

**As Reported by the Senate Agriculture, Environment and Natural
Resources Committee**

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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, Bubb, 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

Senators Hite, Cafaro, Faber

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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; to provide for the establishment of 14
best management practices for that production 15
under the Concentrated Animal Feeding Facilities 16
Law; to establish the Legislative Task Force to 17
Study Anaerobic Digesters for Agricultural Use and 18
Application in the State; and to declare an 19
emergency. 20

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

Section 1. That sections 1.61, 303.01, 303.21, 519.01, 21
519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55, 1729.01, 22
3781.06, 5501.50, and 5713.30 of the Revised Code be amended to 23
read as follows: 24

Sec. 1.61. As used in any statute except section 303.01 or 25
519.01 of the Revised Code, "agriculture" includes farming; 26
ranching; aquaculture; algaculture meaning the farming of algae; 27
apiculture and related apicultural activities, production of 28
honey, beeswax, honeycomb, and other related products; 29
horticulture; viticulture, winemaking, and related activities; 30
animal husbandry, including, but not limited to, the care and 31
raising of livestock, equine, and fur-bearing animals; poultry 32
husbandry and the production of poultry and poultry products; 33
dairy production; the production of field crops, tobacco, fruits, 34
vegetables, nursery stock, ornamental shrubs, ornamental trees, 35
flowers, sod, or mushrooms; timber; pasturage; any combination of 36
the foregoing; the processing, drying, storage, and marketing of 37
agricultural products when those activities are conducted in 38
conjunction with, but are secondary to, such husbandry or 39
production; and any additions or modifications to the foregoing 40

made by the director of agriculture by rule adopted in accordance 41
with Chapter 119. of the Revised Code. 42

Sec. 303.01. As used in sections 303.02 to 303.25 of the 43
Revised Code, "agriculture" includes farming; ranching; 44
algaculture meaning the farming of algae; aquaculture; apiculture; 45
horticulture; viticulture; animal husbandry, including, but not 46
limited to, the care and raising of livestock, equine, and 47
fur-bearing animals; poultry husbandry and the production of 48
poultry and poultry products; dairy production; the production of 49
field crops, tobacco, fruits, vegetables, nursery stock, 50
ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; 51
timber; pasturage; any combination of the foregoing; and the 52
processing, drying, storage, and marketing of agricultural 53
products when those activities are conducted in conjunction with, 54
but are secondary to, such husbandry or production. 55

Sec. 303.21. (A) Except as otherwise provided in division (B) 56
of this section, sections 303.01 to 303.25 of the Revised Code do 57
not confer any power on any county rural zoning commission, board 58
of county commissioners, or board of zoning appeals to prohibit 59
the use of any land for agricultural purposes or the construction 60
or use of buildings or structures incident to the use for 61
agricultural purposes of the land on which such buildings or 62
structures are located, and no zoning certificate shall be 63
required for any such building or structure. 64

(B) A county zoning resolution, or an amendment to such 65
resolution, may in any platted subdivision approved under section 66
711.05, 711.09, or 711.10 of the Revised Code, or in any area 67
consisting of fifteen or more lots approved under section 711.131 68
of the Revised Code that are contiguous to one another, or some of 69
which are contiguous to one another and adjacent to one side of a 70
dedicated public road, and the balance of which are contiguous to 71

one another and adjacent to the opposite side of the same	72
dedicated public road regulate:	73
(1) Agriculture on lots of one acre or less;	74
(2) Buildings or structures incident to the use of land for	75
agricultural purposes on lots greater than one acre but not	76
greater than five acres by: set back building lines; height; and	77
size;	78
(3) Dairying and animal and poultry husbandry on lots greater	79
than one acre but not greater than five acres when at least	80
thirty-five per cent of the lots in the subdivision are developed	81
with at least one building, structure, or improvement that is	82
subject to real property taxation or that is subject to the tax on	83
manufactured and mobile homes under section 4503.06 of the Revised	84
Code. After thirty-five per cent of the lots are so developed,	85
dairying and animal and poultry husbandry shall be considered	86
nonconforming use of land and buildings or structures pursuant to	87
section 303.19 of the Revised Code.	88
Division (B) of this section confers no power on any county	89
rural zoning commission, board of county commissioners, or board	90
of zoning appeals to regulate agriculture, buildings or	91
structures, and dairying and animal and poultry husbandry on lots	92
greater than five acres.	93
(C) Such sections confer no power on any board of county	94
commissioners, county rural zoning commission, or board of zoning	95
appeals to prohibit in a district zoned for agricultural,	96
industrial, residential, or commercial uses, the use of any land	97
for a:	98
<u>(1) A</u> farm market where fifty per cent or more of the gross	99
income received from the market is derived from produce raised on	100
farms owned or operated by the market operator in a normal crop	101
year. However, a board of county commissioners, as provided in	102

section 303.02 of the Revised Code, may regulate such factors 103
pertaining to farm markets as size of the structure, size of 104
parking areas that may be required, set back building lines, and 105
egress or ingress, where such regulation is necessary to protect 106
the public health and safety. 107

(2) Biodiesel production, biomass energy production, or 108
electric or heat energy production if the land on which the 109
production facility is located qualifies as land devoted 110
exclusively to agricultural use under sections 5713.30 to 5713.37 111
of the Revised Code for real property tax purposes. As used in 112
division (C)(2) of this section, "biodiesel," "biomass energy," 113
and "electric or heat energy" have the same meanings as in section 114
5713.30 of the Revised Code. 115

(3) Biologically derived methane gas production if the land 116
on which the production facility is located qualifies as land 117
devoted exclusively to agricultural use under sections 5713.30 to 118
5713.37 of the Revised Code for real property tax purposes and if 119
the facility that produces the biologically derived methane gas 120
does not produce more than seventeen million sixty thousand seven 121
hundred ten British thermal units, five megawatts, or both. 122

As used in division (C)(3) of this section, "biologically 123
derived methane gas" has the same meaning as in section 5713.30 of 124
the Revised Code. 125

Sec. 519.01. As used in ~~section~~ sections 519.02 to 519.25 of 126
the Revised Code, "agriculture" includes farming; ranching; 127
algaculture meaning the farming of algae; aquaculture; apiculture; 128
horticulture; viticulture; animal husbandry, including, but not 129
limited to, the care and raising of livestock, equine, and 130
fur-bearing animals; poultry husbandry and the production of 131
poultry and poultry products; dairy production; the production of 132
field crops, tobacco, fruits, vegetables, nursery stock, 133

ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; 134
timber; pasturage; any combination of the foregoing; and the 135
processing, drying, storage, and marketing of agricultural 136
products when those activities are conducted in conjunction with, 137
but are secondary to, such husbandry or production. 138

Sec. 519.21. (A) Except as otherwise provided in division (B) 139
of this section, sections 519.02 to 519.25 of the Revised Code 140
confer no power on any township zoning commission, board of 141
township trustees, or board of zoning appeals to prohibit the use 142
of any land for agricultural purposes or the construction or use 143
of buildings or structures incident to the use for agricultural 144
purposes of the land on which such buildings or structures are 145
located, including buildings or structures that are used primarily 146
for vinting and selling wine and that are located on land any part 147
of which is used for viticulture, and no zoning certificate shall 148
be required for any such building or structure. 149

(B) A township zoning resolution, or an amendment to such 150
resolution, may in any platted subdivision approved under section 151
711.05, 711.09, or 711.10 of the Revised Code, or in any area 152
consisting of fifteen or more lots approved under section 711.131 153
of the Revised Code that are contiguous to one another, or some of 154
which are contiguous to one another and adjacent to one side of a 155
dedicated public road, and the balance of which are contiguous to 156
one another and adjacent to the opposite side of the same 157
dedicated public road regulate: 158

(1) Agriculture on lots of one acre or less; 159

(2) Buildings or structures incident to the use of land for 160
agricultural purposes on lots greater than one acre but not 161
greater than five acres by: set back building lines; height; and 162
size; 163

(3) Dairying and animal and poultry husbandry on lots greater 164

than one acre but not greater than five acres when at least 165
thirty-five per cent of the lots in the subdivision are developed 166
with at least one building, structure, or improvement that is 167
subject to real property taxation or that is subject to the tax on 168
manufactured and mobile homes under section 4503.06 of the Revised 169
Code. After thirty-five per cent of the lots are so developed, 170
dairying and animal and poultry husbandry shall be considered 171
nonconforming use of land and buildings or structures pursuant to 172
section 519.19 of the Revised Code. 173

Division (B) of this section confers no power on any township 174
zoning commission, board of township trustees, or board of zoning 175
appeals to regulate agriculture, buildings or structures, and 176
dairying and animal and poultry husbandry on lots greater than 177
five acres. 178

(C) Such sections confer no power on any township zoning 179
commission, board of township trustees, or board of zoning appeals 180
to prohibit in a district zoned for agricultural, industrial, 181
residential, or commercial uses, the use of any land for a: 182

(1) A farm market where fifty per cent or more of the gross 183
income received from the market is derived from produce raised on 184
farms owned or operated by the market operator in a normal crop 185
year. However, a board of township trustees, as provided in 186
section 519.02 of the Revised Code, may regulate such factors 187
pertaining to farm markets as size of the structure, size of 188
parking areas that may be required, set back building lines, and 189
egress or ingress, where such regulation is necessary to protect 190
the public health and safety. 191

(2) Biodiesel production, biomass energy production, or 192
electric or heat energy production if the land on which the 193
production facility is located qualifies as land devoted 194
exclusively to agricultural use under sections 5713.30 to 5713.37 195
of the Revised Code for real property tax purposes. As used in 196

division (C)(2) of this section, "biodiesel," "biomass energy," 197
and "electric or heat energy" have the same meanings as in section 198
5713.30 of the Revised Code. 199

(3) Biologically derived methane gas production if the land 200
on which the production facility is located qualifies as land 201
devoted exclusively to agricultural use under sections 5713.30 to 202
5713.37 of the Revised Code for real property tax purposes and if 203
the facility that produces the biologically derived methane gas 204
does not produce more than seventeen million sixty thousand seven 205
hundred ten British thermal units, five megawatts, or both. 206

As used in division (C)(3) of this section, "biologically 207
derived methane gas" has the same meaning as in section 5713.30 of 208
the Revised Code. 209

Sec. 901.511. (A) As used in this section: 210

(1) "Agricultural product" means any of the following items 211
that is produced for testing or research in the context of a 212
product development program in conjunction or coordination with a 213
private research facility, a university, or any federal, state, or 214
local governmental agency or that is produced for personal, 215
commercial, pharmaceutical, or educational purposes: field crop or 216
field crop product; timber or timber product; forestry product; 217
livestock or livestock product; meat or meat product; milk or 218
dairy product; poultry or poultry product; equine animal; wool; 219
fruit or vegetable crop; aquacultural product; algacultural 220
product; horticultural crop, including plant materials grown in a 221
greenhouse, nursery stock grown inside or outside of a container, 222
ornamental grass, turf grass, ornamental trees, ornamental shrubs, 223
or flowers; sod; mushrooms; viticultural product; apicultural 224
product; tobacco; pasture; wild animal or domestic deer, as "wild 225
animal" and "domestic deer" are defined in section 1531.01 of the 226
Revised Code; or any combination of those items. 227

(2) <u>"Algacultural product" means algal paste, algal powder,</u>	228
<u>or dried algae that is comprised primarily of algal biomass.</u>	229
<u>(3) "Equipment" means any implement, machinery, real or</u>	230
personal property, building, or structure that is used in the	231
production, growing, harvesting, or housing of any agricultural	232
product. "Equipment" also includes any laboratory, research,	233
product, samples, supplies, or fixed equipment that is used to	234
test, develop, or analyze the process of producing, growing, or	235
maintaining any agricultural product.	236
(3) <u>(4) "Material support or resources" means currency,</u>	237
payment instruments, other financial securities, financial	238
services, lodging, training, safehouses, false documentation or	239
identification, communications equipment, facilities, weapons,	240
lethal substances, explosives, personnel, transportation, and	241
other physical assets, except medicine or religious materials.	242
(4) <u>(5) "Payment instrument" means a check, draft, money</u>	243
order, traveler's check, cashier's check, teller's check, or other	244
instrument or order for the transmission or payment of money	245
regardless of whether the item in question is negotiable.	246
(5) <u>(6) "Specified offense" means either of the following:</u>	247
(a) A violation of section 2909.02, 2909.03, 2909.05,	248
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, or 2913.42	249
of the Revised Code;	250
(b) An attempt to commit, complicity in committing, or a	251
conspiracy to commit an offense listed in division (A)(5)(a) of	252
this section.	253
(B) No person shall commit a specified offense involving any	254
agricultural product or equipment with the intent to do any of the	255
following:	256
(1) Intimidate or coerce a civilian population;	257

(2) Influence the policy of any government by intimidation or coercion; 258
259

(3) Affect the conduct of any government; 260

(4) Interrupt or interfere with agricultural production, 261
agricultural research, or equipment for purposes of disrupting or 262
influencing, through intimidation or other means, consumer 263
confidence or agricultural production methods. 264

Division (B) of this section does not apply to the practice 265
of veterinary medicine by a person who has been issued a valid 266
license, temporary permit, or registration certificate to practice 267
veterinary medicine under Chapter 4741. of the Revised Code. As 268
used in this division, "practice of veterinary medicine" has the 269
same meaning as in section 4741.01 of the Revised Code. 270

(C) No person shall raise, solicit, collect, donate, or 271
provide any material support or resources with the purpose that 272
the material support or resources will be used in whole or in part 273
to plan, prepare, carry out, or aid in either a violation of 274
division (B) of this section or in the concealment of, or an 275
escape from, a violation of that division. 276

(D)(1) In addition to the penalties established in section 277
901.99 of the Revised Code for a violation of this section, the 278
court may require any person who violates this section to pay the 279
victim of the offense an amount up to triple the value of the 280
agricultural product or equipment that was the subject of the 281
violation. 282

(2) In ordering restitution under division (D)(1) of this 283
section, the court shall consider as part of the value of the 284
agricultural product or equipment the market value of the 285
agricultural product or equipment prior to the violation and the 286
production, research, testing, replacement, and development costs 287
directly related to the agricultural product or equipment that was 288

the subject of the violation. 289

(E) The enactment of this section is not intended to require 290
the prosecution exclusively under this section of an act, series 291
of acts, or course of behavior that could be prosecuted either 292
under this section or under another section of the Revised Code. 293
One or more acts, series of acts, or courses of behavior that may 294
be prosecuted either under this section or under another section 295
of the Revised Code may be prosecuted under this section, the 296
other section, or both sections. 297

Sec. 903.10. The director of agriculture may adopt rules in 298
accordance with Chapter 119. of the Revised Code that do all of 299
the following: 300

(A) Establish all of the following concerning permits to 301
install and permits to operate: 302

(1) A description of what constitutes a modification of a 303
concentrated animal feeding facility; 304

(2) A description of what constitutes a major operational 305
change at a concentrated animal feeding facility; 306

(3) The amount of the fee that must be submitted with each 307
permit application and each application for a permit modification; 308

(4) Information that must be included in the designs and 309
plans required to be submitted with an application for a permit to 310
install and criteria for approving, disapproving, or requiring 311
modification of the designs and plans; 312

(5) Information that must be included in a manure management 313
plan required to be submitted with an application for a permit to 314
operate; 315

(6) Information that must be included in an application for 316
the modification of an installation permit, a permit to install, 317
or a permit to operate; 318

(7) Information that must be included in an application for approval of a major operational change at a concentrated animal feeding facility;	319 320 321
(8) Any additional information that must be included with a permit application;	322 323
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	324 325 326
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	327 328 329
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	330 331 332 333
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	334 335 336
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	337 338 339
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	340 341 342 343 344 345
(B) Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:	346 347 348

(1) The form of a certificate;	349
(2) Criteria for what constitutes a significant capital expenditure under division (D) of that section;	350 351
(3) Deadlines and procedures for submitting information under division (E)(2) of that section.	352 353
(C) Establish best management practices that minimize water pollution, odors, insects, and rodents, that govern the land application of manure that originated at a concentrated animal feeding facility, and that govern all of the following activities that occur at a concentrated animal feeding facility:	354 355 356 357 358
(1) Manure management, including the storage, handling, transportation, and land application of manure. Rules adopted under division (C)(1) of this section shall include practices that prevent surface and ground water contamination caused by the storage of manure or the land application of manure and prevent the contamination of water in drainage tiles that may be caused by that application.	359 360 361 362 363 364 365
(2) Disposal of dead livestock;	366
(3) <u>Production of biodiesel, biomass energy, electric or heat energy, and biologically derived methane gas as those terms are defined in section 5713.30 of the Revised Code;</u>	367 368 369
<u>(4) Any other activity that the director considers appropriate.</u>	370 371
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,	372 373 374 375 376 377 378

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.	379 380 381
(D) Establish all of the following concerning insect and rodent control plans required under section 903.06 of the Revised Code:	382 383 384
(1) The information to be included in an insect and rodent control plan;	385 386
(2) Criteria for approving, disapproving, or requiring modification of an insect and rodent control plan;	387 388
(3) Criteria for determining compliance with or violation of an insect and rodent control plan;	389 390
(4) Procedures and standards for monitoring insect and rodent control plans;	391 392
(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;	393 394 395 396
(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 that the rules adopted under division (D)(6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;	397 398 399 400 401 402 403 404 405 406
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	407 408

(8) Any other provisions necessary to administer and enforce 409
section 903.12 of the Revised Code. 410

(E) Establish all of the following concerning livestock 411
manager certifications required under section 903.07 of the 412
Revised Code: 413

(1) The information to be included in an application for a 414
livestock manager certification and the amount of the application 415
fee; 416

(2) The content of the training required to be completed and 417
of the examination required to be passed by an applicant for a 418
livestock manager certification. The training shall include and 419
the examination shall test the applicant's knowledge of 420
information on topics that include calculating nutrient values in 421
manure, devising and implementing a plan for the land application 422
of manure, removing manure held in a manure storage or treatment 423
facility, and following best management practices established in 424
rules for disposal of dead animals and manure management, 425
including practices that control odor and protect the environment. 426
The director may specify other types of recognized training 427
programs that, if completed, are considered to satisfy the 428
training and examination requirement. 429

(3) Criteria and procedures for the issuance, denial, 430
suspension, revocation, or reinstatement of a livestock manager 431
certification; 432

(4) The length of time during which livestock manager 433
certifications will be valid and procedures for their renewal; 434

(5) The volume of manure that must be transported and land 435
applied annually or the volume of manure that must be bought, 436
sold, or land applied annually by a person in order for the person 437
to be required to obtain a livestock manager certification under 438
division (A)(2) of section 903.07 of the Revised Code; 439

(6) Requirements governing the management and handling of manure, including the land application of manure;	440 441
(7) Requirements governing the keeping of records regarding the handling of manure, including the land application of manure;	442 443
(8) Any other provisions necessary to administer and enforce section 903.07 of the Revised Code.	444 445
(F) Establish all of the following concerning NPDES permits:	446
(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	447 448 449
(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	450 451
(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	452 453 454
(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 may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	455 456 457 458 459 460 461 462
(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	463 464 465
(6) The amount of the fee that must be submitted with an application for a permit;	466 467
(7) Procedures for processing permit applications, including public notice and participation requirements;	468 469

(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;

(9) Procedures for notifying and receiving and responding to recommendations from other states whose waters may be affected by the issuance of a permit;

(10) Procedures for the transfer of permits to new owners or operators;

(11) Grounds and procedures for the issuance, denial, modification, suspension, or revocation of permits, including general permits;

(12) A definition of "general NPDES permit" that establishes categories of point sources to be covered under such a permit and a definition of "individual NPDES permit" together with the criteria for issuing a general NPDES permit and the criteria for determining a person's eligibility to discharge under a general NPDES permit.

The rules adopted under division (F) of this section shall be consistent with the requirements of the Federal Water Pollution Control Act.

(G) Establish public notice and participation requirements, in addition to the procedures established in rules adopted under division (F)(7) of this section, for the issuance, denial, modification, transfer, suspension, and revocation of permits to install, permits to operate, and NPDES permits consistent with section 903.09 of the Revised Code, including a definition of what constitutes significant public interest for the purposes of divisions (A) and (F) of section 903.09 of the Revised Code and procedures for public meetings. The rules shall require that information that is presented at such a public meeting be limited

to the criteria that are applicable to the permit application that 501
is the subject of the public meeting. 502

(H) Establish the amount of civil penalties assessed by the 503
director of agriculture under division (B) of section 903.16 of 504
the Revised Code for violation of the terms and conditions of a 505
permit to install, permit to operate, or review compliance 506
certificate, provided that the rules adopted under this division 507
shall not establish a civil penalty of more than ten thousand 508
dollars per day for each violation; 509

(I) Establish procedures for the protection of trade secrets 510
from public disclosure. The procedures shall authorize the release 511
of trade secrets to officers, employees, or authorized 512
representatives of the state, another state, or the United States 513
when necessary for an enforcement action brought under this 514
chapter or when otherwise required by the Federal Water Pollution 515
Control Act. The rules shall require at least ten days' written 516
notice to the person to whom a trade secret applies prior to the 517
release of the trade secret. Rules adopted under this division do 518
not apply to any information that is contained in applications, 519
including attachments, for NPDES permits and that is required to 520
be submitted under section 903.08 of the Revised Code or rules 521
adopted under division (F) of this section. 522

(J) Establish any other provisions necessary to administer 523
and enforce this chapter. 524

Sec. 929.01. As used in this chapter: 525

(A) "Agricultural production" means commercial aquaculture, 526
algaculture meaning the farming of algae, apiculture, animal 527
husbandry, or poultry husbandry; the production for a commercial 528
purpose of timber, field crops, tobacco, fruits, vegetables, 529
nursery stock, ornamental shrubs, ornamental trees, flowers, or 530
sod; the growth of timber for a noncommercial purpose if the land 531

on which the timber is grown is contiguous to or part of a parcel 532
of land under common ownership that is otherwise devoted 533
exclusively to agricultural use; or any combination of such 534
husbandry, production, or growth; and includes the processing, 535
drying, storage, and marketing of agricultural products when those 536
activities are conducted in conjunction with such husbandry, 537
production, or growth. 538

"Agricultural production" includes conservation practices, 539
provided that the tracts, lots, or parcels of land or portions 540
thereof that are used for conservation practices comprise not more 541
than twenty-five per cent of tracts, lots, or parcels of land that 542
are otherwise devoted exclusively to agricultural use and for 543
which an application is filed under section 929.02 of the Revised 544
Code. 545

(B) "Withdrawal from an agricultural district" includes the 546
explicit removal of land from an agricultural district, conversion 547
of land in an agricultural district to use for purposes other than 548
agricultural production, and withdrawal of land from a land 549
retirement or conservation program to use for purposes other than 550
agricultural production. Withdrawal from an agricultural district 551
does not include land described in division (A)(4) of section 552
5713.30 of the Revised Code. 553

(C) "Conservation practice" has the same meaning as in 554
section 5713.30 of the Revised Code. 555

Sec. 1309.102. (A) As used in this chapter, unless the 556
context requires otherwise: 557

(1) "Accession" means goods that are physically united with 558
other goods in such a manner that the identity of the original 559
goods is not lost. 560

(2)(a) "Account," except as used in "account for," means a 561

right to payment of a monetary obligation, whether or not earned 562
by performance, (i) for property that has been or is to be sold, 563
leased, licensed, assigned, or otherwise disposed of, (ii) for 564
services rendered or to be rendered, (iii) for a policy of 565
insurance issued or to be issued, (iv) for a secondary obligation 566
incurred or to be incurred, (v) for energy provided or to be 567
provided, (vi) for the use or hire of a vessel under a charter or 568
other contract, (vii) arising out of the use of a credit or charge 569
card or information contained on or for use with the card, or 570
(viii) as winnings in a lottery or other game of chance operated 571
or sponsored by a state, governmental unit of a state, or person 572
licensed or authorized to operate the game by a state or 573
governmental unit of a state. 574

(b) "Account" includes health-care insurance receivables. 575

(c) "Account" does not include (i) rights to payment 576
evidenced by chattel paper or an instrument, (ii) commercial tort 577
claims, (iii) deposit accounts, (iv) investment property, (v) 578
letter-of-credit rights or letters of credit, or (vi) rights to 579
payment for money or funds advanced or sold, other than rights 580
arising out of the use of a credit or charge card or information 581
contained on or for use with the card. 582

(3) "Account debtor" means a person who is obligated on an 583
account, chattel paper, or general intangible. "Account debtor" 584
does not include a person who is obligated to pay a negotiable 585
instrument, even if the instrument constitutes part of chattel 586
paper. 587

(4) "Accounting," except as used in "accounting for," means a 588
record: 589

(a) Authenticated by a secured party; 590

(b) Indicating the aggregate unpaid secured obligations as of 591
a date not more than thirty-five days earlier or thirty-five days 592

later than the date of the record; and	593
(c) Identifying the components of the obligations in reasonable detail.	594 595
(5) "Agricultural lien" means an interest, other than a security interest, in farm products:	596 597
(a) That secures payment or performance of an obligation for:	598
(i) Goods or services furnished in connection with a debtor's farming operation; or	599 600
(ii) Rent on real property leased by a debtor in connection with its farming operation.	601 602
(b) That is created by statute in favor of a person who:	603
(i) In the ordinary course of business, furnished goods or services to a debtor in connection with the debtor's farming operation; or	604 605 606
(ii) Leased real property to a debtor in connection with the debtor's farming operation; and	607 608
(c) Whose effectiveness does not depend on the person's possession of the personal property.	609 610
(6) "As-extracted collateral" means:	611
(a) Oil, gas, or other minerals that are subject to a security interest that:	612 613
(i) Is created by a debtor having an interest in the minerals before extraction; and	614 615
(ii) Attaches to the minerals as extracted; or	616
(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.	617 618 619
(7) "Authenticate" means:	620

- (a) To sign; or 621
- (b) To execute or otherwise adopt a symbol, or encrypt or 622
similarly process a record in whole or in part, with the present 623
intent of the authenticating person to identify the person and 624
adopt or accept a record. 625
- (8) "Bank" means an organization that is engaged in the 626
business of banking. "Bank" includes savings banks, savings and 627
loan associations, credit unions, and trust companies. 628
- (9) "Cash proceeds" means proceeds that are money, checks, 629
deposit accounts, or the like. 630
- (10) "Certificate of title" means a certificate of title with 631
respect to which a statute provides for the security interest in 632
question to be indicated on the certificate as a condition or 633
result of the security interest's obtaining priority over the 634
rights of a lien creditor with respect to the collateral. 635
- (11)(a) "Chattel paper" means a record that evidences both a 636
monetary obligation and a security interest in specific goods, a 637
security interest in specific goods and software used in the 638
goods, a security interest in specific goods and license of 639
software used in the goods, a lease of specific goods, or a lease 640
of specific goods and license of software used in the goods. 641
- As used in division (A)(11)(a) of this section, "monetary 642
obligation" means a monetary obligation secured by the goods or 643
owed under a lease of the goods and includes a monetary obligation 644
with respect to software used in the goods. 645
- (b) If a transaction is evidenced by records that include an 646
instrument or series of instruments, the group of records taken 647
together constitutes chattel paper. 648
- (c) "Chattel paper" does not include (i) charters or other 649
contracts involving the use or hire of a vessel or (ii) records 650

that evidence a right to payment arising out of the use of a 651
credit or charge card or information contained on or for use with 652
the card. 653

(12) "Collateral" means the property subject to a security 654
interest or agricultural lien, including: 655

(a) Proceeds to which a security interest attaches; 656

(b) Accounts, chattel paper, payment intangibles, and 657
promissory notes that have been sold; and 658

(c) Goods that are the subject of a consignment. 659

(13) "Commercial tort claim" means a claim arising in tort 660
with respect to which: 661

(a) The claimant is an organization; or 662

(b) The claimant is an individual, and the claim: 663

(i) Arose in the course of the claimant's business or 664
profession; and 665

(ii) Does not include damages arising out of personal injury 666
to or the death of an individual. 667

(14) "Commodity account" means an account maintained by a 668
commodity intermediary in which a commodity contract is carried 669
for a commodity customer. 670

(15) "Commodity contract" means a commodity futures contract, 671
an option on a commodity futures contract, a commodity option, or 672
another contract if the contract or option is: 673

(a) Traded on or subject to the rules of a board of trade 674
that has been designated as a contract market for such a contract 675
pursuant to the federal commodities laws; or 676

(b) Traded on a foreign commodity board of trade, exchange, 677
or market and is carried on the books of a commodity intermediary 678
for a commodity customer. 679

(16) "Commodity customer" means a person for whom a commodity intermediary carries a commodity contract on its books.	680 681
(17) "Commodity intermediary" means a person that:	682
(a) Is registered as a futures commission merchant under the federal commodities laws; or	683 684
(b) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to the federal commodities laws.	685 686 687 688
(18) "Communicate" means:	689
(a) To send a written or other tangible record;	690
(b) To transmit a record by any means agreed upon by the persons sending and receiving the record; or	691 692
(c) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.	693 694 695
(19) "Consignee" means a merchant to whom goods are delivered in a consignment.	696 697
(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:	698 699 700
(a) The merchant:	701
(i) Deals in goods of that kind under a name other than the name of the person making delivery;	702 703
(ii) Is not an auctioneer; and	704
(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;	705 706
(b) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery.	707 708

(c) The goods are not consumer goods immediately before delivery; and	709 710
(d) The transaction does not create a security interest that secures an obligation.	711 712
(21) "Consignor" means a person that delivers goods to a consignee in a consignment.	713 714
(22) "Consumer debtor" means a debtor in a consumer transaction.	715 716
(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.	717 718
(24) "Consumer-goods transaction" means a consumer transaction in which:	719 720
(a) An individual incurs an obligation primarily for personal, family, or household purposes; and	721 722
(b) A security interest in consumer goods secures the obligation.	723 724
(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.	725 726 727
(26) "Consumer transaction" means a transaction in which: (a) an individual incurs an obligation primarily for personal, family, or household purposes, (b) a security interest secures the obligation, and (c) the collateral is held or acquired primarily for personal, family, or household purposes. "Consumer transaction" includes consumer-goods transactions.	728 729 730 731 732 733
(27) "Continuation statement" means an amendment of a financing statement that:	734 735
(a) Identifies, by its file number, the initial financing statement to which it relates; and	736 737

(b) Indicates that it is a continuation statement for, or 738
that it is filed to continue the effectiveness of, the identified 739
financing statement. 740

(28) "Debtor" means: 741

(a) A person having an interest, other than a security 742
interest or other lien, in the collateral, whether or not the 743
person is an obligor; 744

(b) A seller of accounts, chattel paper, payment intangibles, 745
or promissory notes; or 746

(c) A consignee. 747

(29) "Deposit account" means a demand, time, savings, 748
passbook, or similar account maintained with a bank but does not 749
include investment property or accounts evidenced by an 750
instrument. 751

(30) "Document" means a document of title or a receipt of the 752
type described in division (B) of section 1307.201 of the Revised 753
Code. 754

(31) "Electronic chattel paper" means chattel paper evidenced 755
by a record consisting of information stored in an electronic 756
medium. 757

(32) "Encumbrance" means a right, other than an ownership 758
interest, in real property. "Encumbrance" includes mortgages and 759
other liens on real property. 760

(33) "Equipment" means goods other than inventory, farm 761
products, or consumer goods. 762

(34) "Farm products" means goods, other than standing timber, 763
with respect to which the debtor is engaged in a farming operation 764
and that are: 765

(a) Crops grown, growing, or to be grown, including: 766

(i) Crops produced on trees, vines, and bushes; and	767
(ii) Aquatic goods produced in aquacultural operations;	768
<u>(iii) Algacultural products as defined in section 901.511 of</u>	769
<u>the Revised Code that are produced as a result of algaculture</u>	770
<u>meaning the farming of algae.</u>	771
(b) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;	772 773
(c) Supplies used or produced in a farming operation; or	774
(d) Products of crops or livestock in their unmanufactured states.	775 776
(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.	777 778 779
(36) "File number" means the number assigned to an initial financing statement under division (A) of section 1309.519 of the Revised Code.	780 781 782
(37) "Filing office" means an office designated in section 1309.501 of the Revised Code as the place to file a financing statement.	783 784 785
(38) "Filing-office rule" means a rule adopted under section 1309.526 of the Revised Code.	786 787
(39) "Financing statement" means a record composed of an initial financing statement and any filed record or records relating to the initial financing statement. For the purposes of this chapter, financing statements filed for recording with the secretary of state shall not be required to include social security or employer identification numbers.	788 789 790 791 792 793
(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying divisions (A) and (B) of section 1309.502 of the	794 795 796

Revised Code. "Fixture filing" includes the filing of a financing statement covering goods of a transmitting utility that are or are to become fixtures.

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

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

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

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

(b) "Goods" also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods.

(c) "Goods" does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. "Goods" does not include accounts, chattel paper,

commercial tort claims, deposit accounts, documents, general 828
intangibles, instruments, investment property, letter-of-credit 829
rights, letters of credit, money, or oil, gas, or other minerals 830
before extraction. 831

(45) "Governmental unit" means a subdivision, agency, 832
department, county, parish, municipal corporation, or other unit 833
of the government of the United States, a state, or a foreign 834
country. "Governmental unit" includes an organization having a 835
separate corporate existence if the organization is eligible to 836
issue debt on which interest is exempt from income taxation under 837
the laws of the United States. 838

(46) "Health-care-insurance receivable" means an interest in 839
or claim under a policy of insurance that is a right to payment of 840
a monetary obligation for health-care goods or services provided. 841

(47)(a) "Instrument" means a negotiable instrument or any 842
other writing that evidences a right to the payment of a monetary 843
obligation, is not itself a security agreement or lease, and is of 844
a type that in ordinary course of business is transferred by 845
delivery with any necessary indorsement or assignment. 846

(b) "Instrument" does not include (i) investment property, 847
(ii) letters of credit, or (iii) writings that evidence a right to 848
payment arising out of the use of a credit or charge card or 849
information contained on or for use with the card. 850

(48) "Inventory" means goods, other than farm products, that: 851

(a) Are leased by a person as lessor; 852

(b) Are held by a person for sale or lease or to be furnished 853
under a contract of service; 854

(c) Are furnished by a person under a contract of service; or 855

(d) Consist of raw materials, work in process, or materials 856
used or consumed in a business. 857

(49) "Investment property" means a security, whether 858
certificated or uncertificated, a security entitlement, a 859
securities account, a commodity contract, or a commodity account. 860

(50) "Jurisdiction of organization," with respect to a 861
registered organization, means the jurisdiction under whose law 862
the organization is organized. 863

(51) "Letter-of-credit right" means a right to payment or 864
performance under a letter of credit, whether or not the 865
beneficiary has demanded or is at the time entitled to demand 866
payment or performance. "Letter-of-credit right" does not include 867
the right of a beneficiary to demand payment or performance under 868
a letter of credit. 869

(52) "Lien creditor" means: 870

(a) A creditor who has acquired a lien on the property 871
involved by attachment, levy or the like; 872

(b) An assignee for benefit of creditors from the time of 873
assignment; 874

(c) A trustee in bankruptcy from the date of the filing of 875
the petition; or 876

(d) A receiver in equity from the time of appointment. 877

(53) "Manufactured home" means a structure, transportable in 878
one or more sections, that, in the traveling mode, is eight body 879
feet or more in width or forty body feet or more in length, or, 880
when erected on site, is three hundred twenty or more square feet, 881
and that is built on a permanent chassis and designed to be used 882
as a dwelling with or without a permanent foundation when 883
connected to the required utilities, and includes the plumbing, 884
heating, air conditioning, and electrical systems contained in the 885
structure. "Manufactured home" includes any structure that meets 886
all of the requirements of this paragraph except the size 887

requirements and with respect to which the manufacturer 888
voluntarily files a certification required by the United States 889
secretary of housing and urban development and complies with the 890
standards established under Title 42 of the United States Code. 891

(54) "Manufactured-home transaction" means a secured 892
transaction: 893

(a) That creates a purchase-money security interest in a 894
manufactured home, other than a manufactured home held as 895
inventory; or 896

(b) In which a manufactured home, other than a manufactured 897
home held as inventory, is the primary collateral. 898

(55) "Mortgage" means a consensual interest in real property, 899
including fixtures, that secures payment or performance of an 900
obligation. 901

(56) "New debtor" means a person that becomes bound as debtor 902
under division (D) of section 1309.203 of the Revised Code by a 903
security agreement previously entered into by another person. 904

(57)(a) "New value" means (i) money, (ii) money's worth in 905
property, services, or new credit, or (iii) release by a 906
transferee of an interest in property previously transferred to 907
the transferee. 908

(b) "New value" does not include an obligation substituted 909
for another obligation. 910

(58) "Noncash proceeds" means proceeds other than cash 911
proceeds. 912

(59)(a) "Obligor" means a person who, with respect to an 913
obligation secured by a security interest in or an agricultural 914
lien on the collateral, (i) owes payment or other performance of 915
the obligation, (ii) has provided property other than the 916
collateral to secure payment or other performance of the 917

obligation, or (iii) is otherwise accountable in whole or in part 918
for payment or other performance of the obligation. 919

(b) "Obligor" does not include issuers or nominated persons 920
under a letter of credit. 921

(60) "Original debtor," except as used in division (C) of 922
section 1309.310 of the Revised Code, means a person who, as 923
debtor, entered into a security agreement to which a new debtor 924
has become bound under division (D) of section 1309.203 of the 925
Revised Code. 926

(61) "Payment intangible" means a general intangible under 927
which the account debtor's principal obligation is a monetary 928
obligation. 929

(62) "Person related to," with respect to an individual, 930
means: 931

(a) The spouse of the individual; 932

(b) A brother, brother-in-law, sister, or sister-in-law of 933
the individual; 934

(c) An ancestor or lineal descendant of the individual or the 935
individual's spouse; or 936

(d) Any other relative, by blood or marriage, of the 937
individual or the individual's spouse who shares the same home 938
with the individual. 939

(63) "Person related to," with respect to an organization, 940
means: 941

(a) A person directly or indirectly controlling, controlled 942
by, or under common control with the organization; 943

(b) An officer or director of, or a person performing similar 944
functions with respect to, the organization; 945

(c) An officer or director of, or a person performing similar 946

functions with respect to, a person described in division	947
(A)(63)(a) of this section;	948
(d) The spouse of an individual described in division	949
(A)(63)(a), (b), or (c) of this section; or	950
(e) An individual who is related by blood or marriage to an	951
individual described in division (A)(63)(a), (b), (c), or (d) of	952
this section and shares the same home with the individual.	953
(64) "Proceeds," except as used in division (B) of section	954
1309.609 of the Revised Code, means the following property:	955
(a) Whatever is acquired upon the sale, lease, license,	956
exchange, or other disposition of collateral;	957
(b) Whatever is collected on, or distributed on account of,	958
collateral;	959
(c) Rights arising out of collateral;	960
(d) To the extent of the value of collateral, claims arising	961
out of the loss, nonconformity, or interference with the use of,	962
defects or infringement of rights in, or damage to the collateral;	963
or	964
(e) To the extent of the value of collateral and to the	965
extent payable to the debtor or the secured party, insurance	966
payable by reason of the loss or nonconformity of, defects or	967
infringement of rights in, or damage to the collateral.	968
(65) "Promissory note" means an instrument that evidences a	969
promise to pay a monetary obligation, does not evidence an order	970
to pay, and does not contain an acknowledgment by a bank that the	971
bank has received for deposit a sum of money or funds.	972
(66) "Proposal" means a record authenticated by a secured	973
party that includes the terms on which the secured party is	974
willing to accept collateral in full or partial satisfaction of	975
the obligation it secures pursuant to sections 1309.620, 1309.621,	976

and 1309.622 of the Revised Code.	977
(67) "Public-finance transaction" means a secured transaction	978
in connection with which:	979
(a) Debt securities are issued;	980
(b) All or a portion of the securities issued have an initial	981
stated maturity of at least twenty years; and	982
(c) The debtor, obligor, secured party, account debtor or	983
other person obligated on collateral, assignor or assignee of a	984
secured obligation, or assignor or assignee of a security interest	985
is a state or a governmental unit of a state.	986
(68) "Pursuant to commitment," with respect to an advance	987
made or other value given by a secured party, means pursuant to	988
the secured party's obligation, whether or not a subsequent event	989
of default or other event not within the secured party's control	990
has relieved or may relieve the secured party from its obligation.	991
(69) "Record," except as used in "for record," "of record,"	992
"record or legal title," and "record owner," means information	993
that is inscribed on a tangible medium or that is stored in an	994
electronic or other medium and is retrievable in perceivable form.	995
(70) "Registered organization" means an organization	996
organized solely under the law of a single state or the United	997
States and as to which the state or the United States must	998
maintain a public record showing the organization to have been	999
organized.	1000
(71) "Secondary obligor" means an obligor to the extent that:	1001
(a) The obligor's obligation is secondary; or	1002
(b) The obligor has a right of recourse with respect to an	1003
obligation secured by collateral against the debtor, another	1004
obligor, or property of either.	1005
(72) "Secured party" means:	1006

(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;	1007 1008 1009
(b) A person that holds an agricultural lien;	1010
(c) A consignor;	1011
(d) A person to whom accounts, chattel paper, payment intangibles, or promissory notes have been sold;	1012 1013
(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; or	1014 1015 1016
(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.	1017 1018 1019
(73) "Security agreement" means an agreement that creates or provides for a security interest.	1020 1021
(74) "Send," in connection with a record or notification, means:	1022 1023
(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	1024 1025 1026 1027
(b) To cause the record or notification to be received within the time that it would have been received if properly sent under division (A)(74)(a) of this section.	1028 1029 1030
(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. "Software" does not include a computer program that is included in the definition of goods.	1031 1032 1033 1034
(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any	1035 1036

territory or insular possession subject to the jurisdiction of the 1037
United States. 1038

(77) "Supporting obligation" means a letter-of-credit right 1039
or secondary obligation that supports the payment or performance 1040
of an account, chattel paper, a document, a general intangible, an 1041
instrument, or investment property. 1042

(78) "Tangible chattel paper" means chattel paper evidenced 1043
by a record consisting of information that is inscribed on a 1044
tangible medium. 1045

(79) "Termination statement" means an amendment of a 1046
financing statement that: 1047

(a) Identifies, by its file number, the initial financing 1048
statement to which it relates; and 1049

(b) Indicates either that it is a termination statement or 1050
that the identified financing statement is no longer effective. 1051

(80) "Transmitting utility" means a person primarily engaged 1052
in the business of: 1053

(a) Operating a railroad, subway, street railway, or trolley 1054
bus; 1055

(b) Transmitting communications electrically, 1056
electromagnetically, or by light; 1057

(c) Transmitting goods by pipeline or sewer; or 1058

(d) Transmitting or producing and transmitting electricity, 1059
steam, gas, or water. 1060

(B) Other definitions applying to this chapter are: 1061

(1) "Applicant" has the same meaning as in section 1305.01 of 1062
the Revised Code. 1063

(2) "Beneficiary" has the same meaning as in section 1305.01 1064
of the Revised Code. 1065

(3) "Broker" has the same meaning as in section 1308.01 of the Revised Code.	1066 1067
(4) "Certificated security" has the same meaning as in section 1308.01 of the Revised Code.	1068 1069
(5) "Check" has the same meaning as in section 1303.03 of the Revised Code.	1070 1071
(6) "Clearing corporation" has the same meaning as in section 1308.01 of the Revised Code.	1072 1073
(7) "Contract for sale" has the same meaning as in section 1302.01 of the Revised Code.	1074 1075
(8) "Control" with respect to a document of title, has the same meaning as in section 1307.106 of the Revised Code.	1076 1077
(9) "Customer" has the same meaning as in section 1304.01 of the Revised Code.	1078 1079
(10) "Entitlement holder" has the same meaning as in section 1308.01 of the Revised Code.	1080 1081
(11) "Financial asset" has the same meaning as in section 1308.01 of the Revised Code.	1082 1083
(12) "Holder in due course" has the same meaning as in section 1303.32 of the Revised Code.	1084 1085
(13) "Issuer," with respect to a letter of credit or letter-of-credit right, has the same meaning as in section 1305.01 of the Revised Code.	1086 1087 1088
(14) "Issuer," with respect to a security, has the same meaning as in section 1308.08 of the Revised Code.	1089 1090
(15) "Issuer," with respect to a document of title, has the same meaning as in section 1307.102 of the Revised Code.	1091 1092
(16) "Lease," "lease agreement," "lease contract," "leasehold interest," "lessee," "lessee in ordinary course of business,"	1093 1094

"lessor," and "lessor's residual interest" have the same meanings	1095
as in section 1310.01 of the Revised Code.	1096
(17) "Letter of credit" has the same meaning as in section	1097
1305.01 of the Revised Code.	1098
(18) "Merchant" has the same meaning as in section 1302.01 of	1099
the Revised Code.	1100
(19) "Negotiable instrument" has the same meaning as in	1101
section 1303.03 of the Revised Code.	1102
(20) "Nominated person" has the same meaning as in section	1103
1305.01 of the Revised Code.	1104
(21) "Note" has the same meaning as in section 1303.03 of the	1105
Revised Code.	1106
(22) "Proceeds of a letter of credit" has the same meaning as	1107
in section 1305.13 of the Revised Code.	1108
(23) "Prove" has the same meaning as in section 1303.01 of	1109
the Revised Code.	1110
(24) "Sale" has the same meaning as in division (A)(11) of	1111
section 1302.01 of the Revised Code.	1112
(25) "Securities account" has the same meaning as in section	1113
1308.51 of the Revised Code.	1114
(26) "Securities intermediary," "security," "security	1115
certificate," "security entitlement," and "uncertificated	1116
security" have the same meanings as in section 1308.01 of the	1117
Revised Code.	1118
(C) In addition, Chapter 1301. of the Revised Code contains	1119
general definitions and principles of construction and	1120
interpretations applicable throughout this chapter.	1121
Sec. 1311.55. (A) As used in this section:	1122

- (1) "Agricultural product" means all fruit and vegetable 1123
crops, meat and meat products, milk and dairy products, poultry 1124
and poultry products, wool, and all seeds harvested by a producer 1125
for sale, except that it does not include any grain crop that is 1126
subject to the fee that the director of agriculture may require to 1127
be remitted under section 926.16 of the Revised Code. 1128
"Agricultural product" also includes an agricultural product as 1129
defined in section 901.511 of the Revised Code. 1130
- (2) "Agricultural product handling" means engaging in or 1131
participating in the business of buying, selling, exchanging, or 1132
negotiating or soliciting a purchase, sale, resale, exchange, or 1133
transfer of an agricultural product. 1134
- (3) "Agricultural product handler" or "handler" means any 1135
person who is engaged in the business of agricultural product 1136
handling, except that a person who sells only those agricultural 1137
products that the person has produced, or buys agricultural 1138
products for the person's own use, is not an agricultural product 1139
handler. 1140
- (4) "Agricultural producer" or "producer" means any person 1141
who grows, raises, or produces an agricultural product on land 1142
that the person owns or leases. 1143
- (5) "Proceeds" has the same meaning as in division (A)(64) of 1144
section 1309.102 of the Revised Code. 1145
- (B) An agricultural producer who delivers an agricultural 1146
product under an express or implied contract to an agricultural 1147
product handler, or an agricultural product handler who delivers 1148
an agricultural product under an express or implied contract to 1149
another agricultural product handler, has a lien to secure the 1150
payment for all of the agricultural product delivered under that 1151
contract. The lien attaches to the product, whether in a raw or 1152
processed condition, while in the possession of the agricultural 1153

product handler, and to the proceeds of the sale of the 1154
agricultural product. The lien attaches from the date of delivery 1155
of the agricultural product to the handler, or if there is a 1156
series of deliveries under the contract, from the date of the 1157
first delivery. The lien is contingent until the producer or 1158
handler complies with section 1311.56 of the Revised Code. 1159

(C) The lien on an agricultural product covers the contract 1160
price agreed upon, or when there is no agreed price at the time of 1161
delivery, the value of the agricultural product as determined by 1162
the "market news service" of the Ohio department of agriculture on 1163
the date the agricultural producer or handler files the affidavit 1164
permitted under section 1311.56 of the Revised Code. 1165

(D) Any waiver by a producer or handler of the producer's or 1166
handler's right to an agricultural product lien is void as being 1167
contrary to public policy. 1168

Sec. 1729.01. As used in this chapter: 1169

(A) "Agricultural cooperative" means a cooperative to which 1170
all of the following apply: 1171

(1) The cooperative engages in any activity in connection 1172
with the propagation, raising, producing, harvesting, storing, 1173
drying, handling, processing, or marketing of agricultural 1174
products; procuring equipment and supplies or providing services 1175
for producers and others; bargaining; and any activity related to 1176
the foregoing. 1177

(2) Producers or agricultural cooperatives exercise more than 1178
fifty per cent of the voting control of the cooperative. 1179

(3) The cooperative does at least fifty per cent of its 1180
business with producers or agricultural cooperatives. 1181

(B) "Agricultural products" includes aquacultural, 1182
horticultural, viticultural, forestry, dairy, livestock, poultry, 1183

bee, and farm products, and the produce or byproducts of any of 1184
such products. "Agricultural products" also includes algacultural 1185
products as defined in section 901.511 of the Revised Code. 1186

(C) "Association" means any corporation organized under this 1187
chapter. 1188

(D) "Bargaining" means the mutual obligation of a handler and 1189
a marketing cooperative to meet at reasonable times and confer and 1190
negotiate in good faith. Negotiations may include all terms 1191
relative to trading between handlers and producers. The obligation 1192
does not require either party to agree upon price, terms of sale, 1193
or any other marketing agreement, or to make a concession. 1194

(E) "Board" means the board of directors of an association. 1195

(F) "Cooperative" means an association or a foreign 1196
association. 1197

(G) "Entity," except as otherwise provided, means a foreign 1198
association, a foreign or domestic corporation other than a 1199
cooperative, or a foreign or domestic limited liability company. 1200

(H) "Foreign association" means a corporation organized under 1201
the cooperative laws of another state or the District of Columbia 1202
or a foreign corporation organized under corporation laws of 1203
another state, the District of Columbia, or the United States that 1204
operates on a cooperative basis. 1205

(I) "Handler" means a person who acquires agricultural 1206
products under a sales contract for the purpose of processing or 1207
reselling agricultural products. 1208

(J) "Marketing agreement" means an agreement, contract, or 1209
other arrangement between a cooperative and a member in which the 1210
member agrees to market all or a part of the products or produce 1211
produced by the member, or agrees to purchase all or a part of the 1212
member's requirements for inputs, services, or supplies. 1213

(K) "Marketing cooperative" means any agricultural cooperative meeting the requirements of the "Co-operative Marketing Associations Act," 42 Stat. 388 (1922), 7 U.S.C.A. 291, that negotiates sales contracts with handlers on behalf of its members and is not in direct competition with any handler with which it negotiates such contracts.

(L) "Member" means a person who has been qualified and accepted into membership in a cooperative.

(M) "Membership stock" means any class of stock or other equity interest in a cooperative, continuous ownership of which is required for membership in the cooperative.

(N) "Patron" means a person with which a cooperative has made an enforceable agreement to allocate and distribute a per unit retain, patronage dividend, or patronage refund with respect to business conducted by the cooperative with or for the person.

(O) "Patronage stock" means any stock or other equity interest in a cooperative that was originally issued by the cooperative with respect to patronage transactions.

(P) "Person" includes a natural person, partnership, corporation, cooperative, or other entity.

(Q) "Processing" means changing the physical or chemical characteristics of agricultural products.

(R) "Producer" means a person engaged in the production of agricultural products for the market, including a lessor of real or personal property used for production of agricultural products for the market that receives as rent part of the agricultural product.

(S) "Sales contract" means a marketing agreement or other similar arrangement between a handler and a producer, negotiated by the producer or by an agricultural cooperative acting as agent

for a producer, under which the producer agrees to grow or produce 1244
agricultural products for sale to the handler. 1245

Sec. 3781.06. (A)(1) Any building that may be used as a place 1246
of resort, assembly, education, entertainment, lodging, dwelling, 1247
trade, manufacture, repair, storage, traffic, or occupancy by the 1248
public, any residential building, and all other buildings or parts 1249
and appurtenances of those buildings erected within this state, 1250
shall be so constructed, erected, equipped, and maintained that 1251
they shall be safe and sanitary for their intended use and 1252
occupancy. 1253

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 1254
Revised Code shall be construed to limit the power of the public 1255
health council to adopt rules of uniform application governing 1256
manufactured home parks pursuant to section 3733.02 of the Revised 1257
Code. 1258

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 1259
Code do not apply to either of the following: 1260

(1) Buildings or structures that are incident to the use for 1261
agricultural purposes of the land on which the buildings or 1262
structures are located, provided those buildings or structures are 1263
not used in the business of retail trade. For purposes of this 1264
division, a building or structure is not considered used in the 1265
business of retail trade if fifty per cent or more of the gross 1266
income received from sales of products in the building or 1267
structure by the owner or operator is from sales of products 1268
produced or raised in a normal crop year on farms owned or 1269
operated by the seller. 1270

(2) Existing single-family, two-family, and three-family 1271
detached dwelling houses for which applications have been 1272
submitted to the director of job and family services pursuant to 1273
section 5104.03 of the Revised Code for the purposes of operating 1274

type A family day-care homes as defined in section 5104.01 of the Revised Code. 1275
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(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code: 1277
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(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry. 1279
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(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances. 1284
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(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code. 1288
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(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as 1299
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specified in 42 U.S.C.A. 5415, certifying compliance with all 1306
applicable federal construction and safety standards. 1307

(5) "Permanent foundation" means permanent masonry, concrete, 1308
or a footing or foundation approved by the manufactured homes 1309
commission pursuant to Chapter 4781. of the Revised Code, to which 1310
a manufactured or mobile home may be affixed. 1311

(6) "Permanently sited manufactured home" means a 1312
manufactured home that meets all of the following criteria: 1313

(a) The structure is affixed to a permanent foundation and is 1314
connected to appropriate facilities; 1315

(b) The structure, excluding any addition, has a width of at 1316
least twenty-two feet at one point, a length of at least 1317
twenty-two feet at one point, and a total living area, excluding 1318
garages, porches, or attachments, of at least nine hundred square 1319
feet; 1320

(c) The structure has a minimum 3:12 residential roof pitch, 1321
conventional residential siding, and a six-inch minimum eave 1322
overhang, including appropriate guttering; 1323

(d) The structure was manufactured after January 1, 1995; 1324

(e) The structure is not located in a manufactured home park 1325
as defined by section 3733.01 of the Revised Code. 1326

(7) "Safe," with respect to a building, means it is free from 1327
danger or hazard to the life, safety, health, or welfare of 1328
persons occupying or frequenting it, or of the public and from 1329
danger of settlement, movement, disintegration, or collapse, 1330
whether such danger arises from the methods or materials of its 1331
construction or from equipment installed therein, for the purpose 1332
of lighting, heating, the transmission or utilization of electric 1333
current, or from its location or otherwise. 1334

(8) "Sanitary," with respect to a building, means it is free 1335

from danger or hazard to the health of persons occupying or 1336
frequenting it or to that of the public, if such danger arises 1337
from the method or materials of its construction or from any 1338
equipment installed therein, for the purpose of lighting, heating, 1339
ventilating, or plumbing. 1340

(9) "Residential building" means a one-family, two-family, or 1341
three-family dwelling house, and any accessory structure 1342
incidental to that dwelling house. "Residential building" includes 1343
a one-family, two-family, or three-family dwelling house that is 1344
used as a model to promote the sale of a similar dwelling house. 1345
"Residential building" does not include an industrialized unit as 1346
defined by division (C)(3) of this section, a manufactured home as 1347
defined by division (C)(4) of this section, or a mobile home as 1348
defined by division (O) of section 4501.01 of the Revised Code. 1349

(10) "Nonresidential building" means any building that is not 1350
a residential building or a manufactured or mobile home. 1351

(11) "Accessory structure" means a structure that is attached 1352
to a residential building and serves the principal use of the 1353
residential building. "Accessory structure" includes, but is not 1354
limited to, a garage, porch, or screened-in patio. 1355

Sec. 5501.50. (A) As used in this section, "agricultural 1356
purposes" means commercial animal or poultry husbandry, or the 1357
production for a commercial purpose of field crops, tobacco, 1358
fruits, or vegetables. "Agricultural purposes" also includes 1359
algaculture meaning the farming of algae. 1360

(B) Whenever the director of transportation acquires real 1361
property as provided in section 5501.32 of the Revised Code or 1362
otherwise acquires real property in fee simple in the name of the 1363
state for highway purposes and subsequently finds the property is 1364
not needed for such purposes, or will not be needed for such 1365
purposes for a period of two years or more following the date of 1366

acquisition of the property, and the property is adjacent to or in 1367
the near vicinity of property used for agricultural purposes, the 1368
director may, at the director's discretion, offer to lease the 1369
property for agricultural purposes for one year at a price 1370
consistent with rentals of adjacent agricultural lands in the 1371
manner provided in divisions (C), (D), (E), (F), (G), (H), and (I) 1372
of this section before conveying or transferring the fee simple 1373
estate or any lesser estate or interest in the property, or 1374
permitting its use by another. 1375

(C) Real property shall be offered for lease by mailing a 1376
notice, in writing, to each person who owns or leases property 1377
being used for agricultural purposes that adjoins or is in the 1378
near vicinity of the property. The notice shall include a general 1379
description of the property offered for lease, the cost of the 1380
lease, the manner in which the lease will be made, the 1381
requirements of this section, a statement that the person shall 1382
notify the director in writing within no more than four weeks 1383
following mailing of the notice if the person is interested in 1384
leasing the property, and such other information as the director 1385
considers necessary. 1386

(D) If the director receives information in writing from two 1387
or more persons who are interested in leasing the real property, 1388
one of whom is the owner of real property that adjoins the 1389
property offered for lease, the director may lease the property to 1390
that person. If the director receives such information from two or 1391
more persons, two or more of whom are owners of real property that 1392
adjoins the property offered for lease, the director shall lease 1393
the property to the person whose information is contained in the 1394
envelope bearing the earliest postmark. 1395

(E) Any lease made under this section shall be conditioned 1396
upon the lessee's written agreement to maintain weed control on 1397
the property. If the director has reasonable cause to believe that 1398

such an agreement is violated, the director, or any of the 1399
director's authorized agents, may, at the director's or authorized 1400
agent's discretion, do either of the following: 1401

(1) Provide necessary weed control. The expense of providing 1402
weed control shall be paid by the director out of any 1403
appropriation to the department of transportation available for 1404
the establishment, use, maintenance, or repair of highways and the 1405
amount thereof shall be reimbursed by the lessee to the department 1406
and if not reimbursed the amount thereof shall be certified to the 1407
attorney general for collection by civil action against the lessee 1408
of the property. 1409

(2) File a complaint by petition in the court of common pleas 1410
of the county in which the property is located. Upon a finding by 1411
the court that a violation of the agreement exists as alleged in 1412
the petition, the court shall enter an order of abatement against 1413
the lessee of the property. 1414

(F) If real property offered for lease as provided in this 1415
section is located near a highway where the use of the property 1416
for crops such as corn and wheat will obstruct the view of any 1417
part of the highway from a person operating a vehicle on the 1418
highway or on an intersecting highway or private road, or near an 1419
airport where such use of the property may interfere with airport 1420
safety, any lease made shall be conditioned upon the lessee's 1421
written agreement to use the property for only crops that will not 1422
create such an obstruction of the view of the highway or 1423
interference with airport safety. If the director has reasonable 1424
cause to believe that such an agreement is violated, the director, 1425
or any of the director's authorized agents, may, at the director's 1426
or authorized agent's discretion, do either of the following: 1427

(1) Remove the crop or such part thereof as may be necessary 1428
to ensure that the view of the highway will not be obstructed, or 1429
that airport safety will not be reduced. The expense of the 1430

removal shall be paid by the director out of any appropriation to 1431
the department of transportation available for the establishment, 1432
use, maintenance, or repair of highways and the amount thereof 1433
shall be reimbursed by the lessee to the department and if not 1434
reimbursed the amount thereof shall be certified to the attorney 1435
general for collection by civil action against the lessee of the 1436
property. 1437

(2) File a complaint by petition in the court of common pleas 1438
of the county in which the property is located. Upon a finding by 1439
the court that a violation of the agreement exists as alleged in 1440
the petition, the court shall enter an order of abatement against 1441
the lessee of the property. 1442

(G) The director may offer to renew annually any lease of 1443
real property made under this section to the current lessee or may 1444
offer the opportunity to lease to others in the manner and subject 1445
to the requirements and limitations as provided for in this 1446
section. 1447

(H) The requirements of sections 5501.32, 5501.34, and 1448
5501.45 of the Revised Code relating to the appraisal, 1449
advertisement, manner of sale, and minimum sale price of property 1450
not needed for highway purposes and the requirements of sections 1451
5501.34 and 5501.45 of the Revised Code relating to the use of 1452
property not needed for highway purposes for recreation purposes, 1453
do not apply to a lease or renewal of a lease of real property 1454
made in accordance with this section. 1455

(I) Except as provided in divisions (E)(1) and (F)(1) of this 1456
section, all expense incurred in the lease of real property under 1457
this section shall be paid out of the proceeds of the lease and 1458
the balance shall be deposited in the highway fund from which the 1459
purchase of the real property giving rise to the proceeds was 1460
made. 1461

(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 under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold.

(c) The tracts, lots, or parcels of land were devoted to and

qualified for payments or other compensation under a land 1492
retirement or conservation program under an agreement with an 1493
agency of the federal government; 1494

(2) Tracts, lots, or parcels of land totaling less than ten 1495
acres that, during the three calendar years prior to the year in 1496
which application is filed under section 5713.31 of the Revised 1497
Code and through the last day of May of such year, were devoted 1498
exclusively to commercial animal or poultry husbandry, 1499
aquaculture, algaculture meaning the farming of algae, apiculture, 1500
the production for a commercial purpose of field crops, tobacco, 1501
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 1502
or flowers where such activities produced an average yearly gross 1503
income of at least twenty-five hundred dollars during such 1504
three-year period or where there is evidence of an anticipated 1505
gross income of such amount from such activities during the tax 1506
year in which application is made, or were devoted to and 1507
qualified for payments or other compensation under a land 1508
retirement or conservation program under an agreement with an 1509
agency of the federal government; 1510

(3) A tract, lot, or parcel of land taxed under sections 1511
5713.22 to 5713.26 of the Revised Code is not land devoted 1512
exclusively to agricultural use; 1513

(4) Tracts, lots, or parcels of land, or portions thereof 1514
that, during the previous three consecutive calendar years have 1515
been designated as land devoted exclusively to agricultural use, 1516
but such land has been lying idle or fallow for up to one year and 1517
no action has occurred to such land that is either inconsistent 1518
with the return of it to agricultural production or converts the 1519
land devoted exclusively to agricultural use as defined in this 1520
section. Such land shall remain designated as land devoted 1521
exclusively to agricultural use provided that beyond one year, but 1522
less than three years, the landowner proves good cause as 1523

determined by the board of revision. 1524

"Land devoted exclusively to agricultural use" includes 1525
tracts, lots, or parcels of land or portions thereof that are used 1526
for conservation practices, provided that the tracts, lots, or 1527
parcels of land or portions thereof comprise twenty-five per cent 1528
or less of the total of the tracts, lots, or parcels of land that 1529
satisfy the criteria established in division (A)(1), (2), or (4) 1530
of this section together with the tracts, lots, or parcels of land 1531
or portions thereof that are used for conservation practices. 1532

(B) "Conversion of land devoted exclusively to agricultural 1533
use" means any of the following: 1534

(1) The failure of the owner of land devoted exclusively to 1535
agricultural use during the next preceding calendar year to file a 1536
renewal application under section 5713.31 of the Revised Code 1537
without good cause as determined by the board of revision; 1538

(2) The failure of the new owner of such land to file an 1539
initial application under that section without good cause as 1540
determined by the board of revision; 1541

(3) The failure of such land or portion thereof to qualify as 1542
land devoted exclusively to agricultural use for the current 1543
calendar year as requested by an application filed under such 1544
section; 1545

(4) The failure of the owner of the land described in 1546
division (A)(4) of this section to act on such land in a manner 1547
that is consistent with the return of the land to agricultural 1548
production after three years. 1549

The construction or installation of an energy facility, as 1550
defined in section 5727.01 of the Revised Code, on a portion of a 1551
tract, lot, or parcel of land devoted exclusively to agricultural 1552
use shall not cause the remaining portion of the tract, lot, or 1553
parcel to be regarded as a conversion of land devoted exclusively 1554

to agricultural use if the remaining portion of the tract, lot, or 1555
parcel continues to be devoted exclusively to agricultural use. 1556

(C) "Tax savings" means the difference between the dollar 1557
amount of real property taxes levied in any year on land valued 1558
and assessed in accordance with its current agricultural use value 1559
and the dollar amount of real property taxes that would have been 1560
levied upon such land if it had been valued and assessed for such 1561
year in accordance with Section 2 of Article XII, Ohio 1562
Constitution. 1563

(D) "Owner" includes, but is not limited to, any person 1564
owning a fee simple, fee tail, or life estate or a buyer on a land 1565
installment contract. 1566

(E) "Conservation practices" are practices used to abate soil 1567
erosion as required in the management of the farming operation, 1568
and include, but are not limited to, the installation, 1569
construction, development, planting, or use of grass waterways, 1570
terraces, diversions, filter strips, field borders, windbreaks, 1571
riparian buffers, wetlands, ponds, and cover crops for that 1572
purpose. 1573

(F) "Wetlands" has the same meaning as in section 6111.02 of 1574
the Revised Code. 1575

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 1576
fuel that is derived from vegetable oils or animal fats or any 1577
combination of those reagents and that meets the American society 1578
for testing and materials specification D6751-03a for biodiesel 1579
fuel (B100) blend stock distillate fuels. 1580

(H) "Biologically derived methane gas" means gas from the 1581
anaerobic digestion of organic materials, including animal waste 1582
and agricultural crops and residues. 1583

(I) "Biomass energy" means energy that is produced from 1584
organic material derived from plants or animals and available on a 1585

renewable basis, including, but not limited to, agricultural 1586
crops, tree crops, crop by-products, and residues. 1587

(J) "Electric or heat energy" means electric or heat energy 1588
generated from manure, cornstalks, soybean waste, or other 1589
agricultural feedstocks. 1590

Section 2. That existing sections 1.61, 303.01, 303.21, 1591
519.01, 519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55, 1592
1729.01, 3781.06, 5501.50, and 5713.30 of the Revised Code are 1593
hereby repealed. 1594

Section 3. (A) The Legislative Task Force to Study Anaerobic 1595
Digesters for Agricultural Use and Application in the State is 1596
hereby established. The Task Force shall consist of the following 1597
members: 1598

(1) Two members of the House of Representatives appointed by 1599
the Speaker of the House of Representatives as follows: 1600

(a) One member shall be from the majority party. 1601

(b) One member shall be from the minority party. 1602

The Speaker shall designate one of the members appointed by 1603
the Speaker as co-chairperson of the Task Force. 1604

(2) Two members of the Senate appointed by the President of 1605
the Senate as follows: 1606

(a) One member shall be from the majority party. 1607

(b) One member shall be from the minority party. 1608

The President shall designate one of the members appointed by 1609
the President as co-chairperson of the Task Force. 1610

(3) The following members appointed by the Speaker of the 1611
House of Representatives: 1612

(a) One member representing the Ohio Farm Bureau Federation; 1613

(b) One member representing the Ohio Soybean Association;	1614
(c) One member representing the Ohio Environmental Council or another environmental advocacy organization in the state;	1615 1616
(d) One member who is an agronomist and actively working with farmers in a distressed watershed in the state;	1617 1618
(e) One member who is an attorney who is licensed to practice law in the state and who has knowledge of the topics being studied by the Task Force.	1619 1620 1621
(4) The following members appointed by the President of the Senate:	1622 1623
(a) One member representing the livestock industry in the state;	1624 1625
(b) One member representing the anaerobic digester industry in the state;	1626 1627
(c) One member representing the public;	1628
(d) Two members representing local governments in the state.	1629
(5) The Director of Agriculture or the Director's designee;	1630
(6) The Director of Natural Resources or the Director's designee;	1631 1632
(7) The Director of Environmental Protection or the Director's designee.	1633 1634
(B) Appointments shall be made not later than thirty days after the effective date of this section. A vacancy on the Task Force shall be filled in the same manner as the original appointment. Members of the Task Force shall serve without compensation.	1635 1636 1637 1638 1639
(C) The Task Force shall study all of the following:	1640
(1) The use of anaerobic digesters and the impact of anaerobic digesters on the state;	1641 1642

(2) How the use of anaerobic digesters may impact the environment;	1643 1644
(3) How the use of anaerobic digesters is regulated in other states;	1645 1646
(4) The use of anaerobic digesters in a cooperative setting;	1647
(5) The overall impact of state laws governing the use of anaerobic digesters on agriculture, residents, and local governments in the state.	1648 1649 1650
(D) The Task Force shall prepare and submit the following reports to the General Assembly:	1651 1652
(1) Not later than August 1, 2012, a report of the findings of the Task Force and recommendations concerning the use of anaerobic digesters and the impact of that use on the state;	1653 1654 1655
(2) Not later than October 1, 2012, a report of the findings of the Task Force and recommendations concerning revisions of state law governing anaerobic digesters.	1656 1657 1658
Upon issuance of the report under division (D)(2) of this section, the Task Force shall cease to exist.	1659 1660
(E) The co-chairpersons of the Task Force shall hold meetings at times that the co-chairpersons or a majority of the Task Force considers appropriate. The Task Force shall not hold a meeting unless it provides at least twenty-four hours' notice to news media organizations that have requested such notification.	1661 1662 1663 1664 1665
(F) The Task Force shall prepare and maintain minutes of its meetings. The minutes are public records for the purposes of section 149.43 of the Revised Code.	1666 1667 1668
(G) For the purposes of this section, the Legislative Service Commission shall provide professional and technical support to the members of the Task Force that are appointed to it by the Speaker of the House of Representatives and the President of the Senate	1669 1670 1671 1672

under divisions (A)(1) and (2) of this section. 1673

Section 4. Section 3 of this act is hereby declared to be an 1674
emergency measure necessary for the immediate preservation of the 1675
public peace, health, and safety. The reason for such necessity is 1676
that a thorough understanding of the impact of anaerobic digesters 1677
on agriculture, residents, local governments, and the environment 1678
is necessary in order to effectively and appropriately regulate 1679
them. Therefore, Section 3 of this act shall go into immediate 1680
effect. 1681