



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Am. Sub. S.B. 181 of the 128th G.A.](#) **Date:** January 14, 2010
Status: As Passed by the Senate **Sponsor:** Sen. Stewart

Local Impact Statement Procedure Required: No — No local cost

Contents: Grants immunity from liability for certain reclamation activities and classifies methane from abandoned coal mines as a renewable resource

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

Immunity from liability for reclamation activities

The bill grants eligible landowners and nonprofit organizations who provide access to qualifying abandoned mine lands for the purposes of reclamation activities immunity from liability for (1) injury or damage suffered by a person working under the direct supervision of the reclamation project sponsor while the person is within the reclamation project work area, (2) injury or damage suffered by a third party due to an act or omission by the reclamation project sponsor, (3) injury or damage suffered by a third party resulting from the reclamation project, (4) any pollution resulting from a reclamation project, and (5) the operation, maintenance, or repair of any acid mine drainage abatement facility constructed or installed during a reclamation project. The bill also requires a landowner to notify a reclamation project sponsor of known, latent, or dangerous conditions in the work area, and specifies that the immunity does not apply if the landowner fails to meet the notification requirements or otherwise engages in unlawful, negligent, reckless, or other specified activities. The bill requires no explicit action by the state or local governments, and has no direct fiscal effect on the Department of Natural Resources' (DNR) Division of Mineral Resources Management, which regulates mining and reclamation activities in the state, or on local political subdivisions.

Methane from abandoned coal mines

Currently, methane emitted by an abandoned coal mine is included in the statutory definition of an "advanced energy resource." The bill removes methane from this definition and instead classifies it as a "renewable energy resource." The effect of this provision would be to make coal mine methane an eligible resource for the purposes of renewable energy programs and renewable energy credits. However, there is no direct fiscal effect from the change in definition.