

As Introduced

129th General Assembly

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H. B. No. 276

Representatives Buchy, Gentile

Cosponsors: Representatives Hall, Derickson, Peterson, Balderson, Boose,
Ruhl, Murray, O'Brien, Huffman, Grossman, Amstutz, Hackett, Maag,
Gonzales, Adams, R., Johnson, Yuko, Fende

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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.

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.	1 2 3 4 5 6 7 8
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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:

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

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 <u>and or</u> 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, and vegetables.	11 12 13 14 15 16 17
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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
<u>production; biodiesel production; biomass energy production;</u>	23
<u>electric or heat energy production; and biologically derived</u>	24
<u>methane gas production.</u>	25
 <u>(B) As used in this section:</u>	26
 <u>(1) "Biodiesel" means a mono-alkyl ester combustible liquid</u>	27
<u>fuel to which all of the following apply:</u>	28
 <u>(a) It is derived from vegetable oils or animal fats or any</u>	29
<u>combination of those reagents.</u>	30
 <u>(b) It meets the American society for testing and materials</u>	31
<u>specification D6751-03a for biodiesel fuel (B100) blend stock</u>	32
<u>distillate fuels.</u>	33
 <u>(c) At least fifty per cent of the starting material that was</u>	34
<u>used to produce the fuel was derived from the same tracts, lots,</u>	35
<u>or parcels of land on which the fuel was produced.</u>	36
 <u>(2) "Biologically derived methane gas" means gas from the</u>	37
<u>anaerobic digestion of organic materials, including animal waste,</u>	38
<u>municipal wastewater, and agricultural crops and residues,</u>	39
<u>provided that at least fifty per cent of the starting material</u>	40
<u>that was used to produce the gas was derived from the same tracts,</u>	41
<u>lots, or parcels of land on which the gas was produced.</u>	42
 <u>(3) "Biomass energy" means energy that is produced from</u>	43
<u>organic material derived from plants or animals and available on a</u>	44
<u>renewable basis, including, but not limited to, agricultural</u>	45
<u>crops, tree crops, crop by-products, and residues, provided that</u>	46
<u>at least fifty per cent of the starting material that was used to</u>	47
<u>produce the energy was derived from the same tracts, lots, or</u>	48

<u>parcels of land on which the energy was produced.</u>	49
<u>(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 agricultural feedstocks that were produced on the same tracts, lots, or parcels of land on which the electric or heat energy was produced.</u>	50
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 Sec. 519.01. (A) As used in section 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care <u>and or</u> 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 the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; <u>biodiesel production; biomass energy production; electric or heat energy production; and biologically derived methane gas production.</u>	55
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 (B) As used in this section:	70
 <u>(1) "Biodiesel" means a mono-alkyl ester combustible liquid fuel to which all of the following apply:</u>	71
	72
<u>(a) It is derived from vegetable oils or animal fats or any combination of those reagents.</u>	73
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<u>(b) It meets the American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.</u>	75
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<u>(c) At least fifty per cent of the starting material that was</u>	78

<u>used to produce the fuel was derived from the same tracts, lots,</u>	79
<u>or parcels of land on which the fuel was produced.</u>	80
<u>(2) "Biologically derived methane gas" means gas from the</u>	81
<u>anaerobic digestion of organic materials, including animal waste,</u>	82
<u>municipal wastewater, and agricultural crops and residues,</u>	83
<u>provided that at least fifty per cent of the starting material</u>	84
<u>that was used to produce the gas was derived from the same tracts,</u>	85
<u>lots, or parcels of land on which the gas was produced.</u>	86
<u>(3) "Biomass energy" means energy that is produced from</u>	87
<u>organic material derived from plants or animals and available on a</u>	88
<u>renewable basis, including, but not limited to, agricultural</u>	89
<u>crops, tree crops, crop by-products, and residues, provided that</u>	90
<u>at least fifty per cent of the starting material that was used to</u>	91
<u>produce the energy was derived from the same tracts, lots, or</u>	92
<u>parcels of land on which the energy was produced.</u>	93
<u>(4) "Electric or heat energy" means electric or heat energy</u>	94
<u>at least fifty per cent of which was generated from manure,</u>	95
<u>cornstalks, soybean waste, or other agricultural feedstocks that</u>	96
<u>were produced on the same tracts, lots, or parcels of land on</u>	97
<u>which the electric or heat energy was produced.</u>	98
Sec. 5713.30. As used in sections 5713.31 to 5713.37 and	99
5715.01 of the Revised Code:	100
<u>(A) "Land devoted exclusively to agricultural use" means:</u>	101
<u>(1) Tracts, lots, or parcels of land totaling not less than</u>	102
<u>ten acres that, during the three calendar years prior to the year</u>	103
<u>in which application is filed under section 5713.31 of the Revised</u>	104
<u>Code, and through the last day of May of such that year, were</u>	105
<u>devoted exclusively to commercial animal or poultry husbandry,</u>	106
<u>aquaculture, apiculture, the production for a commercial purpose</u>	107
<u>of timber, field crops, tobacco, fruits, vegetables, nursery</u>	108

stock, ornamental trees, sod, or flowers, <u>biodiesel production,</u>	109
<u>biomass energy production, electric or heat energy production,</u>	110
<u>biologically derived methane gas production,</u> 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 <u>such that</u> 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, <u>biodiesel production,</u>	125
<u>biomass energy production, electric or heat energy production,</u>	126
<u>biologically derived methane gas production</u> where such activities	127
produced an average yearly gross income of at least twenty-five	128
hundred dollars during <u>such that</u> three-year period or where there	129
is evidence of an anticipated gross income of <u>such that</u> 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

The construction or installation of an energy facility, as 174
defined in section 5727.01 of the Revised Code, on a portion of a 175
tract, lot, or parcel of land devoted exclusively to agricultural 176
use shall not cause the remaining portion of the tract, lot, or 177
parcel to be regarded as a conversion of land devoted exclusively 178
to agricultural use if the remaining portion of the tract, lot, or 179
parcel continues to be devoted exclusively to agricultural use. 180

(C) "Tax savings" means the difference between the dollar 181
amount of real property taxes levied in any year on land valued 182
and assessed in accordance with its current agricultural use value 183
and the dollar amount of real property taxes that would have been 184
levied upon such that land if it had been valued and assessed for 185
such that year in accordance with Section 2 of Article XII, Ohio 186
Constitution. 187

(D) "Owner" includes, but is not limited to, any person 188
owning a fee simple, fee tail, or life estate or a buyer on a land 189
installment contract. 190

(E) "Conservation practices" are practices used to abate soil 191
erosion as required in the management of the farming operation, 192
and include, but are not limited to, the installation, 193
construction, development, planting, or use of grass waterways, 194
terraces, diversions, filter strips, field borders, windbreaks, 195
riparian buffers, wetlands, ponds, and cover crops for that 196
purpose. 197

(F) "Wetlands" has the same meaning as in section 6111.02 of 198
the Revised Code. 199

(G) "Biodiesel," "biomass energy," "electric or heat energy," 200
and "biologically derived methane gas" have the same meanings as 201
in section 303.01 of the Revised Code. 202

Section 2. That existing sections 303.01, 519.01, and 5713.30 203
of the Revised Code are hereby repealed. 204