



# Ohio Legislative Service Commission

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## Synopsis of House Committee Amendments\*

Eric Vendel

### Sub. S.B. 181

128th General Assembly  
(H. Agriculture and Natural Resources)

#### **Immunity from liability regarding certain reclamation projects**

Revises the immunity from liability for eligible landowners and for nonprofit organizations established in the Senate-passed bill by doing all of the following:

(1) Replacing reclamation project sponsor (see below) with the Division of Mineral Resources Management concerning immunity from liability for all of the following: any injury to or damage suffered by a person working under the direct supervision of the Division, rather than the reclamation project sponsor, while the person is within the reclamation project work area; any injury to or damage suffered by a third party that arises out of or occurs as a result of an act or omission of the Division rather than the project sponsor; and the operation, maintenance, or repair of any acid mine drainage abatement facility constructed or installed during a reclamation project unless the eligible landowner negligently damages or destroys the acid mine drainage abatement facility or denies access to the Division, rather than the project sponsor, who is responsible for the operation, maintenance, or repair of the facility;

(2) With regard to immunity for any injury to or damage suffered by a third party that arises out of or occurs as a result of an act or omission of the Division, specifying that the act or omission must occur during the construction, operation, and maintenance of the project instead of during the implementation of the reclamation project;

(3) Replacing immunity from liability for any injury to or damage suffered by a third party that arises out of or occurs as a result of the reclamation project with immunity from liability for any failure of an acid mine drainage abatement facility constructed or installed during a reclamation project that is supervised by the Division; and

(4) Eliminating immunity from liability for any pollution resulting from a reclamation project.

\* This synopsis does not address amendments that may have been adopted on the House Floor.

Requires an eligible landowner to notify the Division of Mineral Resources Management, rather than a project sponsor as in the Senate-passed bill, of a known, latent, dangerous condition located at a reclamation project work area that is not the subject of the reclamation project, and specifies that immunity from liability for an eligible landowner does not apply to any injury, damage, or pollution resulting from the eligible landowner's failure to so notify the Division of Mineral Resources Management rather than a project sponsor.

Revises the definition of "abandoned mine land" by replacing references to land or water resources that were previously degraded by adverse effects of coal mining practices with references to land or water resources adversely affected by coal mining practices.

Revises the definition of "eligible landowner" by stating in part that an eligible landowner is a landowner who provides access without charge or other consideration to abandoned mine land rather than only without charge as in the Senate-passed version.

Replaces a reference to water pollution in the definition of "eligible landowner" with a reference to acid mine drainage.

Adds to the definition of "nonprofit organization" by specifying that a nonprofit organization provides funding or services at no cost or at cost.

Revises the definition of "reclamation project" by eliminating reclamation from the definition, thus defining the term to mean only an acid mine drainage abatement project.

Eliminates the definition of "reclamation project sponsor."

Removes the declaration in the Senate-passed bill that nothing in the bill eliminates the responsibilities of a reclamation project sponsor pertaining to water quality protection established in specified provisions of the Coal Mining Law.

## **Ohio Natural Areas Council**

Recreates the Ohio Natural Areas Council, which was abolished in 2004, and specifies its duties.

## **Transfer of money for payment of salaries of employees of Division of Natural Areas and Preserves**

Adds a requirement that the Director of Budget and Management, beginning July 1, 2010, and ending January 1, 2012, upon the request of the Director of Natural

Resources, transfer an amount not to exceed \$1.2 million from the Natural Areas and Preserves Fund to the Departmental Projects Fund to pay the salaries of permanent employees of the Division of Natural Areas and Preserves through January 1, 2012, and requires the Director of Natural Resources to submit a detailed report of the expenditures for payment of such salaries to the Speaker of the House of Representatives and the President of the Senate by March 1, 2011.

Adds a provision stating that if the main operating appropriations act of the 129th General Assembly does not contain an appropriation for the Division of Natural Areas and Preserves, it is the intent of the 128th General Assembly that a portion of the amount transferred as discussed above may be used by the Department of Natural Resources to pay unemployment compensation costs of former permanent employees of the Division of Natural Areas and Preserves.

### **Transfer of money to Strip Mining Administration Fund**

Adds authorization for the Administrator of the Bureau of Workers' Compensation, beginning July 1, 2010, and ending June 30, 2011, to transfer a portion of the investment earnings of the Coal-Workers Pneumonconiosis Fund not to exceed \$2.28 million to the Strip Mining Administration Fund to pay the costs of administering and enforcing the Coal Mining Law, and prohibits such a transfer after June 30, 2011.

### **Additional purposes for expenditure of money from Water Supply Revolving Loan Account in Drinking Water Assistance Fund and from Water Pollution Control Loan Fund**

Expands the uses for which money in the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund, created in the Safe Drinking Water Law, may be used by stating that it may be used to provide assistance authorized by any other federal law related to the use of federal funds administered under the federal Safe Drinking Water Act in addition to assistance authorized under that Act as in current law.

Expands the uses for which money in the Water Pollution Control Loan Fund, created in the Water Pollution Control Law, may be used by stating that it may be used to provide assistance in any manner or for any purpose that is consistent with Title VI of the Federal Water Pollution Control Act or with any other federal law related to the use of federal funds administered under Title VI of that Act.



# Ohio Legislative Service Commission

## Synopsis of House Committee Amendments\*

Eric Vendel

Jennifer A. Parker  
Megan Cummiskey

### Sub. S.B. 181

128th General Assembly

(H. Agriculture and Natural Resources and H. Finance and Appropriations)

## H. AGRICULTURE AND NATURAL RESOURCES

### Immunity from liability regarding certain reclamation projects

Revises the immunity from liability for eligible landowners and for nonprofit organizations established in the Senate-passed bill by doing all of the following:

(1) Replacing reclamation project sponsor (see below) with the Division of Mineral Resources Management concerning immunity from liability for all of the following: any injury to or damage suffered by a person working under the direct supervision of the Division, rather than the reclamation project sponsor, while the person is within the reclamation project work area; any injury to or damage suffered by a third party that arises out of or occurs as a result of an act or omission of the Division rather than the project sponsor; and the operation, maintenance, or repair of any acid mine drainage abatement facility constructed or installed during a reclamation project unless the eligible landowner negligently damages or destroys the acid mine drainage abatement facility or denies access to the Division, rather than the project sponsor, who is responsible for the operation, maintenance, or repair of the facility;

(2) With regard to immunity for any injury to or damage suffered by a third party that arises out of or occurs as a result of an act or omission of the Division, specifying that the act or omission must occur during the construction, operation, and maintenance of the project instead of during the implementation of the reclamation project;

(3) Replacing immunity from liability for any injury to or damage suffered by a third party that arises out of or occurs as a result of the reclamation project with immunity from liability for any failure of an acid mine drainage abatement facility constructed or installed during a reclamation project that is supervised by the Division; and

\* This synopsis does not address amendments that may have been adopted on the House Floor.

(4) Eliminating immunity from liability for any pollution resulting from a reclamation project.

Requires an eligible landowner to notify the Division of Mineral Resources Management, rather than a project sponsor as in the Senate-passed bill, of a known, latent, dangerous condition located at a reclamation project work area that is not the subject of the reclamation project, and specifies that immunity from liability for an eligible landowner does not apply to any injury, damage, or pollution resulting from the eligible landowner's failure to so notify the Division of Mineral Resources Management rather than a project sponsor.

Revises the definition of "abandoned mine land" by replacing references to land or water resources that were previously degraded by adverse effects of coal mining practices with references to land or water resources adversely affected by coal mining practices.

Revises the definition of "eligible landowner" by stating in part that an eligible landowner is a landowner who provides access without charge or other consideration to abandoned mine land rather than only without charge as in the Senate-passed version.

Replaces a reference to water pollution in the definition of "eligible landowner" with a reference to acid mine drainage.

Adds to the definition of "nonprofit organization" by specifying that a nonprofit organization provides funding or services at no cost or at cost.

Revises the definition of "reclamation project" by eliminating reclamation from the definition, thus defining the term to mean only an acid mine drainage abatement project.

Eliminates the definition of "reclamation project sponsor."

Removes the declaration in the Senate-passed bill that nothing in the bill eliminates the responsibilities of a reclamation project sponsor pertaining to water quality protection established in specified provisions of the Coal Mining Law.

## **Ohio Natural Areas Council**

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## **Transfer of money for payment of salaries of employees of Division of Natural Areas and Preserves**

Adds a requirement that the Director of Budget and Management, beginning July 1, 2010, and ending January 1, 2012, upon the request of the Director of Natural Resources, transfer an amount not to exceed \$1.2 million from the Natural Areas and Preserves Fund to the Departmental Projects Fund to pay the salaries of permanent employees of the Division of Natural Areas and Preserves through January 1, 2012, and requires the Director of Natural Resources to submit a detailed report of the expenditures for payment of such salaries to the Speaker of the House of Representatives and the President of the Senate by March 1, 2011.

Adds a provision stating that if the main operating appropriations act of the 129th General Assembly does not contain an appropriation for the Division of Natural Areas and Preserves, it is the intent of the 128th General Assembly that a portion of the amount transferred as discussed above may be used by the Department of Natural Resources to pay unemployment compensation costs of former permanent employees of the Division of Natural Areas and Preserves.

## **Transfer of money to Strip Mining Administration Fund**

Adds a requirement that the Administrator of the Bureau of Workers' Compensation, beginning July 1, 2010, and ending December 31, 2010, transfer a portion of the investment earnings of the Coal-Workers Pneumonconiosis Fund not to exceed \$2.28 million to the Strip Mining Administration Fund to pay the costs of administering and enforcing the Coal Mining Law, and prohibits such a transfer after December 31, 2010.<sup>1</sup>

## **Additional purposes for expenditure of money from Water Supply Revolving Loan Account in Drinking Water Assistance Fund and from Water Pollution Control Loan Fund**

Expands the uses for which money in the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund, created in the Safe Drinking Water Law, may be used by stating that it may be used to provide assistance authorized by any other federal law related to the use of federal funds administered under the federal Safe Drinking Water Act in addition to assistance authorized under that Act as in current law.

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<sup>1</sup> The description of this provision reflects changes made by the House Finance and Appropriations Committee.

Expands the uses for which money in the Water Pollution Control Loan Fund, created in the Water Pollution Control Law, may be used by stating that it may be used to provide assistance in any manner or for any purpose that is consistent with Title VI of the Federal Water Pollution Control Act or with any other federal law related to the use of federal funds administered under Title VI of that Act.

## **H. FINANCE AND APPROPRIATIONS**

### **Taxation**

Exempts convention centers in large-population counties from property taxation and exempts, for one year, construction materials incorporated into such a convention center from sales and use taxation.

Extends enterprise zone authority for one year.

Permanently authorizes the Tax Commissioner to refund erroneously made commercial activity tax payments made by persons not required to pay the tax.

Expressly permits consensual extensions of the four-year time limit on assessments and refund requests for the commercial activity tax.

### **Education**

Exempts from taxation property leased by a school district for a term of at least 50 years.

Revises the performance ratings for school districts and buildings.

Provides for school payments adjustments for State Fiscal Stabilization Fund compliance with respect to the requirements of the federal American Recovery and Reinvestment Act.

Makes appropriations for chartered nonpublic schools.

### **Department of Development programs**

Reauthorizes and makes capital appropriations for the Department of Development's Clean Ohio Revitalization Program for fiscal years 2011 and 2012.

Reauthorizes and makes capitol appropriations for the Department of Development's Job Ready Sites Program for fiscal years 2011 and 2012.

Includes NASCAR races, certain Olympic style boxing competitions, and the Air New Zealand Golden Oldies World Rugby Festival as sporting events for which state grants may be awarded to a county or municipal corporation hosting the event.

## **Other**

Alters the authority of the Treasurer of State to invest in single-issuer debt.

Authorizes regional water and sewer districts to offer additional deferred compensation plans.

Modifies the law governing which entities are subject to testing of agricultural commodities.