

As Reported by the Senate Agriculture Committee

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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**

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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 46

Revised Code. For purposes of division (A)(3) of this section, 47
"new development" includes, without limitation, an applicant's 48
transfer to another person of the ownership of a property interest 49
in the land that occurs during the period beginning on the date 50
that the application is submitted and ending on the date that the 51
ten-year period of enrollment is scheduled to expire, except as 52
otherwise provided in division (D) of this section. "New 53
development" does not include taking any actions that are 54
authorized under property rights in the land, such as mineral 55
rights or easements, that were transferred to a person other than 56
an applicant prior to the date that the application is submitted. 57
In addition, "new development" does not include the construction, 58
modification, or operation of wind energy-producing facilities, 59
including windmills and wind turbines, the grant of easements for 60
or the construction, modification, or operation of transmission or 61
distribution lines for electricity, gas, or oil or of any 62
gathering or production lines for oil or gas, or the grant of new 63
mineral leases, or the drilling or operation of any oil or gas 64
well on or in connection with the land, provided that ~~the~~ 65
~~construction, modification, or operation of the lines does~~ such 66
activities do not cause the land to become ineligible for 67
valuation and assessment for real property tax purposes in 68
accordance with its current agricultural use value under sections 69
5713.30 to 5713.38 of the Revised Code. 70

(4) A listing of all administrative enforcement orders issued 71
to each applicant who is submitting the application, all civil 72
actions in which an applicant was determined by the trier of fact 73
to be liable in damages or was the subject of injunctive relief or 74
another type of civil relief, and all criminal actions in which an 75
applicant pleaded guilty or was convicted, during the ten years 76
immediately preceding the date of submission of the application, 77
in connection with any violation of environmental laws or similar 78
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 the Revised Code. 80
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(5) A statement from the natural resources conservation service in the United States department of agriculture, a soil and water conservation district with jurisdiction over the land to which the application applies, or any other conservation professional approved by the director that, at the time of the application, each applicant who is submitting the application is complying with best management practices; 82
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(6) A map that complies with all of the following: 89

(a) Is prepared ~~and certified~~ by a regional or county planning commission established under section 713.21 of the Revised Code ~~or~~; a professional engineer, including a county engineer, or surveyor registered under Chapter 4733. of the Revised Code; a soil and water conservation district created pursuant to section 1515.03 of the Revised Code; or the natural resources conservation service; 90
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(b) Identifies the area of land to which the application applies and includes the corresponding parcel number that the county auditor has assigned under section 319.28 of the Revised Code to each parcel of land that comprises that area; 97
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(c) Shows the boundaries of the land to be enrolled in an agricultural security area; 101
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(d) Shows the names and locations of all streams, creeks, or other bodies of water, roads, rights-of-way, and railroads, ~~utility lines, and water and sewer lines~~ together with any existing residential, recreational, commercial, or industrial facilities that are ~~on or~~ are situated on the land to be included in the area and within five hundred feet of the perimeter of the area. The map also shall show the location of all utility, water, and sewer lines that are situated on the land to be included in 103
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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 property tax purposes in accordance with its current agricultural use value under sections 5713.30 to 5713.38 of the Revised Code. Land forming the area that is a portion of a farm on which is located a dwelling house, a yard, or outbuildings such as a barn or garage shall be deemed to satisfy the criteria established in divisions (B)(1) and (3) of this section.

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

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

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

(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 county in which the land is located shall hear the application at 198
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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 298

of county commissioners, as applicable, commits not to initiate, 299
approve, or finance any development for residential, commercial, 300
or industrial purposes, including construction of new roads and 301
water and sewer lines, within the area for a period of ten years. 302
For purposes of division (C)(1) of this section, "development" 303
does not include any of the following: 304

(a) The improvement of existing roads, provided that the 305
county engineer of each county in which the portion of the area 306
affected by the improvement is located determines that the 307
improvement is necessary for traffic safety, and provided that the 308
improvement is as consistent as possible with the agricultural use 309
of land in the area; 310

(b) The construction, modification, or operation of 311
transmission or distribution lines for electricity, gas, or oil or 312
of any gathering or production lines for oil or gas, provided that 313
the construction, modification, or operation of the lines does not 314
cause the land to become ineligible for valuation and assessment 315
for real property tax purposes in accordance with its current 316
agricultural use value under sections 5713.30 to 5713.38 of the 317
Revised Code; 318

(c) The construction, modification, or operation of water 319
lines or sewer lines, provided that an official or employee of the 320
environmental protection agency orders the construction, 321
modification, or operation for the purpose of enabling water and 322
sewer service areas that are outside of the agricultural security 323
area to be connected to each other, and provided that the lines do 324
not provide service connections to land within the agricultural 325
security area. 326

(2) A requirement that the owner or owners of the land in the 327
area use best management practices; 328

(3) A statement that describes the agreement that was reached 329

with other boards, if applicable, under section 5709.28 of the Revised Code concerning the percentage of the taxable value of qualifying agricultural real property in the agricultural security area that is to be exempted from taxation under that section and the number of years that the tax exemption established under that section will apply to that property.

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

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

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

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

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

(1) Request approval ~~to operate any business that does not impair the owner's ability to engage in agriculture~~ from each board of township trustees and each board of county commissioners that adopted a resolution approving the establishment of the agricultural security area to operate any business that does not impair the owner's ability to engage in agriculture and 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;

(2) Develop, authorize the development of, or, for the 360
purpose of developing, transfer ownership of a portion of the 361
owner's land within the agricultural security area for 362
constructing or otherwise establishing a single-family residence 363
for an individual who is related by consanguinity or by affinity 364
to the owner. Not more than one such residence shall be 365
constructed per each forty acres of the owner's land within the 366
agricultural security area. 367

(B)(1) To obtain approval to operate a business under 368
division (A)(1) of this section, a person shall send a written 369
request, by certified mail, to each appropriate board of township 370
trustees and each appropriate board of county commissioners. The 371
request shall contain all of the following: 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 376
construction, renovation, or excavation that will occur for 377
purposes of the proposed business. 378

(2) Not later than thirty days after receipt of a request 379
under division (B)(1) of this section, a board shall adopt a 380
resolution either approving or rejecting the request. If the board 381
approves the request, the board shall send a copy of the 382
resolution approving the request to each of the following not 383
later than thirty days after adopting the resolution: 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