

**As Passed by the Senate**

**127th General Assembly**

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**Sub. H. B. No. 289**

**Representative Core**

**Cosponsors: Representatives Distel, Hite, Gibbs, Sayre, Zehringer,  
Reinhard, Batchelder, Chandler, Collier, Combs, Daniels, Domenick, Dyer,  
Evans, Flowers, Goodwin, Huffman, Hughes, Luckie, Mallory, McGregor, J.,  
Otterman, Patton, Schneider, Setzer, Webster**

**Senators Mumper, Padgett, Carey, Buehrer, Faber, Fedor, Niehaus, Seitz,  
Harris**

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**A B I L L**

To amend sections 931.02, 931.03, 931.04, 931.99, 1  
5709.28, and 5713.08 of the Revised Code to make 2  
changes to the law governing agricultural security 3  
areas. 4

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

**Section 1.** That sections 931.02, 931.03, 931.04, 931.99, 5  
5709.28, and 5713.08 of the Revised Code be amended to read as 6  
follows: 7

**Sec. 931.02.** (A) Land that is located in the unincorporated 8  
area of a township or county may be enrolled in an agricultural 9  
security area through the submittal of an application to the board 10  
of township trustees of each township and to the board of county 11  
commissioners of each county in which the land is located 12  
requesting the establishment of such an area. Land that is located 13  
in a municipal corporation and land that is located in territory 14

that is proposed to be annexed to a municipal corporation by a 15  
pending proceeding before the board of county commissioners or in 16  
any court of competent jurisdiction shall not be included in an 17  
agricultural security area. 18

If all of the land sought to be enrolled in the agricultural 19  
security area is owned by the same person, that person shall 20  
submit the application to the required boards. If the land sought 21  
to be enrolled consists of parcels owned by different persons who 22  
have aggregated their parcels, either each owner may submit a 23  
separate application to the required boards or all of the owners 24  
collectively may submit one application for the entire 25  
agricultural security area to the required boards. 26

An application shall be on the form that the director of 27  
agriculture prescribes. The director shall provide copies of the 28  
application form to county auditors. 29

An application shall be signed by each applicant who is 30  
submitting it and shall contain all of the following: 31

(1) The first, middle, and last name of the applicant or 32  
applicants; 33

(2) Information concerning any property interest in the land 34  
sought to be enrolled in an agricultural security area that is 35  
held by a person other than the applicant or applicants, 36  
including, without limitation, mineral rights or easements in the 37  
land that are held by a person other than the applicant or 38  
applicants and any other interest in the land that may not be 39  
conducive to agriculture and that is held by another person; 40

(3) A statement by each applicant who is submitting the 41  
application that the applicant will not initiate, approve, or 42  
finance any new development for nonagricultural purposes on the 43  
land that is proposed to be enrolled in an agricultural security 44  
area during the ten-year period of the enrollment, except as is 45

otherwise authorized under division (A) of section 931.04 of the Revised Code. For purposes of division (A)(3) of this section, "new development" includes, without limitation, an applicant's transfer to another person of the ownership of a property interest in the land that occurs during the period beginning on the date that the application is submitted and ending on the date that the ten-year period of enrollment is scheduled to expire, except as otherwise provided in division (D) of this section. "New development" does not include taking any actions that are authorized under property rights in the land, such as mineral rights or easements, that were transferred to a person other than an applicant prior to the date that the application is submitted. In addition, "new development" does not include the construction, modification, or operation of wind energy-producing facilities, including windmills and wind turbines, the grant of easements for or the construction, modification, or operation of transmission or distribution lines for electricity, gas, or oil or of any gathering or production lines for oil or gas, or the grant of new mineral leases, or the drilling or operation of any oil or gas well on or in connection with the land, provided that the construction, modification, or operation of the lines does such activities do not cause the land to become ineligible for valuation and assessment for real property tax purposes in accordance with its current agricultural use value under sections 5713.30 to 5713.38 of the Revised Code.

(4) A listing of all administrative enforcement orders issued to each applicant who is submitting the application, all civil actions in which an applicant was determined by the trier of fact to be liable in damages or was the subject of injunctive relief or another type of civil relief, and all criminal actions in which an applicant pleaded guilty or was convicted, during the ten years immediately preceding the date of submission of the application, in connection with any violation of environmental laws or similar

laws of another state. As used in division (A)(4) of this section, 79  
"environmental laws" has the same meaning as in section 3745.70 of 80  
the Revised Code. 81

(5) A statement from the natural resources conservation 82  
service in the United States department of agriculture, a soil and 83  
water conservation district with jurisdiction over the land to 84  
which the application applies, or any other conservation 85  
professional approved by the director that, at the time of the 86  
application, each applicant who is submitting the application is 87  
complying with best management practices; 88

(6) A map that complies with all of the following: 89

(a) Is prepared ~~and certified~~ by a regional or county 90  
planning commission established under section 713.21 of the 91  
Revised Code ~~or~~; a professional engineer, including a county 92  
engineer, or surveyor registered under Chapter 4733. of the 93  
Revised Code; a soil and water conservation district created 94  
pursuant to section 1515.03 of the Revised Code; or the natural 95  
resources conservation service; 96

(b) Identifies the area of land to which the application 97  
applies and includes the corresponding parcel number that the 98  
county auditor has assigned under section 319.28 of the Revised 99  
Code to each parcel of land that comprises that area; 100

(c) Shows the boundaries of the land to be enrolled in an 101  
agricultural security area; 102

(d) Shows the names and locations of all streams, creeks, or 103  
other bodies of water, roads, rights-of-way, and railroads, 104  
~~utility lines, and water and sewer lines~~ together with any 105  
existing residential, recreational, commercial, or industrial 106  
facilities that are ~~on or~~ are situated on the land to be included 107  
in the area and within five hundred feet of the perimeter of the 108  
area. The map also shall show the location of all utility, water, 109

and sewer lines that are situated on the land to be included in 110  
the area and within five hundred feet of the perimeter of the area 111  
unless the board of county commissioners of each county and the 112  
board of township trustees of each township in which the land is 113  
located exempts the application from that requirement because the 114  
information generally is not readily available. 115

(e) Indicates the date on which the map was prepared; 116

(f) Identifies the person or persons who prepared the map. 117

(7) A list of the other boards of township trustees and 118  
boards of county commissioners to whom an application has been 119  
submitted. 120

An application submitted under this section is a public 121  
record. 122

A board of township trustees and a board of county 123  
commissioners each may establish a reasonable fee or schedule of 124  
fees to be paid at the time that an application is submitted for 125  
the purpose of paying the costs of public notice and certified 126  
mail that are incurred in any proceedings conducted under this 127  
chapter. The clerk of the board shall maintain an accurate and 128  
detailed accounting of all money that is received and expended in 129  
the processing of an application and shall return to the applicant 130  
any unused portion of the fee or fees after the conclusion of the 131  
proceedings. 132

(B) An area shall be established as an agricultural security 133  
area when all of the following criteria are satisfied: 134

(1) The area consists of not less than five hundred acres of 135  
contiguous farmland that is located in the unincorporated area of 136  
a township or county. In order to satisfy this requirement, two or 137  
more owners of contiguous farmland may aggregate their land. 138

(2) The land forming the area is in an agricultural district 139

or districts established under Chapter 929. of the Revised Code. 140

(3) The land forming the area is valued and assessed for real 141  
property tax purposes in accordance with its current agricultural 142  
use value under sections 5713.30 to 5713.38 of the Revised Code. 143  
Land forming the area that is a portion of a farm on which is 144  
located a dwelling house, a yard, or outbuildings such as a barn 145  
or garage shall be deemed to satisfy the criteria established in 146  
divisions (B)(1) and (3) of this section. 147

(4) Each application submitted by the owner or owners of the 148  
land forming the area is approved under section 931.03 of the 149  
Revised Code by the boards of township trustees of all of the 150  
townships in which the land is located. 151

(5) Each application submitted by the owner or owners of the 152  
land forming the area is approved under section 931.03 of the 153  
Revised Code by the boards of county commissioners of all of the 154  
counties in which the land is located. 155

(C) Additional contiguous farmland may be enrolled in an 156  
existing agricultural security area during a partially elapsed 157  
ten-year enrollment period either by a landowner who already has 158  
land enrolled in the agricultural security area or by a landowner 159  
who does not already have land enrolled in the agricultural 160  
security area. To enroll additional contiguous land in an existing 161  
agricultural security area under this division, a landowner shall 162  
obtain permission from each owner of land that already is enrolled 163  
in the agricultural security area, submit an application in 164  
accordance with this section, and obtain approval of the 165  
application from all appropriate boards of township trustees and 166  
boards of county commissioners in accordance with section 931.03 167  
of the Revised Code. Enrollment of the additional land in the 168  
existing agricultural security area shall continue until the 169  
expiration of the current, partially elapsed ten-year enrollment 170  
period and may be renewed in accordance with section 931.06 of the 171

Revised Code. 172

(D) If an owner of land that is enrolled in an agricultural security area transfers the land to another person during a partially elapsed ten-year enrollment period, the land may remain in the agricultural security area until the expiration of that period, provided that both of the following apply: 173  
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(1) The transferee certifies and submits a statement, together with the transferee's first, middle, and last name and a description of the transferred land, to the appropriate boards of township trustees and boards of county commissioners specifying that, in accordance with division (A)(3) of this section, the transferee will not initiate, approve, or finance any new development for nonagricultural purposes on the transferred land during the remainder of the partially elapsed ten-year enrollment period. Upon receipt of the statement, the boards of township trustees and boards of county commissioners shall adopt a resolution acknowledging the receipt. 178  
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(2) The transferred land continues to satisfy the criteria established in divisions (B)(2) and (3) of this section during the remainder of the partially elapsed ten-year enrollment period. 189  
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Divisions (A), (B), and (C) of section 931.03 of the Revised Code do not apply to the continued inclusion of such transferred land in an agricultural security area. Upon the expiration of the partially elapsed ten-year enrollment period, enrollment in the agricultural security area may be renewed in accordance with section 931.06 of the Revised Code. 192  
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**Sec. 931.03.** (A)(1) Not later than sixty days after receipt of an application submitted under section 931.02 of the Revised Code, the board of township trustees of each township in which the land that is proposed for enrollment in an agricultural security area is located and the board of county commissioners of each 198  
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county in which the land is located shall hear the application at 203  
the next regularly scheduled meeting of the board. A board, not 204  
later than thirty days prior to the time of the meeting, shall 205  
cause a notice containing the time and place of the meeting to be 206  
published in a newspaper of general circulation in the township or 207  
county, as applicable, and to be sent to the superintendent of 208  
each school district within the proposed agricultural security 209  
area, the county engineer of each county in which the proposed 210  
area would be located, the legislative authority of each municipal 211  
corporation that is located within one-half mile of the boundaries 212  
of the proposed area if the municipal corporation has requested 213  
notice of such a meeting, and the director of transportation. 214

As part of the hearing on an application, a board shall 215  
review any information that it possesses concerning improvements 216  
that are planned to be made during the subsequent ten years to 217  
existing or proposed roads that are located or are to be located 218  
within the area that is proposed for enrollment in an agricultural 219  
security area. As used in division (A)(1) of this section, 220  
"proposed road" means any future roadway project that is on a new 221  
alignment or relocation of an existing alignment and for which 222  
state or federal funding has been allocated for, but not limited 223  
to, a planning level roadway improvement study, an interchange 224  
justification or bypass study, environmental review, design, 225  
right-of-way acquisition, or construction, and "improvement" 226  
includes any action taken with respect to an existing or proposed 227  
road that would cause the road to cover a portion of land that it 228  
does not cover or is not proposed to cover at the time of the 229  
hearing. Any portion of land that would be covered by a planned 230  
improvement shall not be eligible for enrollment in an 231  
agricultural security area. 232

As part of the hearing on an application, a board also may 233  
consider any comprehensive plan that is in place for the county or 234



township, as applicable, and may choose to approve or reject the 235  
application on the basis of the proposed agricultural security 236  
area's compliance with the comprehensive plan. 237

(2) The board of township trustees of each township and the 238  
board of county commissioners of each county that is required to 239  
hear an application under division (A)(1) of this section may 240  
conduct a joint meeting in lieu of meeting separately not later 241  
than forty-five days after receipt of an application under section 242  
931.02 of the Revised Code. A single public notice concerning the 243  
meeting shall be provided in the manner prescribed in division 244  
(A)(1) of this section in each township and county participating 245  
in the meeting. The cost of the public notice shall be shared 246  
equally by all townships and counties participating in the joint 247  
meeting. 248

For purposes of such a joint meeting, the clerk of the board 249  
of county commissioners of the county that includes the most land 250  
that is located or is to be located within the agricultural 251  
security area shall serve as the clerk on behalf of all boards of 252  
county commissioners and boards of township trustees participating 253  
in the joint meeting. The clerk's duties shall include providing 254  
the public notice that is required under this section together 255  
with maintaining minutes and a record of proceedings for the joint 256  
meeting. 257

(3) Not later than forty-five days after a board of township 258  
trustees hears the application and not later than sixty days after 259  
a board of county commissioners hears the application, each 260  
respective board shall adopt a resolution either approving or 261  
rejecting the application. However, if a board determines that the 262  
information in the application is incorrect or the application is 263  
incomplete, the board shall return the application to the 264  
applicant, by certified mail, with an enumeration of the items 265  
that are incorrect or incomplete. 266

Upon receipt of the returned application, the applicant may 267  
amend the application. Not later than fifteen days after receipt 268  
of the returned application, the applicant may submit an amended 269  
application to each board of township trustees and each board of 270  
county commissioners to whom the original application was 271  
submitted. 272

Not later than thirty days after receipt of an amended 273  
application, a board shall adopt a resolution either approving or 274  
rejecting the amended application. Not later than five days after 275  
adoption of the resolution, the board shall notify the applicant, 276  
by certified mail, of the board's decision to approve or reject 277  
the application. 278

(4) Any person may submit comments to any board of county 279  
commissioners or board of township trustees to which an 280  
application or amended application has been submitted under this 281  
chapter at any time prior to and at any public meeting at which 282  
the application or amended application is heard. 283

(B)(1) An agricultural security area is established, and the 284  
land that is proposed for inclusion in the area is enrolled in the 285  
area, upon the adoption of a resolution by each of the affected 286  
boards of township trustees and boards of county commissioners 287  
approving the same version of the application or applications 288  
requesting the establishment of the area. 289

(2) Not later than thirty days after a board adopts a 290  
resolution approving the establishment of an agricultural security 291  
area, the board shall send a copy of the resolution to the 292  
director of agriculture, the director of transportation, the 293  
superintendent of each school district within the area, the county 294  
engineer, and the county auditor. 295

(C) A resolution approving the establishment of an 296  
agricultural security area shall include all of the following: 297

(1) A statement that the board of township trustees or board of county commissioners, as applicable, commits not to initiate, approve, or finance any development for residential, commercial, or industrial purposes, including construction of new roads and water and sewer lines, within the area for a period of ten years. For purposes of division (C)(1) of this section, "development" does not include any of the following:

(a) The improvement of existing roads, provided that the county engineer of each county in which the portion of the area affected by the improvement is located determines that the improvement is necessary for traffic safety, and provided that the improvement is as consistent as possible with the agricultural use of land in the area;

(b) The construction, modification, or operation of transmission or distribution lines for electricity, gas, or oil or of any gathering or production lines for oil or gas, provided that the construction, modification, or operation of the lines does not cause the land to become ineligible for valuation and assessment for real property tax purposes in accordance with its current agricultural use value under sections 5713.30 to 5713.38 of the Revised Code;

(c) The construction, modification, or operation of water lines or sewer lines, provided that an official or employee of the environmental protection agency orders the construction, modification, or operation for the purpose of enabling water and sewer service areas that are outside of the agricultural security area to be connected to each other, and provided that the lines do not provide service connections to land within the agricultural security area.

(2) A requirement that the owner or owners of the land in the area use best management practices;

(3) A statement that describes the agreement that was reached 329  
with other boards, if applicable, under section 5709.28 of the 330  
Revised Code concerning the percentage of the taxable value of 331  
qualifying agricultural real property in the agricultural security 332  
area that is to be exempted from taxation under that section and 333  
the number of years that the tax exemption established under that 334  
section will apply to that property. 335

(D) An agricultural security area may continue in existence 336  
for ten years unless either of the following occurs: 337

(1) The sole owner of land enrolled in the area withdraws 338  
under section 931.07 of the Revised Code. 339

(2) Unless division (C) of section 931.07 of the Revised Code 340  
applies, land in the area fails to satisfy any of the criteria 341  
specified in divisions (B)(1) to (3) of section 931.02 of the 342  
Revised Code. 343

(E) The approval or disapproval of an application under this 344  
section is not a final order, adjudication, or decision under 345  
section 2506.01 of the Revised Code and is not appealable under 346  
Chapter 2506. of the Revised Code. 347

**Sec. 931.04.** (A) An owner of land that is enrolled in an 348  
agricultural security area may do either or both of the following: 349

(1) Request approval ~~to operate any business that does not~~ 350  
~~impair the owner's ability to engage in agriculture~~ from each 351  
board of township trustees and each board of county commissioners 352  
that adopted a resolution approving the establishment of the 353  
agricultural security area to operate any business that does not 354  
impair the owner's ability to engage in agriculture and does not 355  
cause the land to become ineligible for valuation and assessment 356  
for real property tax purposes in accordance with its current 357  
agricultural use value under sections 5713.30 to 5713.38 of the 358

<u>Revised Code;</u>	359
(2) Develop, authorize the development of, or, for the purpose of developing, transfer ownership of a portion of the owner's land within the agricultural security area for constructing or otherwise establishing a single-family residence for an individual who is related by consanguinity or by affinity to the owner. Not more than one such residence shall be constructed per each forty acres of the owner's land within the agricultural security area.	360 361 362 363 364 365 366 367
(B)(1) To obtain approval to operate a business under division (A)(1) of this section, a person shall send a written request, by certified mail, to each appropriate board of township trustees and each appropriate board of county commissioners. The request shall contain all of the following:	368 369 370 371 372
(a) A description of the proposed business;	373
(b) A description of the intended location of the business;	374
(c) A description of the intended size of the business;	375
(d) If applicable, a detailed description of any construction, renovation, or excavation that will occur for purposes of the proposed business.	376 377 378
(2) Not later than thirty days after receipt of a request under division (B)(1) of this section, a board shall adopt a resolution either approving or rejecting the request. If the board approves the request, the board shall send a copy of the resolution approving the request to each of the following not later than thirty days after adopting the resolution:	379 380 381 382 383 384
(a) The director of agriculture;	385
(b) Each appropriate county auditor;	386
(c) The person requesting the business.	387
(3) If all of the appropriate boards of township trustees and	388

boards of county commissioners adopt a resolution approving the 389  
request to operate a business, the person making the request may 390  
establish the requested business. 391

(C) The amount of land that is used for either purpose 392  
authorized under division (A) of this section shall be included 393  
when determining if the acreage requirement established under 394  
division (B) of section 931.02 of the Revised Code is satisfied. 395

**Sec. 931.99.** Whoever violates division (A)(2) of section 396  
931.07 of the Revised Code or section 931.08 of the Revised Code 397  
shall be fined five hundred dollars for violation of each section. 398  
The clerk of the court that receives payment of the fine money 399  
shall forward half of the money to the board of township trustees 400  
of the township and half of the money to the board of county 401  
commissioners of the county in which the applicable agricultural 402  
security area is located. 403

In the case of an agricultural security area that is located 404  
in more than one township, the clerk shall divide half of the fine 405  
money in equal shares among the townships and shall forward the 406  
appropriate portion to each board of township trustees. In the 407  
case of an agricultural security area that is located in more than 408  
one county, the clerk shall divide half of the fine money in equal 409  
shares among the counties and shall forward the appropriate 410  
portion to each board of county commissioners. 411

A board of township trustees or a board of county 412  
commissioners may, but is not required to, use the fine money 413  
received under this section for farmland preservation purposes. 414

**Sec. 5709.28.** As used in this section, "qualifying 415  
agricultural real property" means a building, structure, 416  
improvement, or fixture that is used exclusively for agricultural 417  
purposes, that is located on land enrolled in an agricultural 418

security area established under Chapter 931. of the Revised Code, 419  
and for which the aggregate new investment has a true value in 420  
money of twenty-five thousand dollars or more. 421

At the time of the establishment or renewal of an 422  
agricultural security area or at any time during which land is 423  
enrolled in an agricultural security area, a percentage of the 424  
taxable value of qualifying agricultural real property first 425  
appearing on the real and public utility property tax list in a 426  
tax year during the enrollment may be exempted from taxation. The 427  
board of township trustees of each township in which the land that 428  
is enrolled in the agricultural security area is located and the 429  
board of county commissioners of each county in which the land is 430  
located shall confer with each other and reach an agreement 431  
concerning the tax exemption. At the time the agreement is 432  
reached, the boards shall send written notice of the agreement to 433  
the superintendent of each school district within the agricultural 434  
security area. After the agreement is reached and the tax 435  
exemption is granted, the qualifying agricultural real property 436  
shall become exempt in the tax year following the year in which 437  
the construction of the property is completed. 438

The agreement shall establish the percentage of the taxable 439  
value of qualifying agricultural real property that is to be 440  
exempted from taxation and the number of years that the tax 441  
exemption will apply to that property. The agreement may specify 442  
that the tax years during which the exemption will apply to the 443  
property may extend past the scheduled expiration date of the 444  
period of enrollment in the agricultural security area, provided 445  
that the enrollment is renewed and otherwise continues during the 446  
tax years that the exemption applies. The agreement shall not 447  
exempt from taxation more than seventy-five per cent of the 448  
taxable value of the qualifying agricultural real property. In 449  
addition, the agreement may establish the maximum amount of the 450

value of the qualifying agricultural real property to which the 451  
tax exemption may apply. Subsequent to the agreement establishing 452  
that maximum amount, the owner of the property may request the 453  
applicable boards to alter the agreement and increase the maximum 454  
value of the property to which the tax exemption applies. The 455  
agreement shall be reviewed annually by the tax incentive review 456  
council in accordance with section 5709.85 of the Revised Code. 457

Each time that a renewal application is filed for an 458  
agricultural security area that involves qualifying agricultural 459  
real property that has been the subject of an exemption that 460  
expired on or before the date on which the previous period of 461  
enrollment in an agricultural security area expired, the 462  
applicable boards shall reach a new agreement concerning the 463  
exemption before any of the boards adopts a resolution either 464  
approving or rejecting the renewal application. 465

The county auditor shall enter on the list of property 466  
described in section 5713.07 of the Revised Code that is exempt 467  
from taxation any qualifying agricultural real property that is 468  
the subject of an exemption under this section. An application 469  
shall not be required to be filed under section 5715.27 of the 470  
Revised Code with respect to the exemption. The county auditor 471  
shall remove the qualifying agricultural real property from the 472  
list at the time that the county auditor discovers or is notified 473  
under section 931.07 of the Revised Code that a withdrawal, 474  
removal, or conversion of land from an agricultural security area 475  
has occurred in a way that makes the qualifying agricultural real 476  
property no longer eligible for the exemption. 477

If the county auditor removes qualifying agricultural real 478  
property from the list of property that is exempt from taxation 479  
and the owner of the removed property claimed a tax exemption 480  
established under this section for a prior tax year, the amount of 481  
tax otherwise imposed on the qualifying agricultural real property 482



that was the subject of the exemption shall be increased. The 483  
amount of the increase shall equal the aggregate value of the tax 484  
exemption received by the taxpayer under this section since the 485  
agricultural security area was most recently approved for 486  
establishment or renewal, as applicable, plus interest on that 487  
amount at the average bank prime rate, as determined under section 488  
929.02 of the Revised Code, at the time that the county auditor 489  
removes the property from the list of property that is exempt from 490  
taxation. The tax year in which the increase shall occur is 491  
dependent upon the date on which the county auditor makes a 492  
discovery or is notified under section 931.07 of the Revised Code 493  
that a withdrawal, removal, or conversion of land from an 494  
agricultural security area has occurred. If the discovery or 495  
notification occurs prior to the date in a tax year on which the 496  
county auditor delivers a copy of the general tax list to the 497  
county treasurer under section 319.28 of the Revised Code, the 498  
increase shall occur in the same tax year that the discovery or 499  
notification occurred. If the discovery or notification occurs on 500  
or after the date in a tax year on which the copy of the general 501  
tax list is delivered to the county treasurer, the increase shall 502  
occur in the tax year that immediately follows the year in which 503  
the discovery or notification occurred. 504

**Sec. 5713.08.** (A) The county auditor shall make a list of all 505  
real and personal property in the auditor's county, including 506  
money, credits, and investments in bonds, stocks, or otherwise, 507  
which is exempted from taxation. Such list shall show the name of 508  
the owner, the value of the property exempted, and a statement in 509  
brief form of the ground on which such exemption has been granted. 510  
It shall be corrected annually by adding thereto the items of 511  
property which have been exempted during the year, and by striking 512  
therefrom the items which in the opinion of the auditor have lost 513  
their right of exemption and which have been reentered on the 514

taxable list. No additions shall be made to such exempt lists and 515  
no additional items of property shall be exempted from taxation 516  
without the consent of the tax commissioner as is provided for in 517  
section 5715.27 of the Revised Code or without the consent of the 518  
housing officer under section 3735.67 of the Revised Code, except 519  
for qualifying agricultural real property, as defined in section 520  
5709.28 of the Revised Code, that is enrolled in an agriculture 521  
security area that is exempt under that section. When any personal 522  
property or endowment fund of an institution has once been held by 523  
the commissioner to be properly exempt from taxation, it is not 524  
necessary to obtain the commissioner's consent to the exemption of 525  
additional property or investments of the same kind belonging to 526  
the same institution, but such property shall appear on the 527  
abstract filed annually with the commissioner. The commissioner 528  
may revise at any time the list in every county so that no 529  
property is improperly or illegally exempted from taxation. The 530  
auditor shall follow the orders of the commissioner given under 531  
this section. An abstract of such list shall be filed annually 532  
with the commissioner, on a form approved by the commissioner, and 533  
a copy thereof shall be kept on file in the office of each auditor 534  
for public inspection. 535

The commissioner shall not consider an application for 536  
exemption of property unless the application has attached thereto 537  
a certificate executed by the county treasurer certifying one of 538  
the following: 539

(1) That all taxes, assessments, interest, and penalties 540  
levied and assessed against the property sought to be exempted 541  
have been paid in full to the date upon which the application for 542  
exemption is filed, except for such taxes, interest, and penalties 543  
that may be remitted under division (B) of this section; 544

(2) That the applicant has entered into a valid delinquent 545  
tax contract with the county treasurer pursuant to division (A) of 546

section 323.31 of the Revised Code to pay all of the delinquent 547  
taxes, assessments, interest, and penalties charged against the 548  
property, except for such taxes, interest, and penalties that may 549  
be remitted under division (B) of this section. If the auditor 550  
receives notice under section 323.31 of the Revised Code that such 551  
a written delinquent tax contract has become void, the auditor 552  
shall strike such property from the list of exempted property and 553  
reenter such property on the taxable list. If property is removed 554  
from the exempt list because a written delinquent tax contract has 555  
become void, current taxes shall first be extended against that 556  
property on the general tax list and duplicate of real and public 557  
utility property for the tax year in which the auditor receives 558  
the notice required by division (A) of section 323.31 of the 559  
Revised Code that the delinquent tax contract has become void or, 560  
if that notice is not timely made, for the tax year in which falls 561  
the latest date by which the treasurer is required by such section 562  
to give such notice. A county auditor shall not remove from any 563  
tax list and duplicate the amount of any unpaid delinquent taxes, 564  
assessments, interest, or penalties owed on property that is 565  
placed on the exempt list pursuant to this division. 566

(3) That a tax certificate has been issued under section 567  
5721.32 or 5721.33 of the Revised Code with respect to the 568  
property that is the subject of the application, and the tax 569  
certificate is outstanding. 570

(B) Any taxes, interest, and penalties which have become a 571  
lien after the property was first used for the exempt purpose, but 572  
in no case prior to the date of acquisition of the title to the 573  
property by the applicant, may be remitted by the commissioner, 574  
except as is provided in division (A) of section 5713.081 of the 575  
Revised Code. 576

(C) Real property acquired by the state in fee simple is 577  
exempt from taxation from the date of acquisition of title or date 578

of possession, whichever is the earlier date, provided that all 579  
taxes, interest, and penalties as provided in the apportionment 580  
provisions of section 319.20 of the Revised Code have been paid to 581  
the date of acquisition of title or date of possession by the 582  
state, whichever is earlier. The proportionate amount of taxes 583  
that are a lien but not yet determined, assessed, and levied for 584  
the year in which the property is acquired, shall be remitted by 585  
the county auditor for the balance of the year from date of 586  
acquisition of title or date of possession, whichever is earlier. 587  
This section shall not be construed to authorize the exemption of 588  
such property from taxation or the remission of taxes, interest, 589  
and penalties thereon until all private use has terminated. 590

**Section 2.** That existing sections 931.02, 931.03, 931.04, 591  
931.99, 5709.28, and 5713.08 of the Revised Code are hereby 592  
repealed. 593