

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 41

Representative Hagan, R.

Cosponsors: Representatives Foley, Driehaus, Ramos, Patterson, Rogers

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A B I L L

To amend section 1509.02 and to enact section 1509.39 1
of the Revised Code to authorize a political 2
subdivision to enact and enforce health and safety 3
standards for oil and gas drilling and 4
exploration. 5

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

Section 1. That section 1509.02 be amended and section 6
1509.39 of the Revised Code be enacted to read as follows: 7

Sec. 1509.02. There is hereby created in the department of 8
natural resources the division of oil and gas resources 9
management, which shall be administered by the chief of the 10
division of oil and gas resources management. The division has 11
~~sole and exclusive~~ authority to regulate the permitting, location, 12
~~and spacing, installation, operation, maintenance, abandonment,~~ 13
plugging, and site restoration of, disposal of waste from, and all 14
matters related to oil and gas wells and production operations 15
within the state that are necessary to protect the health and 16
safety of the public, property, and the environment, excepting 17
~~only~~ those activities regulated under federal laws for which 18
oversight has been delegated to the environmental protection 19

agency and activities regulated under sections 6111.02 to 6111.029 20
of the Revised Code. ~~The regulation of oil and gas activities is a~~ 21
~~matter of general statewide interest that requires uniform~~ 22
~~statewide regulation, and this chapter and rules adopted under it~~ 23
~~constitute a comprehensive plan with respect to all aspects of the~~ 24
~~locating, drilling, well stimulation, completing, and operating of~~ 25
~~oil and gas wells within this state, including site construction~~ 26
~~and restoration, permitting related to those activities, and the~~ 27
~~disposal of wastes from those wells.~~ In order to assist the 28
division in the furtherance of its ~~sole and exclusive~~ authority as 29
established in this section, the chief may enter into cooperative 30
agreements with other state agencies for advice and consultation, 31
including visitations at the surface location of a well on behalf 32
of the division. Such cooperative agreements do not confer on 33
other state agencies any authority to administer or enforce this 34
chapter and rules adopted under it. ~~In addition, such cooperative~~ 35
~~agreements shall not be construed to dilute or diminish the~~ 36
~~division's sole and exclusive authority as established in this~~ 37
~~section.~~ Nothing in this section affects the authority granted to 38
the director of transportation and local authorities in section 39
723.01 or 4513.34 of the Revised Code, ~~provided that the authority~~ 40
~~granted under those sections shall not be exercised in a manner~~ 41
~~that discriminates against, unfairly impedes, or obstructs oil and~~ 42
~~gas activities and operations regulated under this chapter.~~ 43

The chief shall not hold any other public office, nor shall 44
the chief be engaged in any occupation or business that might 45
interfere with or be inconsistent with the duties as chief. 46

All moneys collected by the chief pursuant to sections 47
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 48
1509.28, 1509.34, and 1509.50 of the Revised Code, ninety per cent 49
of moneys received by the treasurer of state from the tax levied 50
in divisions (A)(5) and (6) of section 5749.02 of the Revised 51

Code, all civil penalties paid under section 1509.33 of the 52
Revised Code, and, notwithstanding any section of the Revised Code 53
relating to the distribution or crediting of fines for violations 54
of the Revised Code, all fines imposed under divisions (A) and (B) 55
of section 1509.99 of the Revised Code and fines imposed under 56
divisions (C) and (D) of section 1509.99 of the Revised Code for 57
all violations prosecuted by the attorney general and for 58
violations prosecuted by prosecuting attorneys that do not involve 59
the transportation of brine by vehicle shall be deposited into the 60
state treasury to the credit of the oil and gas well fund, which 61
is hereby created. Fines imposed under divisions (C) and (D) of 62
section 1509.99 of the Revised Code for violations prosecuted by 63
prosecuting attorneys that involve the transportation of brine by 64
vehicle and penalties associated with a compliance agreement 65
entered into pursuant to this chapter shall be paid to the county 66
treasury of the county where the violation occurred. 67

The fund shall be used solely and exclusively for the 68
purposes enumerated in division (B) of section 1509.071 of the 69
Revised Code, for the expenses of the division associated with the 70
administration of this chapter and Chapter 1571. of the Revised 71
Code and rules adopted under them, and for expenses that are 72
critical and necessary for the protection of human health and 73
safety and the environment related to oil and gas production in 74
this state. The expenses of the division in excess of the moneys 75
available in the fund shall be paid from general revenue fund 76
appropriations to the department. 77

Sec. 1509.39. This chapter and rules adopted under it shall 78
not be construed to prevent a municipal corporation, county, or 79
township from enacting and enforcing health and safety standards 80
for the drilling and exploration for oil and gas, provided that 81
those standards are not less restrictive than this chapter and 82
rules adopted under it. A county or township shall not adopt or 83

enforce any ordinances, resolutions, rules, or requirements 84
relative to the minimum acreage requirements for drilling units; 85
minimum distances from which a new well or related production 86
facilities may be drilled or an existing well deepened, plugged 87
back, or reopened to a source of supply different from the 88
existing pool from boundaries of tracts, drilling units, or other 89
facilities or features specified in section 1509.021 or 1509.23 of 90
the Revised Code; or the restoration or plugging of an oil or gas 91
well. 92

Section 2. That existing section 1509.02 of the Revised Code 93
is hereby repealed. 94