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Sub. 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, Anielski, Antonio, Baker,
Barnes, Blair, Bubp, Butler, Carey, Carney, Celeste, Combs, Damschroder,
DeGeeter, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Goodwin, Goyal,
Hagan, C., Hayes, Heard, Henne, Hill, Hottinger, Kozlowski, Landis, Letson,
Luckie, Lundy, Mallory, McClain, Milkovich, Newbold, Patmon, Pelanda,
Phillips, Ramos, Roegner, Schuring, Sears, Slaby, Slesnick, Sprague,
Stebelton, Szollosi, Thompson, Wachtmann, Winburn, Young
Speaker Batchelder**

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A B I L L

To amend sections 1.61, 303.01, 303.21, 519.01, 1
519.21, 901.511, 903.10, 929.01, 1309.102, 2
1311.55, 1729.01, 3781.06, 5501.50, and 5713.30 of 3
the Revised Code to include algaculture in the 4
laws governing agriculture, in the definition of 5
"agriculture" for purposes of the laws governing 6
county and township zoning, and in the laws 7
governing current agricultural use valuation; to 8
exclude from zoning restrictions the production 9
from certain feedstocks of biodiesel, biomass 10
energy, electric or heat energy, and biologically 11
derived methane gas; to include that production in 12
the laws governing current agricultural use 13
valuation; and to provide for the establishment of 14

best management practices for that production 15
under the Concentrated Animal Feeding Facilities 16
Law. 17

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

Section 1. That sections 1.61, 303.01, 303.21, 519.01, 18
519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55, 1729.01, 19
3781.06, 5501.50, and 5713.30 of the Revised Code be amended to 20
read as follows: 21

Sec. 1.61. As used in any statute except section 303.01 or 22
519.01 of the Revised Code, "agriculture" includes farming; 23
ranching; aquaculture; algaculture meaning the farming of algae; 24
apiculture and related apicultural activities, production of 25
honey, beeswax, honeycomb, and other related products; 26
horticulture; viticulture, winemaking, and related activities; 27
animal husbandry, including, but not limited to, the care and 28
raising of livestock, equine, and fur-bearing animals; poultry 29
husbandry and the production of poultry and poultry products; 30
dairy production; the production of field crops, tobacco, fruits, 31
vegetables, nursery stock, ornamental shrubs, ornamental trees, 32
flowers, sod, or mushrooms; timber; pasturage; any combination of 33
the foregoing; the processing, drying, storage, and marketing of 34
agricultural products when those activities are conducted in 35
conjunction with, but are secondary to, such husbandry or 36
production; and any additions or modifications to the foregoing 37
made by the director of agriculture by rule adopted in accordance 38
with Chapter 119. of the Revised Code. 39

Sec. 303.01. As used in sections 303.02 to 303.25 of the 40
Revised Code, "agriculture" includes farming; ranching; 41
algaculture meaning the farming of algae; aquaculture; apiculture; 42

horticulture; viticulture; animal husbandry, including, but not 43
limited to, the care and raising of livestock, equine, and 44
fur-bearing animals; poultry husbandry and the production of 45
poultry and poultry products; dairy production; the production of 46
field crops, tobacco, fruits, vegetables, nursery stock, 47
ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; 48
timber; pasturage; any combination of the foregoing; and the 49
processing, drying, storage, and marketing of agricultural 50
products when those activities are conducted in conjunction with, 51
but are secondary to, such husbandry or production. 52

Sec. 303.21. (A) Except as otherwise provided in division (B) 53
of this section, sections 303.01 to 303.25 of the Revised Code do 54
not confer any power on any county rural zoning commission, board 55
of county commissioners, or board of zoning appeals to prohibit 56
the use of any land for agricultural purposes or the construction 57
or use of buildings or structures incident to the use for 58
agricultural purposes of the land on which such buildings or 59
structures are located, and no zoning certificate shall be 60
required for any such building or structure. 61

(B) A county zoning resolution, or an amendment to such 62
resolution, may in any platted subdivision approved under section 63
711.05, 711.09, or 711.10 of the Revised Code, or in any area 64
consisting of fifteen or more lots approved under section 711.131 65
of the Revised Code that are contiguous to one another, or some of 66
which are contiguous to one another and adjacent to one side of a 67
dedicated public road, and the balance of which are contiguous to 68
one another and adjacent to the opposite side of the same 69
dedicated public road regulate: 70

(1) Agriculture on lots of one acre or less; 71

(2) Buildings or structures incident to the use of land for 72
agricultural purposes on lots greater than one acre but not 73

greater than five acres by: set back building lines; height; and 74
size; 75

(3) Dairying and animal and poultry husbandry on lots greater 76
than one acre but not greater than five acres when at least 77
thirty-five per cent of the lots in the subdivision are developed 78
with at least one building, structure, or improvement that is 79
subject to real property taxation or that is subject to the tax on 80
manufactured and mobile homes under section 4503.06 of the Revised 81
Code. After thirty-five per cent of the lots are so developed, 82
dairying and animal and poultry husbandry shall be considered 83
nonconforming use of land and buildings or structures pursuant to 84
section 303.19 of the Revised Code. 85

Division (B) of this section confers no power on any county 86
rural zoning commission, board of county commissioners, or board 87
of zoning appeals to regulate agriculture, buildings or 88
structures, and dairying and animal and poultry husbandry on lots 89
greater than five acres. 90

(C) Such sections confer no power on any board of county 91
commissioners, county rural zoning commission, or board of zoning 92
appeals to prohibit in a district zoned for agricultural, 93
industrial, residential, or commercial uses, the use of any land 94
for a: 95

(1) A farm market where fifty per cent or more of the gross 96
income received from the market is derived from produce raised on 97
farms owned or operated by the market operator in a normal crop 98
year. However, a board of county commissioners, as provided in 99
section 303.02 of the Revised Code, may regulate such factors 100
pertaining to farm markets as size of the structure, size of 101
parking areas that may be required, set back building lines, and 102
egress or ingress, where such regulation is necessary to protect 103
the public health and safety. 104

(2) Biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes. As used in division (C)(2) of this section, "biodiesel," "biomass energy," "electric or heat energy," and "biologically derived methane gas" have the same meanings as in section 5713.30 of the Revised Code.

Sec. 519.01. As used in ~~section~~ sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and 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; and 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.

Sec. 519.21. (A) Except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part

of which is used for viticulture, and no zoning certificate shall 136
be required for any such building or structure. 137

(B) A township zoning resolution, or an amendment to such 138
resolution, may in any platted subdivision approved under section 139
711.05, 711.09, or 711.10 of the Revised Code, or in any area 140
consisting of fifteen or more lots approved under section 711.131 141
of the Revised Code that are contiguous to one another, or some of 142
which are contiguous to one another and adjacent to one side of a 143
dedicated public road, and the balance of which are contiguous to 144
one another and adjacent to the opposite side of the same 145
dedicated public road regulate: 146

(1) Agriculture on lots of one acre or less; 147

(2) Buildings or structures incident to the use of land for 148
agricultural purposes on lots greater than one acre but not 149
greater than five acres by: set back building lines; height; and 150
size; 151

(3) Dairying and animal and poultry husbandry on lots greater 152
than one acre but not greater than five acres when at least 153
thirty-five per cent of the lots in the subdivision are developed 154
with at least one building, structure, or improvement that is 155
subject to real property taxation or that is subject to the tax on 156
manufactured and mobile homes under section 4503.06 of the Revised 157
Code. After thirty-five per cent of the lots are so developed, 158
dairying and animal and poultry husbandry shall be considered 159
nonconforming use of land and buildings or structures pursuant to 160
section 519.19 of the Revised Code. 161

Division (B) of this section confers no power on any township 162
zoning commission, board of township trustees, or board of zoning 163
appeals to regulate agriculture, buildings or structures, and 164
dairying and animal and poultry husbandry on lots greater than 165
five acres. 166

(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a:

(1) A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

(2) Biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes. As used in division (C)(2) of this section, "biodiesel," "biomass energy," "electric or heat energy," and "biologically derived methane gas" have the same meanings as in section 5713.30 of the Revised Code.

Sec. 901.511. (A) As used in this section:

(1) "Agricultural product" means any of the following items that is produced for testing or research in the context of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state, or local governmental agency or that is produced for personal, commercial, pharmaceutical, or educational purposes: field crop or field crop product; timber or timber product; forestry product; livestock or livestock product; meat or meat product; milk or

dairy product; poultry or poultry product; equine animal; wool; 198
fruit or vegetable crop; aquacultural product; algacultural 199
product; horticultural crop, including plant materials grown in a 200
greenhouse, nursery stock grown inside or outside of a container, 201
ornamental grass, turf grass, ornamental trees, ornamental shrubs, 202
or flowers; sod; mushrooms; viticultural product; apicultural 203
product; tobacco; pasture; wild animal or domestic deer, as "wild 204
animal" and "domestic deer" are defined in section 1531.01 of the 205
Revised Code; or any combination of those items. 206

(2) "Algacultural product" means algal paste, algal powder, 207
or dried algae that is comprised primarily of algal biomass. 208

(3) "Equipment" means any implement, machinery, real or 209
personal property, building, or structure that is used in the 210
production, growing, harvesting, or housing of any agricultural 211
product. "Equipment" also includes any laboratory, research, 212
product, samples, supplies, or fixed equipment that is used to 213
test, develop, or analyze the process of producing, growing, or 214
maintaining any agricultural product. 215

~~(3)~~(4) "Material support or resources" means currency, 216
payment instruments, other financial securities, financial 217
services, lodging, training, safehouses, false documentation or 218
identification, communications equipment, facilities, weapons, 219
lethal substances, explosives, personnel, transportation, and 220
other physical assets, except medicine or religious materials. 221

~~(4)~~(5) "Payment instrument" means a check, draft, money 222
order, traveler's check, cashier's check, teller's check, or other 223
instrument or order for the transmission or payment of money 224
regardless of whether the item in question is negotiable. 225

~~(5)~~(6) "Specified offense" means either of the following: 226

(a) A violation of section 2909.02, 2909.03, 2909.05, 227
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, or 2913.42 228

of the Revised Code;	229
(b) An attempt to commit, complicity in committing, or a	230
conspiracy to commit an offense listed in division (A)(5)(a) of	231
this section.	232
(B) No person shall commit a specified offense involving any	233
agricultural product or equipment with the intent to do any of the	234
following:	235
(1) Intimidate or coerce a civilian population;	236
(2) Influence the policy of any government by intimidation or	237
coercion;	238
(3) Affect the conduct of any government;	239
(4) Interrupt or interfere with agricultural production,	240
agricultural research, or equipment for purposes of disrupting or	241
influencing, through intimidation or other means, consumer	242
confidence or agricultural production methods.	243
Division (B) of this section does not apply to the practice	244
of veterinary medicine by a person who has been issued a valid	245
license, temporary permit, or registration certificate to practice	246
veterinary medicine under Chapter 4741. of the Revised Code. As	247
used in this division, "practice of veterinary medicine" has the	248
same meaning as in section 4741.01 of the Revised Code.	249
(C) No person shall raise, solicit, collect, donate, or	250
provide any material support or resources with the purpose that	251
the material support or resources will be used in whole or in part	252
to plan, prepare, carry out, or aid in either a violation of	253
division (B) of this section or in the concealment of, or an	254
escape from, a violation of that division.	255
(D)(1) In addition to the penalties established in section	256
901.99 of the Revised Code for a violation of this section, the	257
court may require any person who violates this section to pay the	258

victim of the offense an amount up to triple the value of the 259
agricultural product or equipment that was the subject of the 260
violation. 261

(2) In ordering restitution under division (D)(1) of this 262
section, the court shall consider as part of the value of the 263
agricultural product or equipment the market value of the 264
agricultural product or equipment prior to the violation and the 265
production, research, testing, replacement, and development costs 266
directly related to the agricultural product or equipment that was 267
the subject of the violation. 268

(E) The enactment of this section is not intended to require 269
the prosecution exclusively under this section of an act, series 270
of acts, or course of behavior that could be prosecuted either 271
under this section or under another section of the Revised Code. 272
One or more acts, series of acts, or courses of behavior that may 273
be prosecuted either under this section or under another section 274
of the Revised Code may be prosecuted under this section, the 275
other section, or both sections. 276

Sec. 903.10. The director of agriculture may adopt rules in 277
accordance with Chapter 119. of the Revised Code that do all of 278
the following: 279

(A) Establish all of the following concerning permits to 280
install and permits to operate: 281

(1) A description of what constitutes a modification of a 282
concentrated animal feeding facility; 283

(2) A description of what constitutes a major operational 284
change at a concentrated animal feeding facility; 285

(3) The amount of the fee that must be submitted with each 286
permit application and each application for a permit modification; 287

(4) Information that must be included in the designs and 288

plans required to be submitted with an application for a permit to	289
install and criteria for approving, disapproving, or requiring	290
modification of the designs and plans;	291
(5) Information that must be included in a manure management	292
plan required to be submitted with an application for a permit to	293
operate;	294
(6) Information that must be included in an application for	295
the modification of an installation permit, a permit to install,	296
or a permit to operate;	297
(7) Information that must be included in an application for	298
approval of a major operational change at a concentrated animal	299
feeding facility;	300
(8) Any additional information that must be included with a	301
permit application;	302
(9) Procedures for the issuance, denial, modification,	303
transfer, suspension, and revocation of permits to install and	304
permits to operate, including general permits;	305
(10) Procedures for the approval or denial of an application	306
for approval of a major operational change at a concentrated	307
animal feeding facility;	308
(11) Grounds for the denial, modification, suspension, or	309
revocation of permits to install and permits to operate in	310
addition to the grounds established in division (D) of section	311
903.02 and division (D) of section 903.03 of the Revised Code;	312
(12) Grounds for the denial of an application for approval of	313
a major operational change at a concentrated animal feeding	314
facility;	315
(13) A requirement that a person that is required to obtain	316
both a permit to install and a permit to operate submit	317
applications for those permits simultaneously;	318

(14) A definition of "general permit to operate" that	319
establishes categories of concentrated animal feeding facilities	320
to be covered under such a permit and a definition of "individual	321
permit to operate" together with the criteria for issuing a	322
general permit to operate and the criteria for determining a	323
person's eligibility to operate under a general permit to operate.	324
(B) Establish all of the following for the purposes of review	325
compliance certificates issued under section 903.04 of the Revised	326
Code:	327
(1) The form of a certificate;	328
(2) Criteria for what constitutes a significant capital	329
expenditure under division (D) of that section;	330
(3) Deadlines and procedures for submitting information under	331
division (E)(2) of that section.	332
(C) Establish best management practices that minimize water	333
pollution, odors, insects, and rodents, that govern the land	334
application of manure that originated at a concentrated animal	335
feeding facility, and that govern all of the following activities	336
that occur at a concentrated animal feeding facility:	337
(1) Manure management, including the storage, handling,	338
transportation, and land application of manure. Rules adopted	339
under division (C)(1) of this section shall include practices that	340
prevent surface and ground water contamination caused by the	341
storage of manure or the land application of manure and prevent	342
the contamination of water in drainage tiles that may be caused by	343
that application.	344
(2) Disposal of dead livestock;	345
(3) <u>Production of biodiesel, biomass energy, electric or heat</u>	346
<u>energy, and biologically derived methane gas as those terms are</u>	347
<u>defined in section 5713.30 of the Revised Code;</u>	348

(4) Any other activity that the director considers appropriate.	349 350
Best management practices established in rules adopted under division (C) of this section shall not conflict with best management practices established in rules that have been adopted under any other section of the Revised Code. The rules adopted under division (C) of this section shall establish guidelines that require owners or operators of concentrated animal feeding facilities to consult with and work with local officials, including boards of county commissioners and boards of township trustees, in addressing issues related to local government infrastructure needs and the financing of that infrastructure.	351 352 353 354 355 356 357 358 359 360
(D) Establish all of the following concerning insect and rodent control plans required under section 903.06 of the Revised Code:	361 362 363
(1) The information to be included in an insect and rodent control plan;	364 365
(2) Criteria for approving, disapproving, or requiring modification of an insect and rodent control plan;	366 367
(3) Criteria for determining compliance with or violation of an insect and rodent control plan;	368 369
(4) Procedures and standards for monitoring insect and rodent control plans;	370 371
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	372 373 374 375
(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided	376 377 378

that the rules adopted under division (D)(6) of this section shall 379
not establish a civil penalty of more than ten thousand dollars 380
for a violation involving a concentrated animal feeding facility 381
that is not a major concentrated animal feeding facility and shall 382
not establish a civil penalty of more than twenty-five thousand 383
dollars for a violation involving a major concentrated animal 384
feeding facility; 385

(7) The time period within which the director must approve or 386
deny an insect and rodent control plan after receiving it; 387

(8) Any other provisions necessary to administer and enforce 388
section 903.12 of the Revised Code. 389

(E) Establish all of the following concerning livestock 390
manager certifications required under section 903.07 of the 391
Revised Code: 392

(1) The information to be included in an application for a 393
livestock manager certification and the amount of the application 394
fee; 395

(2) The content of the training required to be completed and 396
of the examination required to be passed by an applicant for a 397
livestock manager certification. The training shall include and 398
the examination shall test the applicant's knowledge of 399
information on topics that include calculating nutrient values in 400
manure, devising and implementing a plan for the land application 401
of manure, removing manure held in a manure storage or treatment 402
facility, and following best management practices established in 403
rules for disposal of dead animals and manure management, 404
including practices that control odor and protect the environment. 405
The director may specify other types of recognized training 406
programs that, if completed, are considered to satisfy the 407
training and examination requirement. 408

(3) Criteria and procedures for the issuance, denial, 409

suspension, revocation, or reinstatement of a livestock manager certification;	410 411
(4) The length of time during which livestock manager certifications will be valid and procedures for their renewal;	412 413
(5) The volume of manure that must be transported and land applied annually or the volume of manure that must be bought, sold, or land applied annually by a person in order for the person to be required to obtain a livestock manager certification under division (A)(2) of section 903.07 of the Revised Code;	414 415 416 417 418
(6) Requirements governing the management and handling of manure, including the land application of manure;	419 420
(7) Requirements governing the keeping of records regarding the handling of manure, including the land application of manure;	421 422
(8) Any other provisions necessary to administer and enforce section 903.07 of the Revised Code.	423 424
(F) Establish all of the following concerning NPDES permits:	425
(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	426 427 428
(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	429 430
(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	431 432 433
(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that	434 435 436 437 438 439

may be discharged into waters of the state; and authorized	440
duration and frequency of any discharges into waters of the state;	441
(5) Procedures for the submission of applications for permits	442
and notices of intent to be covered by general permits, including	443
information that must be included in the applications and notices;	444
(6) The amount of the fee that must be submitted with an	445
application for a permit;	446
(7) Procedures for processing permit applications, including	447
public notice and participation requirements;	448
(8) Procedures for notifying the United States environmental	449
protection agency of the submission of permit applications, the	450
director's action on those applications, and any other reasonable	451
and relevant information;	452
(9) Procedures for notifying and receiving and responding to	453
recommendations from other states whose waters may be affected by	454
the issuance of a permit;	455
(10) Procedures for the transfer of permits to new owners or	456
operators;	457
(11) Grounds and procedures for the issuance, denial,	458
modification, suspension, or revocation of permits, including	459
general permits;	460
(12) A definition of "general NPDES permit" that establishes	461
categories of point sources to be covered under such a permit and	462
a definition of "individual NPDES permit" together with the	463
criteria for issuing a general NPDES permit and the criteria for	464
determining a person's eligibility to discharge under a general	465
NPDES permit.	466
The rules adopted under division (F) of this section shall be	467
consistent with the requirements of the Federal Water Pollution	468
Control Act.	469

(G) Establish public notice and participation requirements, 470
in addition to the procedures established in rules adopted under 471
division (F)(7) of this section, for the issuance, denial, 472
modification, transfer, suspension, and revocation of permits to 473
install, permits to operate, and NPDES permits consistent with 474
section 903.09 of the Revised Code, including a definition of what 475
constitutes significant public interest for the purposes of 476
divisions (A) and (F) of section 903.09 of the Revised Code and 477
procedures for public meetings. The rules shall require that 478
information that is presented at such a public meeting be limited 479
to the criteria that are applicable to the permit application that 480
is the subject of the public meeting. 481

(H) Establish the amount of civil penalties assessed by the 482
director of agriculture under division (B) of section 903.16 of 483
the Revised Code for violation of the terms and conditions of a 484
permit to install, permit to operate, or review compliance 485
certificate, provided that the rules adopted under this division 486
shall not establish a civil penalty of more than ten thousand 487
dollars per day for each violation; 488

(I) Establish procedures for the protection of trade secrets 489
from public disclosure. The procedures shall authorize the release 490
of trade secrets to officers, employees, or authorized 491
representatives of the state, another state, or the United States 492
when necessary for an enforcement action brought under this 493
chapter or when otherwise required by the Federal Water Pollution 494
Control Act. The rules shall require at least ten days' written 495
notice to the person to whom a trade secret applies prior to the 496
release of the trade secret. Rules adopted under this division do 497
not apply to any information that is contained in applications, 498
including attachments, for NPDES permits and that is required to 499
be submitted under section 903.08 of the Revised Code or rules 500
adopted under division (F) of this section. 501

(J) Establish any other provisions necessary to administer 502
and enforce this chapter. 503

Sec. 929.01. As used in this chapter: 504

(A) "Agricultural production" means commercial aquaculture, 505
algaculture meaning the farming of algae, apiculture, animal 506
husbandry, or poultry husbandry; the production for a commercial 507
purpose of timber, field crops, tobacco, fruits, vegetables, 508
nursery stock, ornamental shrubs, ornamental trees, flowers, or 509
sod; the growth of timber for a noncommercial purpose if the land 510
on which the timber is grown is contiguous to or part of a parcel 511
of land under common ownership that is otherwise devoted 512
exclusively to agricultural use; or any combination of such 513
husbandry, production, or growth; and includes the processing, 514
drying, storage, and marketing of agricultural products when those 515
activities are conducted in conjunction with such husbandry, 516
production, or growth. 517

"Agricultural production" includes conservation practices, 518
provided that the tracts, lots, or parcels of land or portions 519
thereof that are used for conservation practices comprise not more 520
than twenty-five per cent of tracts, lots, or parcels of land that 521
are otherwise devoted exclusively to agricultural use and for 522
which an application is filed under section 929.02 of the Revised 523
Code. 524

(B) "Withdrawal from an agricultural district" includes the 525
explicit removal of land from an agricultural district, conversion 526
of land in an agricultural district to use for purposes other than 527
agricultural production, and withdrawal of land from a land 528
retirement or conservation program to use for purposes other than 529
agricultural production. Withdrawal from an agricultural district 530
does not include land described in division (A)(4) of section 531
5713.30 of the Revised Code. 532

(C) "Conservation practice" has the same meaning as in 533
section 5713.30 of the Revised Code. 534

Sec. 1309.102. (A) As used in this chapter, unless the 535
context requires otherwise: 536

(1) "Accession" means goods that are physically united with 537
other goods in such a manner that the identity of the original 538
goods is not lost. 539

(2)(a) "Account," except as used in "account for," means a 540
right to payment of a monetary obligation, whether or not earned 541
by performance, (i) for property that has been or is to be sold, 542
leased, licensed, assigned, or otherwise disposed of, (ii) for 543
services rendered or to be rendered, (iii) for a policy of 544
insurance issued or to be issued, (iv) for a secondary obligation 545
incurred or to be incurred, (v) for energy provided or to be 546
provided, (vi) for the use or hire of a vessel under a charter or 547
other contract, (vii) arising out of the use of a credit or charge 548
card or information contained on or for use with the card, or 549
(viii) as winnings in a lottery or other game of chance operated 550
or sponsored by a state, governmental unit of a state, or person 551
licensed or authorized to operate the game by a state or 552
governmental unit of a state. 553

(b) "Account" includes health-care insurance receivables. 554

(c) "Account" does not include (i) rights to payment 555
evidenced by chattel paper or an instrument, (ii) commercial tort 556
claims, (iii) deposit accounts, (iv) investment property, (v) 557
letter-of-credit rights or letters of credit, or (vi) rights to 558
payment for money or funds advanced or sold, other than rights 559
arising out of the use of a credit or charge card or information 560
contained on or for use with the card. 561

(3) "Account debtor" means a person who is obligated on an 562

account, chattel paper, or general intangible. "Account debtor" 563
does not include a person who is obligated to pay a negotiable 564
instrument, even if the instrument constitutes part of chattel 565
paper. 566

(4) "Accounting," except as used in "accounting for," means a 567
record: 568

(a) Authenticated by a secured party; 569

(b) Indicating the aggregate unpaid secured obligations as of 570
a date not more than thirty-five days earlier or thirty-five days 571
later than the date of the record; and 572

(c) Identifying the components of the obligations in 573
reasonable detail. 574

(5) "Agricultural lien" means an interest, other than a 575
security interest, in farm products: 576

(a) That secures payment or performance of an obligation for: 577

(i) Goods or services furnished in connection with a debtor's 578
farming operation; or 579

(ii) Rent on real property leased by a debtor in connection 580
with its farming operation. 581

(b) That is created by statute in favor of a person who: 582

(i) In the ordinary course of business, furnished goods or 583
services to a debtor in connection with the debtor's farming 584
operation; or 585

(ii) Leased real property to a debtor in connection with the 586
debtor's farming operation; and 587

(c) Whose effectiveness does not depend on the person's 588
possession of the personal property. 589

(6) "As-extracted collateral" means: 590

(a) Oil, gas, or other minerals that are subject to a 591

security interest that:	592
(i) Is created by a debtor having an interest in the minerals before extraction; and	593 594
(ii) Attaches to the minerals as extracted; or	595
(b) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.	596 597 598
(7) "Authenticate" means:	599
(a) To sign; or	600
(b) To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.	601 602 603 604
(8) "Bank" means an organization that is engaged in the business of banking. "Bank" includes savings banks, savings and loan associations, credit unions, and trust companies.	605 606 607
(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.	608 609
(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.	610 611 612 613 614
(11)(a) "Chattel paper" means a record that evidences both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods.	615 616 617 618 619 620
As used in division (A)(11)(a) of this section, "monetary	621

obligation" means a monetary obligation secured by the goods or 622
owed under a lease of the goods and includes a monetary obligation 623
with respect to software used in the goods. 624

(b) If a transaction is evidenced by records that include an 625
instrument or series of instruments, the group of records taken 626
together constitutes chattel paper. 627

(c) "Chattel paper" does not include (i) charters or other 628
contracts involving the use or hire of a vessel or (ii) records 629
that evidence a right to payment arising out of the use of a 630
credit or charge card or information contained on or for use with 631
the card. 632

(12) "Collateral" means the property subject to a security 633
interest or agricultural lien, including: 634

(a) Proceeds to which a security interest attaches; 635

(b) Accounts, chattel paper, payment intangibles, and 636
promissory notes that have been sold; and 637

(c) Goods that are the subject of a consignment. 638

(13) "Commercial tort claim" means a claim arising in tort 639
with respect to which: 640

(a) The claimant is an organization; or 641

(b) The claimant is an individual, and the claim: 642

(i) Arose in the course of the claimant's business or 643
profession; and 644

(ii) Does not include damages arising out of personal injury 645
to or the death of an individual. 646

(14) "Commodity account" means an account maintained by a 647
commodity intermediary in which a commodity contract is carried 648
for a commodity customer. 649

(15) "Commodity contract" means a commodity futures contract, 650

an option on a commodity futures contract, a commodity option, or 651
another contract if the contract or option is: 652

(a) Traded on or subject to the rules of a board of trade 653
that has been designated as a contract market for such a contract 654
pursuant to the federal commodities laws; or 655

(b) Traded on a foreign commodity board of trade, exchange, 656
or market and is carried on the books of a commodity intermediary 657
for a commodity customer. 658

(16) "Commodity customer" means a person for whom a commodity 659
intermediary carries a commodity contract on its books. 660

(17) "Commodity intermediary" means a person that: 661

(a) Is registered as a futures commission merchant under the 662
federal commodities laws; or 663

(b) In the ordinary course of its business provides clearance 664
or settlement services for a board of trade that has been 665
designated as a contract market pursuant to the federal 666
commodities laws. 667

(18) "Communicate" means: 668

(a) To send a written or other tangible record; 669

(b) To transmit a record by any means agreed upon by the 670
persons sending and receiving the record; or 671

(c) In the case of transmission of a record to or by a filing 672
office, to transmit a record by any means prescribed by 673
filing-office rule. 674

(19) "Consignee" means a merchant to whom goods are delivered 675
in a consignment. 676

(20) "Consignment" means a transaction, regardless of its 677
form, in which a person delivers goods to a merchant for the 678
purpose of sale and: 679

(a) The merchant:	680
(i) Deals in goods of that kind under a name other than the name of the person making delivery;	681 682
(ii) Is not an auctioneer; and	683
(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;	684 685
(b) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery.	686 687
(c) The goods are not consumer goods immediately before delivery; and	688 689
(d) The transaction does not create a security interest that secures an obligation.	690 691
(21) "Consignor" means a person that delivers goods to a consignee in a consignment.	692 693
(22) "Consumer debtor" means a debtor in a consumer transaction.	694 695
(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.	696 697
(24) "Consumer-goods transaction" means a consumer transaction in which:	698 699
(a) An individual incurs an obligation primarily for personal, family, or household purposes; and	700 701
(b) A security interest in consumer goods secures the obligation.	702 703
(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.	704 705 706
(26) "Consumer transaction" means a transaction in which: (a) an individual incurs an obligation primarily for personal, family,	707 708

or household purposes, (b) a security interest secures the 709
obligation, and (c) the collateral is held or acquired primarily 710
for personal, family, or household purposes. "Consumer 711
transaction" includes consumer-goods transactions. 712

(27) "Continuation statement" means an amendment of a 713
financing statement that: 714

(a) Identifies, by its file number, the initial financing 715
statement to which it relates; and 716

(b) Indicates that it is a continuation statement for, or 717
that it is filed to continue the effectiveness of, the identified 718
financing statement. 719

(28) "Debtor" means: 720

(a) A person having an interest, other than a security 721
interest or other lien, in the collateral, whether or not the 722
person is an obligor; 723

(b) A seller of accounts, chattel paper, payment intangibles, 724
or promissory notes; or 725

(c) A consignee. 726

(29) "Deposit account" means a demand, time, savings, 727
passbook, or similar account maintained with a bank but does not 728
include investment property or accounts evidenced by an 729
instrument. 730

(30) "Document" means a document of title or a receipt of the 731
type described in division (B) of section 1307.201 of the Revised 732
Code. 733

(31) "Electronic chattel paper" means chattel paper evidenced 734
by a record consisting of information stored in an electronic 735
medium. 736

(32) "Encumbrance" means a right, other than an ownership 737
interest, in real property. "Encumbrance" includes mortgages and 738

other liens on real property.	739
(33) "Equipment" means goods other than inventory, farm products, or consumer goods.	740 741
(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and that are:	742 743 744
(a) Crops grown, growing, or to be grown, including:	745
(i) Crops produced on trees, vines, and bushes; and	746
(ii) Aquatic goods produced in aquacultural operations;	747
<u>(iii) Algacultural products as defined in section 901.511 of the Revised Code that are produced as a result of algaculture meaning the farming of algae.</u>	748 749 750
(b) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;	751 752
(c) Supplies used or produced in a farming operation; or	753
(d) Products of crops or livestock in their unmanufactured states.	754 755
(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.	756 757 758
(36) "File number" means the number assigned to an initial financing statement under division (A) of section 1309.519 of the Revised Code.	759 760 761
(37) "Filing office" means an office designated in section 1309.501 of the Revised Code as the place to file a financing statement.	762 763 764
(38) "Filing-office rule" means a rule adopted under section 1309.526 of the Revised Code.	765 766
(39) "Financing statement" means a record composed of an	767

initial financing statement and any filed record or records 768
relating to the initial financing statement. For the purposes of 769
this chapter, financing statements filed for recording with the 770
secretary of state shall not be required to include social 771
security or employer identification numbers. 772

(40) "Fixture filing" means the filing of a financing 773
statement covering goods that are or are to become fixtures and 774
satisfying divisions (A) and (B) of section 1309.502 of the 775
Revised Code. "Fixture filing" includes the filing of a financing 776
statement covering goods of a transmitting utility that are or are 777
to become fixtures. 778

(41) "Fixtures" means goods that have become so related to 779
particular real property that an interest in them arises under 780
real property law. 781

(42) "General intangible" means any personal property, 782
including things in action, other than accounts, chattel paper, 783
commercial tort claims, deposit accounts, documents, goods, 784
instruments, investment property, letter-of-credit rights, letters 785
of credit, money, and oil, gas, or other minerals before 786
extraction. "General intangible" includes payment intangibles and 787
software. 788

(43) "Good faith" has the same meaning as in section 1301.201 789
of the Revised Code. 790

(44)(a) "Goods" means all things that are movable when a 791
security interest attaches. "Goods" includes (i) fixtures, (ii) 792
standing timber that is to be cut and removed under a conveyance 793
or contract for sale, (iii) the unborn young of animals, (iv) 794
crops grown, growing, or to be grown, even if the crops are 795
produced on trees, vines, or bushes, and (v) manufactured homes. 796

(b) "Goods" also includes a computer program embedded in 797
goods and any supporting information provided in connection with a 798

transaction relating to the program if (i) the program is 799
associated with the goods in such a manner that it customarily is 800
considered part of the goods, or (ii) by becoming the owner of the 801
goods, a person acquires a right to use the program in connection 802
with the goods. 803

(c) "Goods" does not include a computer program embedded in 804
goods that consist solely of the medium in which the program is 805
embedded. "Goods" does not include accounts, chattel paper, 806
commercial tort claims, deposit accounts, documents, general 807
intangibles, instruments, investment property, letter-of-credit 808
rights, letters of credit, money, or oil, gas, or other minerals 809
before extraction. 810

(45) "Governmental unit" means a subdivision, agency, 811
department, county, parish, municipal corporation, or other unit 812
of the government of the United States, a state, or a foreign 813
country. "Governmental unit" includes an organization having a 814
separate corporate existence if the organization is eligible to 815
issue debt on which interest is exempt from income taxation under 816
the laws of the United States. 817

(46) "Health-care-insurance receivable" means an interest in 818
or claim under a policy of insurance that is a right to payment of 819
a monetary obligation for health-care goods or services provided. 820

(47)(a) "Instrument" means a negotiable instrument or any 821
other writing that evidences a right to the payment of a monetary 822
obligation, is not itself a security agreement or lease, and is of 823
a type that in ordinary course of business is transferred by 824
delivery with any necessary indorsement or assignment. 825

(b) "Instrument" does not include (i) investment property, 826
(ii) letters of credit, or (iii) writings that evidence a right to 827
payment arising out of the use of a credit or charge card or 828
information contained on or for use with the card. 829

(48) "Inventory" means goods, other than farm products, that:	830
(a) Are leased by a person as lessor;	831
(b) Are held by a person for sale or lease or to be furnished under a contract of service;	832 833
(c) Are furnished by a person under a contract of service; or	834
(d) Consist of raw materials, work in process, or materials used or consumed in a business.	835 836
(49) "Investment property" means a security, whether certificated or uncertificated, a security entitlement, a securities account, a commodity contract, or a commodity account.	837 838 839
(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is organized.	840 841 842
(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. "Letter-of-credit right" does not include the right of a beneficiary to demand payment or performance under a letter of credit.	843 844 845 846 847 848
(52) "Lien creditor" means:	849
(a) A creditor who has acquired a lien on the property involved by attachment, levy or the like;	850 851
(b) An assignee for benefit of creditors from the time of assignment;	852 853
(c) A trustee in bankruptcy from the date of the filing of the petition; or	854 855
(d) A receiver in equity from the time of appointment.	856
(53) "Manufactured home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body	857 858

feet or more in width or forty body feet or more in length, or, 859
when erected on site, is three hundred twenty or more square feet, 860
and that is built on a permanent chassis and designed to be used 861
as a dwelling with or without a permanent foundation when 862
connected to the required utilities, and includes the plumbing, 863
heating, air conditioning, and electrical systems contained in the 864
structure. "Manufactured home" includes any structure that meets 865
all of the requirements of this paragraph except the size 866
requirements and with respect to which the manufacturer 867
voluntarily files a certification required by the United States 868
secretary of housing and urban development and complies with the 869
standards established under Title 42 of the United States Code. 870

(54) "Manufactured-home transaction" means a secured 871
transaction: 872

(a) That creates a purchase-money security interest in a 873
manufactured home, other than a manufactured home held as 874
inventory; or 875

(b) In which a manufactured home, other than a manufactured 876
home held as inventory, is the primary collateral. 877

(55) "Mortgage" means a consensual interest in real property, 878
including fixtures, that secures payment or performance of an 879
obligation. 880

(56) "New debtor" means a person that becomes bound as debtor 881
under division (D) of section 1309.203 of the Revised Code by a 882
security agreement previously entered into by another person. 883

(57)(a) "New value" means (i) money, (ii) money's worth in 884
property, services, or new credit, or (iii) release by a 885
transferee of an interest in property previously transferred to 886
the transferee. 887

(b) "New value" does not include an obligation substituted 888
for another obligation. 889

(58) "Noncash proceeds" means proceeds other than cash 890
proceeds. 891

(59)(a) "Obligor" means a person who, with respect to an 892
obligation secured by a security interest in or an agricultural 893
lien on the collateral, (i) owes payment or other performance of 894
the obligation, (ii) has provided property other than the 895
collateral to secure payment or other performance of the 896
obligation, or (iii) is otherwise accountable in whole or in part 897
for payment or other performance of the obligation. 898

(b) "Obligor" does not include issuers or nominated persons 899
under a letter of credit. 900

(60) "Original debtor," except as used in division (C) of 901
section 1309.310 of the Revised Code, means a person who, as 902
debtor, entered into a security agreement to which a new debtor 903
has become bound under division (D) of section 1309.203 of the 904
Revised Code. 905

(61) "Payment intangible" means a general intangible under 906
which the account debtor's principal obligation is a monetary 907
obligation. 908

(62) "Person related to," with respect to an individual, 909
means: 910

(a) The spouse of the individual; 911

(b) A brother, brother-in-law, sister, or sister-in-law of 912
the individual; 913

(c) An ancestor or lineal descendant of the individual or the 914
individual's spouse; or 915

(d) Any other relative, by blood or marriage, of the 916
individual or the individual's spouse who shares the same home 917
with the individual. 918

(63) "Person related to," with respect to an organization, 919

means:	920
(a) A person directly or indirectly controlling, controlled by, or under common control with the organization;	921 922
(b) An officer or director of, or a person performing similar functions with respect to, the organization;	923 924
(c) An officer or director of, or a person performing similar functions with respect to, a person described in division (A)(63)(a) of this section;	925 926 927
(d) The spouse of an individual described in division (A)(63)(a), (b), or (c) of this section; or	928 929
(e) An individual who is related by blood or marriage to an individual described in division (A)(63)(a), (b), (c), or (d) of this section and shares the same home with the individual.	930 931 932
(64) "Proceeds," except as used in division (B) of section 1309.609 of the Revised Code, means the following property:	933 934
(a) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;	935 936
(b) Whatever is collected on, or distributed on account of, collateral;	937 938
(c) Rights arising out of collateral;	939
(d) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to the collateral; or	940 941 942 943
(e) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to the collateral.	944 945 946 947
(65) "Promissory note" means an instrument that evidences a	948

promise to pay a monetary obligation, does not evidence an order 949
to pay, and does not contain an acknowledgment by a bank that the 950
bank has received for deposit a sum of money or funds. 951

(66) "Proposal" means a record authenticated by a secured 952
party that includes the terms on which the secured party is 953
willing to accept collateral in full or partial satisfaction of 954
the obligation it secures pursuant to sections 1309.620, 1309.621, 955
and 1309.622 of the Revised Code. 956

(67) "Public-finance transaction" means a secured transaction 957
in connection with which: 958

(a) Debt securities are issued; 959

(b) All or a portion of the securities issued have an initial 960
stated maturity of at least twenty years; and 961

(c) The debtor, obligor, secured party, account debtor or 962
other person obligated on collateral, assignor or assignee of a 963
secured obligation, or assignor or assignee of a security interest 964
is a state or a governmental unit of a state. 965

(68) "Pursuant to commitment," with respect to an advance 966
made or other value given by a secured party, means pursuant to 967
the secured party's obligation, whether or not a subsequent event 968
of default or other event not within the secured party's control 969
has relieved or may relieve the secured party from its obligation. 970

(69) "Record," except as used in "for record," "of record," 971
"record or legal title," and "record owner," means information 972
that is inscribed on a tangible medium or that is stored in an 973
electronic or other medium and is retrievable in perceivable form. 974

(70) "Registered organization" means an organization 975
organized solely under the law of a single state or the United 976
States and as to which the state or the United States must 977
maintain a public record showing the organization to have been 978

organized.	979
(71) "Secondary obligor" means an obligor to the extent that:	980
(a) The obligor's obligation is secondary; or	981
(b) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.	982 983 984
(72) "Secured party" means:	985
(a) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;	986 987 988
(b) A person that holds an agricultural lien;	989
(c) A consignor;	990
(d) A person to whom accounts, chattel paper, payment intangibles, or promissory notes have been sold;	991 992
(e) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for;	993 994 995
(f) A person who holds a security interest arising under section 1302.42, 1302.49, 1302.85, 1304.20, 1305.18, or 1310.54 of the Revised Code.	996 997 998
(73) "Security agreement" means an agreement that creates or provides for a security interest.	999 1000
(74) "Send," in connection with a record or notification, means:	1001 1002
(a) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or	1003 1004 1005 1006
(b) To cause the record or notification to be received within	1007

the time that it would have been received if properly sent under 1008
division (A)(74)(a) of this section. 1009

(75) "Software" means a computer program and any supporting 1010
information provided in connection with a transaction relating to 1011
the program. "Software" does not include a computer program that 1012
is included in the definition of goods. 1013

(76) "State" means a state of the United States, the District 1014
of Columbia, Puerto Rico, the United States Virgin Islands, or any 1015
territory or insular possession subject to the jurisdiction of the 1016
United States. 1017

(77) "Supporting obligation" means a letter-of-credit right 1018
or secondary obligation that supports the payment or performance 1019
of an account, chattel paper, a document, a general intangible, an 1020
instrument, or investment property. 1021

(78) "Tangible chattel paper" means chattel paper evidenced 1022
by a record consisting of information that is inscribed on a 1023
tangible medium. 1024

(79) "Termination statement" means an amendment of a 1025
financing statement that: 1026

(a) Identifies, by its file number, the initial financing 1027
statement to which it relates; and 1028

(b) Indicates either that it is a termination statement or 1029
that the identified financing statement is no longer effective. 1030

(80) "Transmitting utility" means a person primarily engaged 1031
in the business of: 1032

(a) Operating a railroad, subway, street railway, or trolley 1033
bus; 1034

(b) Transmitting communications electrically, 1035
electromagnetically, or by light; 1036

(c) Transmitting goods by pipeline or sewer; or 1037

(d) Transmitting or producing and transmitting electricity, steam, gas, or water.	1038 1039
(B) Other definitions applying to this chapter are:	1040
(1) "Applicant" has the same meaning as in section 1305.01 of the Revised Code.	1041 1042
(2) "Beneficiary" has the same meaning as in section 1305.01 of the Revised Code.	1043 1044
(3) "Broker" has the same meaning as in section 1308.01 of the Revised Code.	1045 1046
(4) "Certificated security" has the same meaning as in section 1308.01 of the Revised Code.	1047 1048
(5) "Check" has the same meaning as in section 1303.03 of the Revised Code.	1049 1050
(6) "Clearing corporation" has the same meaning as in section 1308.01 of the Revised Code.	1051 1052
(7) "Contract for sale" has the same meaning as in section 1302.01 of the Revised Code.	1053 1054
(8) "Control" with respect to a document of title, has the same meaning as in section 1307.106 of the Revised Code.	1055 1056
(9) "Customer" has the same meaning as in section 1304.01 of the Revised Code.	1057 1058
(10) "Entitlement holder" has the same meaning as in section 1308.01 of the Revised Code.	1059 1060
(11) "Financial asset" has the same meaning as in section 1308.01 of the Revised Code.	1061 1062
(12) "Holder in due course" has the same meaning as in section 1303.32 of the Revised Code.	1063 1064
(13) "Issuer," with respect to a letter of credit or letter-of-credit right, has the same meaning as in section 1305.01	1065 1066

of the Revised Code.	1067
(14) "Issuer," with respect to a security, has the same meaning as in section 1308.08 of the Revised Code.	1068 1069
(15) "Issuer," with respect to a document of title, has the same meaning as in section 1307.102 of the Revised Code.	1070 1071
(16) "Lease," "lease agreement," "lease contract," "leasehold interest," "lessee," "lessee in ordinary course of business," "lessor," and "lessor's residual interest" have the same meanings as in section 1310.01 of the Revised Code.	1072 1073 1074 1075
(17) "Letter of credit" has the same meaning as in section 1305.01 of the Revised Code.	1076 1077
(18) "Merchant" has the same meaning as in section 1302.01 of the Revised Code.	1078 1079
(19) "Negotiable instrument" has the same meaning as in section 1303.03 of the Revised Code.	1080 1081
(20) "Nominated person" has the same meaning as in section 1305.01 of the Revised Code.	1082 1083
(21) "Note" has the same meaning as in section 1303.03 of the Revised Code.	1084 1085
(22) "Proceeds of a letter of credit" has the same meaning as in section 1305.13 of the Revised Code.	1086 1087
(23) "Prove" has the same meaning as in section 1303.01 of the Revised Code.	1088 1089
(24) "Sale" has the same meaning as in division (A)(11) of section 1302.01 of the Revised Code.	1090 1091
(25) "Securities account" has the same meaning as in section 1308.51 of the Revised Code.	1092 1093
(26) "Securities intermediary," "security," "security certificate," "security entitlement," and "uncertificated	1094 1095

security" have the same meanings as in section 1308.01 of the Revised Code.

(C) In addition, Chapter 1301. of the Revised Code contains general definitions and principles of construction and interpretations applicable throughout this chapter.

Sec. 1311.55. (A) As used in this section:

(1) "Agricultural product" means all fruit and vegetable crops, meat and meat products, milk and dairy products, poultry and poultry products, wool, and all seeds harvested by a producer for sale, except that it does not include any grain crop that is subject to the fee that the director of agriculture may require to be remitted under section 926.16 of the Revised Code.

"Agricultural product" also includes an algacultural product as defined in section 901.511 of the Revised Code.

(2) "Agricultural product handling" means engaging in or participating in the business of buying, selling, exchanging, or negotiating or soliciting a purchase, sale, resale, exchange, or transfer of an agricultural product.

(3) "Agricultural product handler" or "handler" means any person who is engaged in the business of agricultural product handling, except that a person who sells only those agricultural products that the person has produced, or buys agricultural products for the person's own use, is not an agricultural product handler.

(4) "Agricultural producer" or "producer" means any person who grows, raises, or produces an agricultural product on land that the person owns or leases.

(5) "Proceeds" has the same meaning as in division (A)(64) of section 1309.102 of the Revised Code.

(B) An agricultural producer who delivers an agricultural

product under an express or implied contract to an agricultural 1126
product handler, or an agricultural product handler who delivers 1127
an agricultural product under an express or implied contract to 1128
another agricultural product handler, has a lien to secure the 1129
payment for all of the agricultural product delivered under that 1130
contract. The lien attaches to the product, whether in a raw or 1131
processed condition, while in the possession of the agricultural 1132
product handler, and to the proceeds of the sale of the 1133
agricultural product. The lien attaches from the date of delivery 1134
of the agricultural product to the handler, or if there is a 1135
series of deliveries under the contract, from the date of the 1136
first delivery. The lien is contingent until the producer or 1137
handler complies with section 1311.56 of the Revised Code. 1138

(C) The lien on an agricultural product covers the contract 1139
price agreed upon, or when there is no agreed price at the time of 1140
delivery, the value of the agricultural product as determined by 1141
the "market news service" of the Ohio department of agriculture on 1142
the date the agricultural producer or handler files the affidavit 1143
permitted under section 1311.56 of the Revised Code. 1144

(D) Any waiver by a producer or handler of the producer's or 1145
handler's right to an agricultural product lien is void as being 1146
contrary to public policy. 1147

Sec. 1729.01. As used in this chapter: 1148

(A) "Agricultural cooperative" means a cooperative to which 1149
all of the following apply: 1150

(1) The cooperative engages in any activity in connection 1151
with the propagation, raising, producing, harvesting, storing, 1152
drying, handling, processing, or marketing of agricultural 1153
products; procuring equipment and supplies or providing services 1154
for producers and others; bargaining; and any activity related to 1155
the foregoing. 1156

(2) Producers or agricultural cooperatives exercise more than fifty per cent of the voting control of the cooperative.	1157 1158
(3) The cooperative does at least fifty per cent of its business with producers or agricultural cooperatives.	1159 1160
(B) "Agricultural products" includes aquacultural, horticultural, viticultural, forestry, dairy, livestock, poultry, bee, and farm products, and the produce or byproducts of any of such products. <u>"Agricultural products" also includes algacultural products as defined in section 901.511 of the Revised Code.</u>	1161 1162 1163 1164 1165
(C) "Association" means any corporation organized under this chapter.	1166 1167
(D) "Bargaining" means the mutual obligation of a handler and a marketing cooperative to meet at reasonable times and confer and negotiate in good faith. Negotiations may include all terms relative to trading between handlers and producers. The obligation does not require either party to agree upon price, terms of sale, or any other marketing agreement, or to make a concession.	1168 1169 1170 1171 1172 1173
(E) "Board" means the board of directors of an association.	1174
(F) "Cooperative" means an association or a foreign association.	1175 1176
(G) "Entity," except as otherwise provided, means a foreign association, a foreign or domestic corporation other than a cooperative, or a foreign or domestic limited liability company.	1177 1178 1179
(H) "Foreign association" means a corporation organized under the cooperative laws of another state or the District of Columbia or a foreign corporation organized under corporation laws of another state, the District of Columbia, or the United States that operates on a cooperative basis.	1180 1181 1182 1183 1184
(I) "Handler" means a person who acquires agricultural products under a sales contract for the purpose of processing or	1185 1186

reselling agricultural products.	1187
(J) "Marketing agreement" means an agreement, contract, or	1188
other arrangement between a cooperative and a member in which the	1189
member agrees to market all or a part of the products or produce	1190
produced by the member, or agrees to purchase all or a part of the	1191
member's requirements for inputs, services, or supplies.	1192
(K) "Marketing cooperative" means any agricultural	1193
cooperative meeting the requirements of the "Co-operative	1194
Marketing Associations Act," 42 Stat. 388 (1922), 7 U.S.C.A. 291,	1195
that negotiates sales contracts with handlers on behalf of its	1196
members and is not in direct competition with any handler with	1197
which it negotiates such contracts.	1198
(L) "Member" means a person who has been qualified and	1199
accepted into membership in a cooperative.	1200
(M) "Membership stock" means any class of stock or other	1201
equity interest in a cooperative, continuous ownership of which is	1202
required for membership in the cooperative.	1203
(N) "Patron" means a person with which a cooperative has made	1204
an enforceable agreement to allocate and distribute a per unit	1205
retain, patronage dividend, or patronage refund with respect to	1206
business conducted by the cooperative with or for the person.	1207
(O) "Patronage stock" means any stock or other equity	1208
interest in a cooperative that was originally issued by the	1209
cooperative with respect to patronage transactions.	1210
(P) "Person" includes a natural person, partnership,	1211
corporation, cooperative, or other entity.	1212
(Q) "Processing" means changing the physical or chemical	1213
characteristics of agricultural products.	1214
(R) "Producer" means a person engaged in the production of	1215
agricultural products for the market, including a lessor of real	1216

or personal property used for production of agricultural products 1217
for the market that receives as rent part of the agricultural 1218
product. 1219

(S) "Sales contract" means a marketing agreement or other 1220
similar arrangement between a handler and a producer, negotiated 1221
by the producer or by an agricultural cooperative acting as agent 1222
for a producer, under which the producer agrees to grow or produce 1223
agricultural products for sale to the handler. 1224

Sec. 3781.06. (A)(1) Any building that may be used as a place 1225
of resort, assembly, education, entertainment, lodging, dwelling, 1226
trade, manufacture, repair, storage, traffic, or occupancy by the 1227
public, any residential building, and all other buildings or parts 1228
and appurtenances of those buildings erected within this state, 1229
shall be so constructed, erected, equipped, and maintained that 1230
they shall be safe and sanitary for their intended use and 1231
occupancy. 1232

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 1233
Revised Code shall be construed to limit the power of the public 1234
health council to adopt rules of uniform application governing 1235
manufactured home parks pursuant to section 3733.02 of the Revised 1236
Code. 1237

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 1238
Code do not apply to either of the following: 1239

(1) Buildings or structures that are incident to the use for 1240
agricultural purposes of the land on which the buildings or 1241
structures are located, provided those buildings or structures are 1242
not used in the business of retail trade. For purposes of this 1243
division, a building or structure is not considered used in the 1244
business of retail trade if fifty per cent or more of the gross 1245
income received from sales of products in the building or 1246
structure by the owner or operator is from sales of products 1247

produced or raised in a normal crop year on farms owned or 1248
operated by the seller. 1249

(2) Existing single-family, two-family, and three-family 1250
detached dwelling houses for which applications have been 1251
submitted to the director of job and family services pursuant to 1252
section 5104.03 of the Revised Code for the purposes of operating 1253
type A family day-care homes as defined in section 5104.01 of the 1254
Revised Code. 1255

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 1256
Revised Code: 1257

(1) "Agricultural purposes" include agriculture, farming, 1258
dairying, pasturage, apiculture, algaculture meaning the farming 1259
of algae, horticulture, floriculture, viticulture, ornamental 1260
horticulture, olericulture, pomiculture, and animal and poultry 1261
husbandry. 1262

(2) "Building" means any structure consisting of foundations, 1263
walls, columns, girders, beams, floors, and roof, or a combination 1264
of any number of these parts, with or without other parts or 1265
appurtenances. 1266

(3) "Industrialized unit" means a building unit or assembly 1267
of closed construction fabricated in an off-site facility, that is 1268
substantially self-sufficient as a unit or as part of a greater 1269
structure, and that requires transportation to the site of 1270
intended use. "Industrialized unit" includes units installed on 1271
the site as independent units, as part of a group of units, or 1272
incorporated with standard construction methods to form a 1273
completed structural entity. "Industrialized unit" does not 1274
include a manufactured home as defined by division (C)(4) of this 1275
section or a mobile home as defined by division (O) of section 1276
4501.01 of the Revised Code. 1277

(4) "Manufactured home" means a building unit or assembly of 1278

closed construction that is fabricated in an off-site facility and 1279
constructed in conformance with the federal construction and 1280
safety standards established by the secretary of housing and urban 1281
development pursuant to the "Manufactured Housing Construction and 1282
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 1283
5403, and that has a permanent label or tag affixed to it, as 1284
specified in 42 U.S.C.A. 5415, certifying compliance with all 1285
applicable federal construction and safety standards. 1286

(5) "Permanent foundation" means permanent masonry, concrete, 1287
or a footing or foundation approved by the manufactured homes 1288
commission pursuant to Chapter 4781. of the Revised Code, to which 1289
a manufactured or mobile home may be affixed. 1290

(6) "Permanently sited manufactured home" means a 1291
manufactured home that meets all of the following criteria: 1292

(a) The structure is affixed to a permanent foundation and is 1293
connected to appropriate facilities; 1294

(b) The structure, excluding any addition, has a width of at 1295
least twenty-two feet at one point, a length of at least 1296
twenty-two feet at one point, and a total living area, excluding 1297
garages, porches, or attachments, of at least nine hundred square 1298
feet; 1299

(c) The structure has a minimum 3:12 residential roof pitch, 1300
conventional residential siding, and a six-inch minimum eave 1301
overhang, including appropriate guttering; 1302

(d) The structure was manufactured after January 1, 1995; 1303

(e) The structure is not located in a manufactured home park 1304
as defined by section 3733.01 of the Revised Code. 1305

(7) "Safe," with respect to a building, means it is free from 1306
danger or hazard to the life, safety, health, or welfare of 1307
persons occupying or frequenting it, or of the public and from 1308

danger of settlement, movement, disintegration, or collapse, 1309
whether such danger arises from the methods or materials of its 1310
construction or from equipment installed therein, for the purpose 1311
of lighting, heating, the transmission or utilization of electric 1312
current, or from its location or otherwise. 1313

(8) "Sanitary," with respect to a building, means it is free 1314
from danger or hazard to the health of persons occupying or 1315
frequenting it or to that of the public, if such danger arises 1316
from the method or materials of its construction or from any 1317
equipment installed therein, for the purpose of lighting, heating, 1318
ventilating, or plumbing. 1319

(9) "Residential building" means a one-family, two-family, or 1320
three-family dwelling house, and any accessory structure 1321
incidental to that dwelling house. "Residential building" includes 1322
a one-family, two-family, or three-family dwelling house that is 1323
used as a model to promote the sale of a similar dwelling house. 1324
"Residential building" does not include an industrialized unit as 1325
defined by division (C)(3) of this section, a manufactured home as 1326
defined by division (C)(4) of this section, or a mobile home as 1327
defined by division (O) of section 4501.01 of the Revised Code. 1328

(10) "Nonresidential building" means any building that is not 1329
a residential building or a manufactured or mobile home. 1330

(11) "Accessory structure" means a structure that is attached 1331
to a residential building and serves the principal use of the 1332
residential building. "Accessory structure" includes, but is not 1333
limited to, a garage, porch, or screened-in patio. 1334

Sec. 5501.50. (A) As used in this section, "agricultural 1335
purposes" means commercial animal or poultry husbandry, or the 1336
production for a commercial purpose of field crops, tobacco, 1337
fruits, or vegetables. "Agricultural purposes" also includes 1338
algaculture meaning the farming of algae. 1339

(B) Whenever the director of transportation acquires real property as provided in section 5501.32 of the Revised Code or otherwise acquires real property in fee simple in the name of the state for highway purposes and subsequently finds the property is not needed for such purposes, or will not be needed for such purposes for a period of two years or more following the date of acquisition of the property, and the property is adjacent to or in the near vicinity of property used for agricultural purposes, the director may, at the director's discretion, offer to lease the property for agricultural purposes for one year at a price consistent with rentals of adjacent agricultural lands in the manner provided in divisions (C), (D), (E), (F), (G), (H), and (I) of this section before conveying or transferring the fee simple estate or any lesser estate or interest in the property, or permitting its use by another.

(C) Real property shall be offered for lease by mailing a notice, in writing, to each person who owns or leases property being used for agricultural purposes that adjoins or is in the near vicinity of the property. The notice shall include a general description of the property offered for lease, the cost of the lease, the manner in which the lease will be made, the requirements of this section, a statement that the person shall notify the director in writing within no more than four weeks following mailing of the notice if the person is interested in leasing the property, and such other information as the director considers necessary.

(D) If the director receives information in writing from two or more persons who are interested in leasing the real property, one of whom is the owner of real property that adjoins the property offered for lease, the director may lease the property to that person. If the director receives such information from two or more persons, two or more of whom are owners of real property that

adjoins the property offered for lease, the director shall lease 1372
the property to the person whose information is contained in the 1373
envelope bearing the earliest postmark. 1374

(E) Any lease made under this section shall be conditioned 1375
upon the lessee's written agreement to maintain weed control on 1376
the property. If the director has reasonable cause to believe that 1377
such an agreement is violated, the director, or any of the 1378
director's authorized agents, may, at the director's or authorized 1379
agent's discretion, do either of the following: 1380

(1) Provide necessary weed control. The expense of providing 1381
weed control shall be paid by the director out of any 1382
appropriation to the department of transportation available for 1383
the establishment, use, maintenance, or repair of highways and the 1384
amount thereof shall be reimbursed by the lessee to the department 1385
and if not reimbursed the amount thereof shall be certified to the 1386
attorney general for collection by civil action against the lessee 1387
of the property. 1388

(2) File a complaint by petition in the court of common pleas 1389
of the county in which the property is located. Upon a finding by 1390
the court that a violation of the agreement exists as alleged in 1391
the petition, the court shall enter an order of abatement against 1392
the lessee of the property. 1393

(F) If real property offered for lease as provided in this 1394
section is located near a highway where the use of the property 1395
for crops such as corn and wheat will obstruct the view of any 1396
part of the highway from a person operating a vehicle on the 1397
highway or on an intersecting highway or private road, or near an 1398
airport where such use of the property may interfere with airport 1399
safety, any lease made shall be conditioned upon the lessee's 1400
written agreement to use the property for only crops that will not 1401
create such an obstruction of the view of the highway or 1402
interference with airport safety. If the director has reasonable 1403

cause to believe that such an agreement is violated, the director, 1404
or any of the director's authorized agents, may, at the director's 1405
or authorized agent's discretion, do either of the following: 1406

(1) Remove the crop or such part thereof as may be necessary 1407
to ensure that the view of the highway will not be obstructed, or 1408
that airport safety will not be reduced. The expense of the 1409
removal shall be paid by the director out of any appropriation to 1410
the department of transportation available for the establishment, 1411
use, maintenance, or repair of highways and the amount thereof 1412
shall be reimbursed by the lessee to the department and if not 1413
reimbursed the amount thereof shall be certified to the attorney 1414
general for collection by civil action against the lessee of the 1415
property. 1416

(2) File a complaint by petition in the court of common pleas 1417
of the county in which the property is located. Upon a finding by 1418
the court that a violation of the agreement exists as alleged in 1419
the petition, the court shall enter an order of abatement against 1420
the lessee of the property. 1421

(G) The director may offer to renew annually any lease of 1422
real property made under this section to the current lessee or may 1423
offer the opportunity to lease to others in the manner and subject 1424
to the requirements and limitations as provided for in this 1425
section. 1426

(H) The requirements of sections 5501.32, 5501.34, and 1427
5501.45 of the Revised Code relating to the appraisal, 1428
advertisement, manner of sale, and minimum sale price of property 1429
not needed for highway purposes and the requirements of sections 1430
5501.34 and 5501.45 of the Revised Code relating to the use of 1431
property not needed for highway purposes for recreation purposes, 1432
do not apply to a lease or renewal of a lease of real property 1433
made in accordance with this section. 1434

(I) Except as provided in divisions (E)(1) and (F)(1) of this section, all expense incurred in the lease of real property under this section shall be paid out of the proceeds of the lease and the balance shall be deposited in the highway fund from which the purchase of the real property giving rise to the proceeds was made.

(J) Nothing in this section shall be construed to permit the director to acquire real property by appropriation for the purpose of leasing it for agricultural purposes.

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

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

(1) Tracts, lots, or parcels of land totaling not less than ten acres ~~that~~ to which, 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 year, one or more of the following apply:

(a) The tracts, lots, or parcels of land were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers, or the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, ~~or.~~

(b) The tracts, lots, or parcels of land were devoted exclusively to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production

facility is located is contiguous to or part of a parcel of land 1465
under common ownership that is otherwise devoted exclusively to 1466
agricultural use, provided that at least fifty per cent of the 1467
feedstock used in the production was derived from parcels of land 1468
under common ownership or leasehold. 1469

(c) The tracts, lots, or parcels of land were devoted to and 1470
qualified for payments or other compensation under a land 1471
retirement or conservation program under an agreement with an 1472
agency of the federal government+. 1473

(2) Tracts, lots, or parcels of land totaling less than ten 1474
acres that, during the three calendar years prior to the year in 1475
which application is filed under section 5713.31 of the Revised 1476
Code and through the last day of May of such year, were devoted 1477
exclusively to commercial animal or poultry husbandry, 1478
aquaculture, algaculture meaning the farming of algae, apiculture, 1479
the production for a commercial purpose of field crops, tobacco, 1480
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 1481
or flowers where such activities produced an average yearly gross 1482
income of at least twenty-five hundred dollars during such 1483
three-year period or where there is evidence of an anticipated 1484
gross income of such amount from such activities during the tax 1485
year in which application is made, or were devoted to and 1486
qualified for payments or other compensation under a land 1487
retirement or conservation program under an agreement with an 1488
agency of the federal government; 1489

(3) A tract, lot, or parcel of land taxed under sections 1490
5713.22 to 5713.26 of the Revised Code is not land devoted 1491
exclusively to agricultural use; 1492

(4) Tracts, lots, or parcels of land, or portions thereof 1493
that, during the previous three consecutive calendar years have 1494
been designated as land devoted exclusively to agricultural use, 1495
but such land has been lying idle or fallow for up to one year and 1496

no action has occurred to such land that is either inconsistent 1497
with the return of it to agricultural production or converts the 1498
land devoted exclusively to agricultural use as defined in this 1499
section. Such land shall remain designated as land devoted 1500
exclusively to agricultural use provided that beyond one year, but 1501
less than three years, the landowner proves good cause as 1502
determined by the board of revision. 1503

"Land devoted exclusively to agricultural use" includes 1504
tracts, lots, or parcels of land or portions thereof that are used 1505
for conservation practices, provided that the tracts, lots, or 1506
parcels of land or portions thereof comprise twenty-five per cent 1507
or less of the total of the tracts, lots, or parcels of land that 1508
satisfy the criteria established in division (A)(1), (2), or (4) 1509
of this section together with the tracts, lots, or parcels of land 1510
or portions thereof that are used for conservation practices. 1511

(B) "Conversion of land devoted exclusively to agricultural 1512
use" means any of the following: 1513

(1) The failure of the owner of land devoted exclusively to 1514
agricultural use during the next preceding calendar year to file a 1515
renewal application under section 5713.31 of the Revised Code 1516
without good cause as determined by the board of revision; 1517

(2) The failure of the new owner of such land to file an 1518
initial application under that section without good cause as 1519
determined by the board of revision; 1520

(3) The failure of such land or portion thereof to qualify as 1521
land devoted exclusively to agricultural use for the current 1522
calendar year as requested by an application filed under such 1523
section; 1524

(4) The failure of the owner of the land described in 1525
division (A)(4) of this section to act on such land in a manner 1526
that is consistent with the return of the land to agricultural 1527

production after three years. 1528

The construction or installation of an energy facility, as 1529
defined in section 5727.01 of the Revised Code, on a portion of a 1530
tract, lot, or parcel of land devoted exclusively to agricultural 1531
use shall not cause the remaining portion of the tract, lot, or 1532
parcel to be regarded as a conversion of land devoted exclusively 1533
to agricultural use if the remaining portion of the tract, lot, or 1534
parcel continues to be devoted exclusively to agricultural use. 1535

(C) "Tax savings" means the difference between the dollar 1536
amount of real property taxes levied in any year on land valued 1537
and assessed in accordance with its current agricultural use value 1538
and the dollar amount of real property taxes that would have been 1539
levied upon such land if it had been valued and assessed for such 1540
year in accordance with Section 2 of Article XII, Ohio 1541
Constitution. 1542

(D) "Owner" includes, but is not limited to, any person 1543
owning a fee simple, fee tail, or life estate or a buyer on a land 1544
installment contract. 1545

(E) "Conservation practices" are practices used to abate soil 1546
erosion as required in the management of the farming operation, 1547
and include, but are not limited to, the installation, 1548
construction, development, planting, or use of grass waterways, 1549
terraces, diversions, filter strips, field borders, windbreaks, 1550
riparian buffers, wetlands, ponds, and cover crops for that 1551
purpose. 1552

(F) "Wetlands" has the same meaning as in section 6111.02 of 1553
the Revised Code. 1554

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 1555
fuel that is derived from vegetable oils or animal fats or any 1556
combination of those reagents and that meets the American society 1557
for testing and materials specification D6751-03a for biodiesel 1558

<u>fuel (B100) blend stock distillate fuels.</u>	1559
<u>(H) "Biologically derived methane gas" means gas from the</u>	1560
<u>anaerobic digestion of organic materials, including animal waste</u>	1561
<u>and agricultural crops and residues.</u>	1562
<u>(I) "Biomass energy" means energy that is produced from</u>	1563
<u>organic material derived from plants or animals and available on a</u>	1564
<u>renewable basis, including, but not limited to, agricultural</u>	1565
<u>crops, tree crops, crop by-products, and residues.</u>	1566
<u>(J) "Electric or heat energy" means electric or heat energy</u>	1567
<u>generated from manure, cornstalks, soybean waste, or other</u>	1568
<u>agricultural feedstocks.</u>	1569
Section 2. That existing sections 1.61, 303.01, 303.21,	1570
519.01, 519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55,	1571
1729.01, 3781.06, 5501.50, and 5713.30 of the Revised Code are	1572
hereby repealed.	1573