space utilization metrics. 261~~

~~(iii) Conducting a cost-benefit analysis to determine the 262
effectiveness of state-owned buildings; 263~~

~~(iv) Assessing the alternatives associated with consolidating 264
the commercial leases for buildings located in Columbus. 265~~

~~(c) Commissioning a comprehensive space utilization and 266
capacity study in order to determine the feasibility of 267
consolidating existing commercially leased space used by state 268
agencies into a new state-owned facility. 269~~

~~(B) This section and section 125.02 of the Revised Code shall 270~~

not interfere with any of the following:	271
(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories;	272 273 274 275 276
(2) The power of the director of transportation in acquiring rights-of-way for the state highway system, or the leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the department of transportation, or the purchase of real property for garage sites or division or resident district offices, or in preparing plans and specifications for and constructing such buildings as the director may require in the administration of the department;	277 278 279 280 281 282 283 284 285
(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;	286 287 288 289 290 291 292 293 294 295 296 297 298 299 300
(4) The power of the division of liquor control in the leasing or purchasing of retail outlets and warehouse facilities	301 302

for the use of the division; 303

(5) The power of the director of development to enter into 304
leases of real property, buildings, and office space to be used 305
solely as locations for the state's foreign offices to carry out 306
the purposes of section 122.05 of the Revised Code; 307

(6) The power of the director of environmental protection to 308
enter into environmental covenants, to grant and accept easements, 309
or to sell property pursuant to division (G) of section 3745.01 of 310
the Revised Code. 311

(C) Purchases for, and the custody and repair of, buildings 312
under the management and control of the capitol square review and 313
advisory board, the rehabilitation services commission, the bureau 314
of workers' compensation, or the departments of public safety, job 315
and family services, mental health, mental retardation and 316
developmental disabilities, and rehabilitation and correction, and 317
buildings of educational and benevolent institutions under the 318
management and control of boards of trustees, are not subject to 319
the control and jurisdiction of the department of administrative 320
services. 321

(D) Any instrument by which real property is acquired 322
pursuant to this section shall identify the agency of the state 323
that has the use and benefit of the real property as specified in 324
section 5301.012 of the Revised Code. 325

Sec. 1501.50. (A) As used in this section, "state agency" 326
means an organized body, office, or agency that is established by 327
the laws of the state for the exercise of any function of state 328
government. 329

(B)(1) The department of natural resources has exclusive 330
authority to lease lands that are owned by the state and 331
administered by a state agency for the purpose of the exploration 332

for, development of, and production of oil or natural gas. The 333
extraction of oil or natural gas pursuant to a lease entered into 334
under this section shall not unreasonably interfere with the 335
primary use of the state land. 336

(2) Notwithstanding division (B)(1) of this section, the 337
department shall not enter into any lease for the purpose of the 338
exploration for, development of, and production of oil or natural 339
gas from under the bed of Lake Erie unless such leases are 340
authorized by federal law. 341

(C) The director of natural resources shall adopt rules in 342
accordance with Chapter 119. of the Revised Code that establish 343
all of the following: 344

(1) Procedures for the submission and selection of 345
competitive bids to conduct drilling for the purpose of the 346
exploration for, development of, and production of oil or natural 347
gas under this section; 348

(2) Procedures and standards for establishing the terms and 349
conditions of leases entered into under this section; 350

(3) Requirements applicable to drilling conducted in 351
accordance with a lease entered into under this section that are 352
necessary to maintain the scenic, aesthetic, and environmental 353
quality of land on which drilling takes place; 354

(4) Any other procedures and requirements that the director 355
determines are necessary to implement this section. 356

(D) A lease entered into under this section shall be 357
conditioned on the lessee's satisfying all applicable state and 358
federal laws and regulations. The conditions shall include a 359
requirement that the lessee comply with Chapter 1509. of the 360
Revised Code and rules adopted under it. 361

(E) A lease that is entered into under this section may be 362

assigned by the lessee with the approval of the director. 363

Sec. 1505.07. Subject to the limitation set forth in section 364
1505.08 of the Revised Code, the director of natural resources, 365
with the approval of the director of environmental protection, the 366
attorney general, and the governor, may issue permits and make 367
leases to parties making application for permission to take and 368
remove sand, gravel, stone, and other minerals or substances from 369
and under the bed of Lake Erie other than oil or gas, either upon 370
a royalty or rental basis, as ~~he~~ the director of natural resources 371
determines to be best for the state. Permits shall be issued for 372
terms of not less than one year nor more than ten years, and 373
leases shall be for a term of years or until the economic 374
extraction of the mineral or other substance covered thereby has 375
been completed. Such taking and removal shall be within certain 376
fixed boundaries that do not conflict with the rights of littoral 377
owners. Upon request from the holder of a permit, it shall be 378
canceled, but in the case of any permit or lease, any equipment or 379
buildings owned by the permittee or lessee shall be held as 380
security by the director ~~of natural resources~~ for payment of all 381
rentals or royalties due the state at the time of cancellation. 382

No person shall remove sand, gravel, stone, or other minerals 383
or substances from and under the bed of Lake Erie without first 384
obtaining a permit or lease therefor from the director. 385

The director ~~of natural resources~~ may, in accordance with 386
Chapter 119. of the Revised Code, adopt, amend, and rescind rules 387
for the administration, implementation, and enforcement of this 388
section. 389

Sec. 1531.06. (A) The chief of the division of wildlife, with 390
the approval of the director of natural resources, may acquire by 391
gift, lease, purchase, or otherwise lands or surface rights upon 392

lands and waters or surface rights upon waters for wild animals, 393
fish or game management, preservation, propagation, and 394
protection, outdoor and nature activities, public fishing and 395
hunting grounds, and flora and fauna preservation. The chief, with 396
the approval of the director, may receive by grant, devise, 397
bequest, donation, or assignment evidences of indebtedness, the 398
proceeds of which are to be used for the purchase of such lands or 399
surface rights upon lands and waters or surface rights upon 400
waters. 401

(B)(1) The chief shall adopt rules for the protection of 402
state-owned or leased lands and waters and property under the 403
control of the division of wildlife against wrongful use or 404
occupancy that will ensure the carrying out of the intent of this 405
section, protect those lands, waters, and property from 406
depredations, and preserve them from molestation, spoilation, 407
destruction, or any improper use or occupancy thereof, including 408
rules with respect to recreational activities and for the 409
government and use of such lands, waters, and property. 410

(2) The chief may adopt rules benefiting wild animals, fish 411
or game management, preservation, propagation, and protection, 412
outdoor and nature activities, public fishing and hunting grounds, 413
and flora and fauna preservation, and regulating the taking and 414
possession of wild animals on any lands or waters owned or leased 415
or under the division's supervision and control and, for a 416
specified period of years, may prohibit or recall the taking and 417
possession of any wild animal on any portion of such lands or 418
waters. The division clearly shall define and mark the boundaries 419
of the lands and waters owned or leased or under its supervision 420
and control upon which the taking of any wild animal is 421
prohibited. 422

(C) The chief, with the approval of the director, may acquire 423
by gift, lease, or purchase land for the purpose of establishing 424

state fish hatcheries and game farms and may erect on it buildings 425
or structures that are necessary. 426

The title to or lease of such lands and waters shall be taken 427
by the chief in the name of the state. The lease or purchase price 428
of all such lands and waters may be paid from hunting and trapping 429
and fishing licenses and any other funds. 430

(D) To provide more public recreation, stream and lake 431
agreements for public fishing only may be obtained under rules 432
adopted by the chief. 433

(E) The chief, with the approval of the director, may 434
establish user fees for the use of special public facilities or 435
participation in special activities on lands and waters 436
administered by the division. The special facilities and 437
activities may include hunting or fishing on special designated 438
public lands and waters intensively managed or stocked with 439
artificially propagated game birds or fish, field trial 440
facilities, wildlife nature centers, firearm ranges, boat mooring 441
facilities, camping sites, and other similar special facilities 442
and activities. The chief shall determine whether the user fees 443
are refundable and shall ensure that that information is provided 444
at the time the user fees are paid. 445

(F) The chief, with the approval of the director, may enter 446
into lease agreements for rental of concessions or other special 447
projects situated on state-owned or leased lands or waters or 448
other property under the division's control. The chief shall set 449
and collect the fees for concession rentals or other special 450
projects; regulate through contracts between the division and 451
concessionaires the sale of tangible objects at concessions or 452
other special projects; and keep a record of all such fee payments 453
showing the amount received, from whom received, and for what 454
purpose the fee was collected. 455

(G) The chief may sell or donate conservation-related items 456
or items that promote wildlife conservation, including, but not 457
limited to, stamps, pins, badges, books, bulletins, maps, 458
publications, calendars, and any other educational article or 459
artifact pertaining to wild animals; sell confiscated or forfeited 460
items; and sell surplus structures and equipment, and timber or 461
crops from lands owned, administered, leased, or controlled by the 462
division. The chief, with the approval of the director, also may 463
engage in campaigns and special events that promote wildlife 464
conservation by selling or donating wildlife-related materials, 465
memberships, and other items of promotional value. 466

(H) The chief may sell, lease, or transfer minerals or 467
mineral rights, with the approval of the director, when the chief 468
and the director determine it to be in the best interest of the 469
state. Upon approval of the director, the chief may make, execute, 470
and deliver contracts, including leases, to mine, drill, or 471
excavate iron ore, stone, coal, ~~petroleum, gas,~~ salt, and other 472
minerals, other than oil or gas, upon and under lands owned by the 473
state and administered by the division to any person who complies 474
with the terms of such a contract. No such contract shall be valid 475
for more than fifty years from its effective date. Consideration 476
for minerals and mineral rights shall be by rental or royalty 477
basis as prescribed by the chief and payable as prescribed by 478
contract. Moneys collected under this division shall be paid into 479
the state treasury to the credit of the wildlife habitat fund 480
created in section 1531.33 of the Revised Code. Contracts entered 481
into under this division also may provide for consideration for 482
minerals or mineral rights in the form of acquisition of lands as 483
provided under divisions (A) and (C) of this section. 484

(I) All moneys received under divisions (E), (F), and (G) of 485
this section shall be paid into the state treasury to the credit 486
of a fund that shall be used for the purposes outlined in section 487

1533.15 of the Revised Code and for the management of other wild animals for their ecological and nonconsumptive recreational value or benefit.

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

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

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

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

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

Sec. 3706.01. As used in this chapter:	519
(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.	520 521 522 523 524 525 526
(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.	527 528
(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.	529 530 531
(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.	532 533 534 535 536
(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.	537 538 539
(F) "Emission" means the release into the outdoor atmosphere of an air contaminant.	540 541
(G) "Air quality facility" means any of the following:	542
(1) Any method, modification or replacement of property, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants or substances containing air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air, including,	543 544 545 546 547 548

without limitation, facilities and expenditures that qualify as 549
air pollution control facilities under section 103 (C)(4)(F) of 550
the Internal Revenue Code of 1954, as amended, and regulations 551
adopted thereunder; 552

(2) Motor vehicle inspection stations operated in accordance 553
with, and any equipment used for motor vehicle inspections 554
conducted under, section 3704.14 of the Revised Code and rules 555
adopted under it; 556

(3) Ethanol or other biofuel facilities, including any 557
equipment used at the ethanol or other biofuel facility for the 558
production of ethanol or other biofuels; 559

(4) Any property or portion thereof used for the collection, 560
storage, treatment, utilization, processing, or final disposal of 561
a by-product or solid waste resulting from any method, process, 562
device, structure, or equipment that removes, reduces, prevents, 563
contains, alters, conveys, stores, disperses, or disposes of air 564
contaminants, or that renders less noxious or reduces the 565
concentration of air contaminants in the ambient air; 566

(5) Any property, device, or equipment that promotes the 567
reduction of emissions of air contaminants into the ambient air 568
through improvements in the efficiency of energy utilization or 569
energy conservation; 570

(6) Any coal research and development project conducted under 571
Chapter 1555. of the Revised Code; 572

(7) As determined by the director of the Ohio coal 573
development office, any property or portion thereof that is used 574
for the collection, storage, treatment, utilization, processing, 575
or final disposal of a by-product resulting from a coal research 576
and development project as defined in section 1555.01 of the 577
Revised Code or from the use of clean coal technology, excluding 578
any property or portion thereof that is used primarily for other 579

subsequent commercial purposes; 580

(8) Any property or portion thereof that is part of the 581
FutureGen project of the United States department of energy or 582
related to the siting of the FutureGen project; 583

(9) Facilities or projects, in addition to those described in 584
divisions (G)(3) and (6) of this section, that will assist this 585
state in achieving energy independence through the utilization of 586
this state's resources such as facilities or projects for the 587
development of solar, wind, natural gas, oil, and other energy 588
resources. 589

"Air quality facility" further includes any property or 590
system to be used in whole or in part for any of the purposes in 591
divisions (G)(1) to ~~(8)~~(9) of this section, whether another 592
purpose is also served, and any property or system incidental to 593
or that has to do with, or the end purpose of which is, any of the 594
foregoing. Air quality facilities that are defined in this 595
division for industry, commerce, distribution, or research, 596
including public utility companies, are hereby determined to be 597
those that qualify as facilities for the control of air pollution 598
and thermal pollution related to air under Section 13 of Article 599
VIII, Ohio Constitution. 600

(H) "Project" or "air quality project" means any air quality 601
facility, including undivided or other interests therein, acquired 602
or to be acquired or constructed or to be constructed by the Ohio 603
air quality development authority under this chapter, or acquired 604
or to be acquired or constructed or to be constructed by a 605
governmental agency or person with all or a part of the cost 606
thereof being paid from a loan or grant from the authority under 607
this chapter or otherwise paid from the proceeds of air quality 608
revenue bonds, including all buildings and facilities that the 609
authority determines necessary for the operation of the project, 610
together with all property, rights, easements, and interests that 611

may be required for the operation of the project. 612

(I) "Cost" as applied to an air quality project means the 613
cost of acquisition and construction, the cost of acquisition of 614
all land, rights-of-way, property rights, easements, franchise 615
rights, and interests required for such acquisition and 616
construction, the cost of demolishing or removing any buildings or 617
structures on land so acquired, including the cost of acquiring 618
any lands to which such buildings or structures may be moved, the 619
cost of acquiring or constructing and equipping a principal office 620
and sub-offices of the authority, the cost of diverting highways, 621
interchange of highways, and access roads to private property, 622
including the cost of land or easements for such access roads, the 623
cost of public utility and common carrier relocation or 624
duplication, the cost of all machinery, furnishings, and 625
equipment, financing charges, interest prior to and during 626
construction and for no more than eighteen months after completion 627
of construction, engineering, expenses of research and development 628
with respect to air quality facilities, the cost of any commodity 629
contract, including fees and expenses related thereto, legal 630
expenses, plans, specifications, surveys, studies, estimates of 631
cost and revenues, working capital, other expenses necessary or 632
incident to determining the feasibility or practicability of 633
acquiring or constructing such project, administrative expense, 634
and such other expense as may be necessary or incident to the 635
acquisition or construction of the project, the financing of such 636
acquisition or construction, including the amount authorized in 637
the resolution of the authority providing for the issuance of air 638
quality revenue bonds to be paid into any special funds from the 639
proceeds of such bonds, and the financing of the placing of such 640
project in operation. Any obligation, cost, or expense incurred by 641
any governmental agency or person for surveys, borings, 642
preparation of plans and specifications, and other engineering 643
services, or any other cost described above, in connection with 644

the acquisition or construction of a project may be regarded as a 645
part of the cost of that project and may be reimbursed out of the 646
proceeds of air quality revenue bonds as authorized by this 647
chapter. 648

(J) "Owner" includes an individual, copartnership, 649
association, or corporation having any title or interest in any 650
property, rights, easements, or interests authorized to be 651
acquired by this chapter. 652

(K) "Revenues" means all rentals and other charges received 653
by the authority for the use or services of any air quality 654
project, any gift or grant received with respect to any air 655
quality project, any moneys received with respect to the lease, 656
sublease, sale, including installment sale or conditional sale, or 657
other disposition of an air quality project, moneys received in 658
repayment of and for interest on any loans made by the authority 659
to a person or governmental agency, whether from the United States 660
or any department, administration, or agency thereof, or 661
otherwise, proceeds of such bonds to the extent that use thereof 662
for payment of principal of, premium, if any, or interest on the 663
bonds is authorized by the authority, amounts received or 664
otherwise derived from a commodity contract or from the sale of 665
the related commodity under such a contract, proceeds from any 666
insurance, condemnation, or guaranty pertaining to a project or 667
property mortgaged to secure bonds or pertaining to the financing 668
of the project, and income and profit from the investment of the 669
proceeds of air quality revenue bonds or of any revenues. 670

(L) "Public roads" includes all public highways, roads, and 671
streets in the state, whether maintained by the state, county, 672
city, township, or other political subdivision. 673

(M) "Public utility facilities" includes tracks, pipes, 674
mains, conduits, cables, wires, towers, poles, and other equipment 675
and appliances of any public utility. 676

(N) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(O) "Air quality revenue bonds," unless the context indicates a different meaning or intent, includes air quality revenue notes, air quality revenue renewal notes, and air quality revenue refunding bonds, except that notes issued in anticipation of the issuance of bonds shall have a maximum maturity of five years as provided in section 3706.05 of the Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, other than a recyclable by-product, generated from a municipal, commercial, or industrial waste water treatment plant, water supply plant, or air pollution control facility or any other such wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from 709
agricultural products, including potatoes, cereal, grains, cheese 710
whey, and sugar beets; forest products; or other renewable or 711
biomass resources, including residue and waste generated from the 712
production, processing, and marketing of agricultural products, 713
forest products, and other renewable or biomass resources, that 714
meets all of the specifications in the American society for 715
testing and materials (ASTM) specification D 4806-88 and is 716
denatured as specified in Parts 20 and 21 of Title 27 of the Code 717
of Federal Regulations. 718

(T) "Biofuel" means any fuel that is made from cellulosic 719
biomass resources, including renewable organic matter, crop waste 720
residue, wood, aquatic plants and other crops, animal waste, solid 721
waste, or sludge, and that is used for the production of energy 722
for transportation or other purposes. 723

(U) "FutureGen project" means the buildings, equipment, and 724
real property and functionally related buildings, equipment, and 725
real property, including related research projects that support 726
the development and operation of the buildings, equipment, and 727
real property, designated by the United States department of 728
energy and the FutureGen industrial alliance, inc., as the 729
coal-fueled, zero-emissions power plant designed to prove the 730
technical and economic feasibility of producing electricity and 731
hydrogen from coal and nearly eliminating carbon dioxide emissions 732
through capture and permanent storage. 733

(V) "Commodity contract" means a contract or series of 734
contracts entered into in connection with the acquisition or 735
construction of air quality facilities for the purchase or sale of 736
a commodity that is eligible for prepayment with the proceeds of 737
federally tax exempt bonds under sections 103, 141, and 148 of the 738
Internal Revenue Code of 1986, as amended, and regulations adopted 739
under it. 740

Sec. 3745.50. For the purpose of promoting the expansion of oil and gas production in this state, the development and production of other energy resources in this state, and the protection of the environment, the director of environmental protection together with the director of development shall establish procedures and policies for the purpose of streamlining the permitting process for permits issued by the environmental protection agency that are related to the siting or expansion of oil and gas refineries, coal gasification facilities, and other energy resource related facilities.

Section 2. That existing sections 123.01, 1505.07, 1531.06, and 3706.01 and sections 5119.40, 5120.12, and 5123.23 of the Revised Code are hereby repealed.

Section 3. (A) There is hereby created the Energy Planning Task Force consisting of the following members:

(1) The Director of Natural Resources or the Director's designee;

(2) The Director of Environmental Protection or the Director's designee;

(3) The Director of Development or the Director's designee;

(4) Two members of the Senate appointed by the President of the Senate, one of whom shall be from the majority party and one of whom shall be from the minority party;

(5) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be from the majority party and one of whom shall be from the minority party;

(6) The following members appointed jointly by the President of the Senate and the Speaker of the House of Representatives:

(a) A representative of Ohio's business community who represents businesses with fewer than fifty employees;	770 771
(b) A representative of Ohio's business community who represents businesses with fifty or more employees;	772 773
(c) A representative of large commercial energy users;	774
(d) A representative of a statewide environmental advocacy organization;	775 776
(e) A person with knowledge and expertise in the area of alternative energy;	777 778
(f) A person with knowledge and expertise in the area of coal gasification.	779 780
(B) All appointments shall be made to the Task Force not later than thirty days after the effective date of this section. At the first meeting of the Task Force, the members shall select a chairperson and a vice-chairperson. Thereafter, the Task Force shall meet on a regular basis as determined by the chairperson. Vacancies on the Task Force shall be filled in the manner provided for original appointments. Members of the Task Force shall receive no compensation for serving on the Task Force. The Department of Natural Resources shall provide technical support to the Task Force.	781 782 783 784 785 786 787 788 789 790
(C) The Task Force shall develop a state energy plan with the goal of maximizing access to and utilization of Ohio's energy resources for the purpose of facilitating Ohio's energy independence.	791 792 793 794
(D) The Task Force shall present its state energy plan to the Governor and the General Assembly not later than eighteen months after the effective date of this section. Upon submission of the plan, the Task Force shall cease to exist.	795 796 797 798