



Ohio Revised Code

Section 155.34 [Former R.C. 1509.74, amended and renumbered by H.B. 110, 134th General Assembly, effective 9/30/2021] Rules; standard surface use agreement; scope.

Effective: September 23, 2026

Legislation: Senate Bill 219 - 136th General Assembly

(A) The oil and gas land management commission shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:

(1) A standard lease form that shall be used by a state agency for leases entered into under this chapter, is consistent with the practices of the oil and natural gas industries, and contains all of the following:

(a) A prohibition against the use of the surface of the parcel of land for oil and gas development unless the state agency, in its sole discretion, chooses to negotiate and execute a written surface use agreement established under this section;

(b) A one-eighth gross landowner royalty;

(c) A shut-in royalty provision that requires annual payments equal to the sum of fifty dollars per net mineral acre;

(d) A primary term of five years;

(e) An option for the lessee to extend the primary term of the lease for an additional five years by tendering to the state agency the same bonus paid when first entering into the lease;

(f) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, Lessee is entitled to pay any advanced delay rentals/bonus amounts owed under this Lease within sixty (60) calendar days after Lessee receives a copy of this Lease executed by Lessor."

(g) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that a parcel subject to this Lease was acquired or improved through, or is otherwise encumbered by, a federal grant program, the Primary Term of the Lease shall be tolled until the requirements of the program, and any related grant documents, have been fully satisfied by Lessor and Lessor notifies Lessee in writing of same."

(h) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that a parcel subject to this Lease was acquired or improved through, or is



otherwise encumbered by, a federal grant program, Lessee may defer payment of all sums otherwise due and owing under this Lease until the requirements of the program, and any related grant documents, have been fully satisfied by Lessor and Lessor notifies Lessee in writing of same."

(i) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that litigation of any kind or character is filed by a third party that prevents the Lessee from conducting operations under the Lease, including an appeal before a court or the oil and gas commission, the Primary Term of the Lease shall be tolled until such time as there is a final, nonappealable order entered in such litigation."

(j) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that litigation of any kind or character is filed by a third party that prevents the Lessee from conducting operations under the Lease, including an appeal before a court or the oil and gas commission, Lessee may defer payment of all sums otherwise due and owing under this Lease until a final, nonappealable order is entered in such litigation."

(k) A provision that states: "Except as explicitly provided in this Lease, the Primary Term of the Lease may be tolled and payments may be deferred only as a result of an event of force majeure."

(2) A requirement that, notwithstanding any provision of law to the contrary, a lessee shall not be required to terminate drilling operations under a lease when a civil action is filed against the lessee, unless the applicable court issues an injunction or otherwise orders such drilling operations to cease.

(3) Any other procedures necessary to implement sections 155.30 to 155.36 of the Revised Code, subject to division (I) of section 155.33 of the Revised Code.

(B) The commission shall establish a standard surface use agreement that a state agency shall use to authorize the use of the surface of a leased parcel of land.

(C) Section 121.95 of the Revised Code does not apply to rules adopted under this section and the commission is not subject to any requirements of that section.