

As Introduced

**128th General Assembly
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H. B. No. 485

Representative Pryor

Cosponsor: Representative Domenick

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A B I L L

To amend sections 303.01, 519.01, and 5713.30 of the 1
Revised Code to include the production from 2
certain feedstocks of biodiesel, biomass energy, 3
electric or heat energy, and biologically derived 4
methane gas in the definition of "agriculture" for 5
purposes of the laws governing county zoning, 6
township zoning, and current agricultural use 7
valuation. 8

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

Section 1. That sections 303.01, 519.01, and 5713.30 of the 9
Revised Code be amended to read as follows: 10

Sec. 303.01. (A) As used in sections 303.02 to 303.25 of the 11
Revised Code, "agriculture" includes farming; ranching; 12
aquaculture; apiculture; horticulture; viticulture; animal 13
husbandry, including, but not limited to, the care ~~and~~ or raising 14
of livestock, equine, and fur-bearing animals; poultry husbandry 15
and the production of poultry and poultry products; dairy 16
production; the production of field crops, tobacco, fruits, 17
vegetables, nursery stock, ornamental shrubs, ornamental trees, 18
flowers, sod, or mushrooms; timber; pasturage; any combination of 19

the foregoing; the processing, drying, storage, and marketing of 20
agricultural products when those activities are conducted in 21
conjunction with, ~~but are secondary to,~~ such husbandry or 22
production; biodiesel production; biomass energy production; 23
electric or heat energy production; and biologically derived 24
methane gas production. 25

(B) As used in this section: 26

(1) "Biodiesel" means a mono-alkyl ester combustible liquid 27
fuel to which all of the following apply: 28

(a) It is derived from vegetable oils or animal fats or any 29
combination of those reagents. 30

(b) It meets the American society for testing and materials 31
specification D6751-03a for biodiesel fuel (B100) blend stock 32
distillate fuels. 33

(c) At least fifty per cent of the starting material that was 34
used to produce the fuel was derived from the same tracts, lots, 35
or parcels of land on which the fuel was produced. 36

(2) "Biologically derived methane gas" means landfill methane 37
gas or gas from the anaerobic digestion of organic materials, 38
including animal waste, municipal wastewater, and agricultural 39
crops and residues, provided that at least fifty per cent of the 40
starting material that was used to produce the gas was derived 41
from the same tracts, lots, or parcels of land on which the gas 42
was produced. 43

(3) "Biomass energy" means energy that is produced from 44
organic material derived from plants or animals and available on a 45
renewable basis, including, but not limited to, agricultural 46
crops, tree crops, crop by-products, and residues, provided that 47
at least fifty per cent of the starting material that was used to 48
produce the energy was derived from the same tracts, lots, or 49
parcels of land on which the energy was produced. 50

(4) "Electric or heat energy" means electric or heat energy 51
at least fifty per cent of which was generated from manure, 52
cornstalks, soybean waste, or other feedstocks that were produced 53
on the same tracts, lots, or parcels of land on which the electric 54
or heat energy was produced. 55

Sec. 519.01. (A) As used in section 519.02 to 519.25 of the 56
Revised Code, "agriculture" includes farming; ranching; 57
aquaculture; apiculture; horticulture; viticulture; animal 58
husbandry, including, but not limited to, the care ~~and~~ or raising 59
of livestock, equine, and fur-bearing animals; poultry husbandry 60
and the production of poultry and poultry products; dairy 61
production; the production of field crops, tobacco, fruits, 62
vegetables, nursery stock, ornamental shrubs, ornamental trees, 63
flowers, sod, or mushrooms; timber; pasturage; any combination of 64
the foregoing; the processing, drying, storage, and marketing of 65
agricultural products when those activities are conducted in 66
conjunction with, ~~but are secondary to,~~ such husbandry or 67
production; biodiesel production; biomass energy production; 68
electric or heat energy production; and biologically derived 69
methane gas production. 70

(B) As used in this section: 71

(1) "Biodiesel" means a mono-alkyl ester combustible liquid 72
fuel to which all of the following apply: 73

(a) It is derived from vegetable oils or animal fats or any 74
combination of those reagents. 75

(b) It meets the American society for testing and materials 76
specification D6751-03a for biodiesel fuel (B100) blend stock 77
distillate fuels. 78

(c) At least fifty per cent of the starting material that was 79
used to produce the fuel was derived from the same tracts, lots, 80

or parcels of land on which the fuel was produced. 81

(2) "Biologically derived methane gas" means landfill methane gas or gas from the anaerobic digestion of organic materials, including animal waste, municipal wastewater, and agricultural crops and residues, provided that at least fifty per cent of the starting material that was used to produce the gas was derived from the same tracts, lots, or parcels of land on which the gas was produced. 82
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(3) "Biomass energy" means energy that is produced from organic material derived from plants or animals and available on a renewable basis, including, but not limited to, agricultural crops, tree crops, crop by-products, and residues, provided that at least fifty per cent of the starting material that was used to produce the energy was derived from the same tracts, lots, or parcels of land on which the energy was produced. 89
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(4) "Electric or heat energy" means electric or heat energy at least fifty per cent of which was generated from manure, cornstalks, soybean waste, or other feedstocks that were produced on the same tracts, lots, or parcels of land on which the electric or heat energy was produced. 96
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Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 5715.01 of the Revised Code: 101
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(A) "Land devoted exclusively to agricultural use" means: 103

(1) Tracts, lots, or parcels of land totaling not less than ten acres that, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of ~~such~~ that year, were devoted exclusively to commercial animal or poultry husbandry, aquaculture, apiculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery 104
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stock, ornamental trees, sod, or flowers, biodiesel production, 111
biomass energy production, electric or heat energy production, 112
biologically derived methane gas production, or the growth of 113
timber for a noncommercial purpose, if the land on which the 114
timber is grown is contiguous to or part of a parcel of land under 115
common ownership that is otherwise devoted exclusively to 116
agricultural use, or were devoted to and qualified for payments or 117
other compensation under a land retirement or conservation program 118
under an agreement with an agency of the federal government; 119

(2) Tracts, lots, or parcels of land totaling less than ten 120
acres that, during the three calendar years prior to the year in 121
which application is filed under section 5713.31 of the Revised 122
Code and through the last day of May of ~~such~~ that year, were 123
devoted exclusively to commercial animal or poultry husbandry, 124
aquaculture, apiculture, the production for a commercial purpose 125
of field crops, tobacco, fruits, vegetables, timber, nursery 126
stock, ornamental trees, sod, or flowers, biodiesel production, 127
biomass energy production, electric or heat energy production, or 128
biologically derived methane gas production where such activities 129
produced an average yearly gross income of at least twenty-five 130
hundred dollars during ~~such~~ that three-year period or where there 131
is evidence of an anticipated gross income of ~~such~~ that amount 132
from such activities during the tax year in which application is 133
made, or were devoted to and qualified for payments or other 134
compensation under a land retirement or conservation program under 135
an agreement with an agency of the federal government; 136

(3) A tract, lot, or parcel of land taxed under sections 137
5713.22 to 5713.26 of the Revised Code is not land devoted 138
exclusively to agricultural use; 139

(4) Tracts, lots, or parcels of land, or portions thereof 140
that, during the previous three consecutive calendar years have 141
been designated as land devoted exclusively to agricultural use, 142

but ~~such~~ the land has been lying idle or fallow for up to one year 143
and no action has occurred to ~~such~~ the land that is either 144
inconsistent with the return of it to agricultural production or 145
converts the land devoted exclusively to agricultural use as 146
defined in this section. Such land shall remain designated as land 147
devoted exclusively to agricultural use, provided that beyond one 148
year, but less than three years, the landowner proves good cause 149
as determined by the board of revision. 150

"Land devoted exclusively to agricultural use" includes 151
tracts, lots, or parcels of land or portions thereof that are used 152
for conservation practices, provided that the tracts, lots, or 153
parcels of land or portions thereof comprise twenty-five per cent 154
or less of the total of the tracts, lots, or parcels of land that 155
satisfy the criteria established in division (A)(1), (2), or (4) 156
of this section together with the tracts, lots, or parcels of land 157
or portions thereof that are used for conservation practices. 158

(B) "Conversion of land devoted exclusively to agricultural 159
use" means any of the following: 160

(1) The failure of the owner of land devoted exclusively to 161
agricultural use during the next preceding calendar year to file a 162
renewal application under section 5713.31 of the Revised Code 163
without good cause as determined by the board of revision; 164

(2) The failure of the new owner of such land to file an 165
initial application under that section without good cause as 166
determined by the board of revision; 167

(3) The failure of such land or portion thereof to qualify as 168
land devoted exclusively to agricultural use for the current 169
calendar year as requested by an application filed under ~~such~~ that 170
section; 171

(4) The failure of the owner of the land described in 172
division (A)(4) of this section to act on ~~such~~ the land in a 173

manner that is consistent with the return of the land to 174
agricultural production after three years. 175

(C) "Tax savings" means the difference between the dollar 176
amount of real property taxes levied in any year on land valued 177
and assessed in accordance with its current agricultural use value 178
and the dollar amount of real property taxes that would have been 179
levied upon ~~such~~ that land if it had been valued and assessed for 180
~~such~~ that year in accordance with Section 2 of Article XII, Ohio 181
Constitution. 182

(D) "Owner" includes, but is not limited to, any person 183
owning a fee simple, fee tail, or life estate or a buyer on a land 184
installment contract. 185

(E) "Conservation practices" are practices used to abate soil 186
erosion as required in the management of the farming operation, 187
and include, but are not limited to, the installation, 188
construction, development, planting, or use of grass waterways, 189
terraces, diversions, filter strips, field borders, windbreaks, 190
riparian buffers, wetlands, ponds, and cover crops for that 191
purpose. 192

(F) "Wetlands" has the same meaning as in section 6111.02 of 193
the Revised Code. 194

(G) "Biodiesel," "biomass energy," "electric or heat energy," 195
and "biologically derived methane gas" have the same meanings as 196
in section 303.01 of the Revised Code. 197

Section 2. That existing sections 303.01, 519.01, and 5713.30 198
of the Revised Code are hereby repealed. 199