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Bill Analysis
Legislative Service Commission

H.B. 342

123rd General Assembly
(As Introduced)

**Reps. Amstutz, Maier, Krebs, Gardner, Opfer, Logan, Hartnett, Padgett,
Grendell, Harris, Taylor, Bender, Roman**

BILL SUMMARY

- Authorizes a board of health to require a performance bond or other cash surety to indemnify the board and landowners against damage to septic systems and drainage tiles caused by excavation of land by a utility company that enters or appropriates land pursuant to statutory authority for the purpose of constructing either of two types of natural gas pipelines.

CONTENT AND OPERATION

Current law

Current law permits certain *utility companies* to enter private land *to examine or survey for*, and to *appropriate* pursuant to the Appropriation of Property Law (R.C. secs. 163.01 to 163.22) land necessary for, (1) the laying down or building of tubing, conduits, pipes, dams, poles, wires, reservoirs, plants, powerhouses, storage yards, wharves, bridges, and other structures and (2) the erection of tanks, reservoirs, and pumping stations related to the storage of water for transportation. The companies must make restitution or reimbursement for any actual damage resulting from the examinations or surveys to the land entered and to real or personal property located in or near that land, and, if the parties are unable to agree to a settlement in this regard, the property owner or possessor can recover damages through a court action. (Sec. 1723.01--in the bill; secs. 163.03 and 1723.02--not in the bill.)¹

¹ Under the Appropriation of Property Law, the companies are one type of "private agency" or "agency" subject to that law and possess the privilege to enter lands for the purpose of making "necessary or proper" "surveys, soundings, drillings, appraisals, and

Changes proposed by the bill

The bill prohibits those utility companies from *excavating* land entered or appropriated, as described above, for the purpose of constructing a natural gas pipeline carrying gas at a pressure of over 125 pounds per square inch or a *natural gas pipeline* of a size about 12 inches in diameter, unless the company has provided a performance bond or other cash surety if this is required by a board of health under the bill. The bill relatedly authorizes the board of health of the city or general health district with jurisdiction over the land to require a performance bond or other cash surety before a company excavates the land, in order to indemnify the board and landowners against any damage that may result to septic systems and drainage tiles from excavation or related activities. The bond or other surety must be payable to the board and conditioned that the company repair any damage to septic systems and drainage tiles caused by an excavation or related activities, whether or not the systems or tiles are located on the land where the actual excavation took place. The board must prescribe the type and amount of, and must approve, the required bond or other surety. (Secs. 1723.01(B) and 3707.022.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
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examinations" after giving a specified advance notice of a proposed entry to the owner or possessor of the lands (secs. 163.01 and 163.03).

