

**As Reported by the House Agriculture and Natural Resources
Committee**

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Am. H. B. No. 485

Representative Pryor

Cosponsors: Representatives Domenick, Ruhl, Hite, Zehringer

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A B I L L

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

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 Revised Code be amended to read as follows:

Sec. 303.01. (A) As used in sections 303.02 to 303.25 of the Revised Code, "agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care ~~and~~ or raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees,

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

(3) "Biomass energy" means energy that is produced from 43
organic material derived from plants or animals and available on a 44
renewable basis, including, but not limited to, agricultural 45
crops, tree crops, crop by-products, and residues, provided that 46
at least fifty per cent of the starting material that was used to 47
produce the energy was derived from the same tracts, lots, or 48
parcels of land on which the energy was produced. 49

(4) "Electric or heat energy" means electric or heat energy 50
at least fifty per cent of which was generated from manure, 51
cornstalks, soybean waste, or other agricultural feedstocks that 52
were produced on the same tracts, lots, or parcels of land on 53
which the electric or heat energy was produced. 54

Sec. 519.01. (A) As used in section 519.02 to 519.25 of the 55
Revised Code, "agriculture" includes farming; ranching; 56
aquaculture; apiculture; horticulture; viticulture; animal 57
husbandry, including, but not limited to, the care ~~and~~ or raising 58
of livestock, equine, and fur-bearing animals; poultry husbandry 59
and the production of poultry and poultry products; dairy 60
production; the production of field crops, tobacco, fruits, 61
vegetables, nursery stock, ornamental shrubs, ornamental trees, 62
flowers, sod, or mushrooms; timber; pasturage; any combination of 63
the foregoing; the processing, drying, storage, and marketing of 64
agricultural products when those activities are conducted in 65
conjunction with, but are secondary to, such husbandry or 66
production; biodiesel production; biomass energy production; 67
electric or heat energy production; and biologically derived 68
methane gas production. 69

(B) As used in this section: 70

(1) "Biodiesel" means a mono-alkyl ester combustible liquid 71
fuel to which all of the following apply: 72

(a) It is derived from vegetable oils or animal fats or any 73
combination of those reagents. 74

(b) It meets the American society for testing and materials 75
specification D6751-03a for biodiesel fuel (B100) blend stock 76
distillate fuels. 77

(c) At least fifty per cent of the starting material that was 78
used to produce the fuel was derived from the same tracts, lots, 79

or parcels of land on which the fuel was produced. 80

(2) "Biologically derived methane gas" means gas from the 81
anaerobic digestion of organic materials, including animal waste, 82
municipal wastewater, and agricultural crops and residues, 83
provided that at least fifty per cent of the starting material 84
that was used to produce the gas was derived from the same tracts, 85
lots, or parcels of land on which the gas was produced. 86

(3) "Biomass energy" means energy that is produced from 87
organic material derived from plants or animals and available on a 88
renewable basis, including, but not limited to, agricultural 89
crops, tree crops, crop by-products, and residues, provided that 90
at least fifty per cent of the starting material that was used to 91
produce the energy was derived from the same tracts, lots, or 92
parcels of land on which the energy was produced. 93

(4) "Electric or heat energy" means electric or heat energy 94
at least fifty per cent of which was generated from manure, 95
cornstalks, soybean waste, or other agricultural feedstocks that 96
were produced on the same tracts, lots, or parcels of land on 97
which the electric or heat energy was produced. 98

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 99
5715.01 of the Revised Code: 100

(A) "Land devoted exclusively to agricultural use" means: 101

(1) Tracts, lots, or parcels of land totaling not less than 102
ten acres that, during the three calendar years prior to the year 103
in which application is filed under section 5713.31 of the Revised 104
Code, and through the last day of May of ~~such~~ that year, were 105
devoted exclusively to commercial animal or poultry husbandry, 106
aquaculture, apiculture, the production for a commercial purpose 107
of timber, field crops, tobacco, fruits, vegetables, nursery 108
stock, ornamental trees, sod, or flowers, biodiesel production, 109

biomass energy production, electric or heat energy production, 110
biologically derived methane gas production, or the growth of 111
timber for a noncommercial purpose, if the land on which the 112
timber is grown is contiguous to or part of a parcel of land under 113
common ownership that is otherwise devoted exclusively to 114
agricultural use, or were devoted to and qualified for payments or 115
other compensation under a land retirement or conservation program 116
under an agreement with an agency of the federal government; 117

(2) Tracts, lots, or parcels of land totaling less than ten 118
acres that, during the three calendar years prior to the year in 119
which application is filed under section 5713.31 of the Revised 120
Code and through the last day of May of ~~such~~ that year, were 121
devoted exclusively to commercial animal or poultry husbandry, 122
aquaculture, apiculture, the production for a commercial purpose 123
of field crops, tobacco, fruits, vegetables, timber, nursery 124
stock, ornamental trees, sod, or flowers, biodiesel production, 125
biomass energy production, electric or heat energy production, or 126
biologically derived methane gas production where such activities 127
produced an average yearly gross income of at least twenty-five 128
hundred dollars during ~~such~~ that three-year period or where there 129
is evidence of an anticipated gross income of ~~such~~ that amount 130
from such activities during the tax year in which application is 131
made, or were devoted to and qualified for payments or other 132
compensation under a land retirement or conservation program under 133
an agreement with an agency of the federal government; 134

(3) A tract, lot, or parcel of land taxed under sections 135
5713.22 to 5713.26 of the Revised Code is not land devoted 136
exclusively to agricultural use; 137

(4) Tracts, lots, or parcels of land, or portions thereof 138
that, during the previous three consecutive calendar years have 139
been designated as land devoted exclusively to agricultural use, 140
but ~~such~~ the land has been lying idle or fallow for up to one year 141

and no action has occurred to ~~such~~ the land that is either 142
inconsistent with the return of it to agricultural production or 143
converts the land devoted exclusively to agricultural use as 144
defined in this section. Such land shall remain designated as land 145
devoted exclusively to agricultural use, provided that beyond one 146
year, but less than three years, the landowner proves good cause 147
as determined by the board of revision. 148

"Land devoted exclusively to agricultural use" includes 149
tracts, lots, or parcels of land or portions thereof that are used 150
for conservation practices, provided that the tracts, lots, or 151
parcels of land or portions thereof comprise twenty-five per cent 152
or less of the total of the tracts, lots, or parcels of land that 153
satisfy the criteria established in division (A)(1), (2), or (4) 154
of this section together with the tracts, lots, or parcels of land 155
or portions thereof that are used for conservation practices. 156

(B) "Conversion of land devoted exclusively to agricultural 157
use" means any of the following: 158

(1) The failure of the owner of land devoted exclusively to 159
agricultural use during the next preceding calendar year to file a 160
renewal application under section 5713.31 of the Revised Code 161
without good cause as determined by the board of revision; 162

(2) The failure of the new owner of such land to file an 163
initial application under that section without good cause as 164
determined by the board of revision; 165

(3) The failure of such land or portion thereof to qualify as 166
land devoted exclusively to agricultural use for the current 167
calendar year as requested by an application filed under ~~such~~ that 168
section; 169

(4) The failure of the owner of the land described in 170
division (A)(4) of this section to act on ~~such~~ the land in a 171
manner that is consistent with the return of the land to 172

agricultural production after three years. 173

(C) "Tax savings" means the difference between the dollar 174
amount of real property taxes levied in any year on land valued 175
and assessed in accordance with its current agricultural use value 176
and the dollar amount of real property taxes that would have been 177
levied upon ~~such~~ that land if it had been valued and assessed for 178
~~such~~ that year in accordance with Section 2 of Article XII, Ohio 179
Constitution. 180

(D) "Owner" includes, but is not limited to, any person 181
owning a fee simple, fee tail, or life estate or a buyer on a land 182
installment contract. 183

(E) "Conservation practices" are practices used to abate soil 184
erosion as required in the management of the farming operation, 185
and include, but are not limited to, the installation, 186
construction, development, planting, or use of grass waterways, 187
terraces, diversions, filter strips, field borders, windbreaks, 188
riparian buffers, wetlands, ponds, and cover crops for that 189
purpose. 190

(F) "Wetlands" has the same meaning as in section 6111.02 of 191
the Revised Code. 192

(G) "Biodiesel," "biomass energy," "electric or heat energy," 193
and "biologically derived methane gas" have the same meanings as 194
in section 303.01 of the Revised Code. 195

Section 2. That existing sections 303.01, 519.01, and 5713.30 196
of the Revised Code are hereby repealed. 197