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Sub. H. B. No. 733

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To amend sections 1.61, 303.01, 519.01, 901.511, 1 929.01, 1311.55, 1729.01, 5501.50, and 5713.30 2 of the Revised Code to expressly include the 3 cultivation of trees to produce maple syrup and 4 maple products in the laws relating to 5 agriculture. 6

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

**Section 1.** That sections 1.61, 303.01, 519.01, 901.511, 7 929.01, 1311.55, 1729.01, 5501.50, and 5713.30 of the Revised 8 Code be amended to read as follows: 9

**Sec. 1.61.** As used in any statute except section 303.01 or 10 519.01 of the Revised Code, "agriculture" includes farming; 11 ranching; aquaculture; algaculture meaning the farming of algae; 12 apiculture and related apicultural activities, production of 13 honey, beeswax, honeycomb, and other related products; 14 horticulture; viticulture, winemaking, and related activities; 15 animal husbandry, including, but not limited to, the care and 16 raising of livestock, equine, and fur-bearing animals; poultry 17 husbandry and the production of poultry and poultry products; 18 dairy production; the production of field crops, tobacco, 19



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fruits, vegetables, nursery stock, ornamental shrubs, ornamental 20  
trees, flowers, sod, or mushrooms; the cultivation of trees to 21  
produce maple syrup and maple products; timber; pasturage; any 22  
combination of the foregoing; the processing, drying, storage, 23  
and marketing of agricultural products when those activities are 24  
conducted in conjunction with, but are secondary to, such 25  
husbandry or production; and any additions or modifications to 26  
the foregoing made by the director of agriculture by rule 27  
adopted in accordance with Chapter 119. of the Revised Code. 28

**Sec. 303.01.** As used in sections 303.02 to 303.25 of the 29  
Revised Code, "agriculture" includes farming; ranching; 30  
algaculture meaning the farming of algae; aquaculture; 31  
apiculture; horticulture; viticulture; animal husbandry, 32  
including, but not limited to, the care and raising of 33  
livestock, equine, and fur-bearing animals; poultry husbandry 34  
and the production of poultry and poultry products; dairy 35  
production; the production of field crops, tobacco, fruits, 36  
vegetables, nursery stock, ornamental shrubs, ornamental trees, 37  
flowers, sod, or mushrooms; the cultivation of trees to produce 38  
maple syrup and maple products; timber; pasturage; any 39  
combination of the foregoing; and the processing, drying, 40  
storage, and marketing of agricultural products when those 41  
activities are conducted in conjunction with, but are secondary 42  
to, such husbandry or production. 43

**Sec. 519.01.** As used in sections 519.02 to 519.25 of the 44  
Revised Code, "agriculture" includes farming; ranching; 45  
algaculture meaning the farming of algae; aquaculture; 46  
apiculture; horticulture; viticulture; animal husbandry, 47  
including, but not limited to, the care and raising of 48  
livestock, equine, and fur-bearing animals; poultry husbandry 49  
and the production of poultry and poultry products; dairy 50

production; the production of field crops, tobacco, fruits, 51  
vegetables, nursery stock, ornamental shrubs, ornamental trees, 52  
flowers, sod, or mushrooms; the cultivation of trees to produce 53  
maple syrup and maple products; timber; pasturage; any 54  
combination of the foregoing; and the processing, drying, 55  
storage, and marketing of agricultural products when those 56  
activities are conducted in conjunction with, but are secondary 57  
to, such husbandry or production. 58

**Sec. 901.511.** (A) As used in this section: 59

(1) "Agricultural product" means any of the following 60  
items that is produced for testing or research in the context of 61  
a product development program in conjunction or coordination 62  
with a private research facility, a university, or any federal, 63  
state, or local governmental agency or that is produced for 64  
personal, commercial, pharmaceutical, or educational purposes: 65  
field crop or field crop product; timber or timber product; 66  
forestry product; livestock or livestock product; meat or meat 67  
product; milk or dairy product; poultry or poultry product; 68  
equine animal; wool; fruit or vegetable crop; aquacultural 69  
product; algacultural product; horticultural crop, including 70  
plant materials grown in a greenhouse, nursery stock grown 71  
inside or outside of a container, ornamental grass, turf grass, 72  
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 73  
viticultural product; apicultural product; tobacco; pasture;\_ 74  
maple syrup or maple product; wild animal or domestic deer, as 75  
"wild animal" and "domestic deer" are defined in section 1531.01 76  
of the Revised Code; monitored captive deer, captive deer with 77  
status, or captive deer with certified chronic wasting disease 78  
status as defined in section 943.01 of the Revised Code; or any 79  
combination of those items. 80

(2) "Algacultural product" means algal paste, algal powder, or dried algae that is comprised primarily of algal biomass. 81  
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(3) "Equipment" means any implement, machinery, real or personal property, building, or structure that is used in the production, growing, harvesting, or housing of any agricultural product. "Equipment" also includes any laboratory, research, product, samples, supplies, or fixed equipment that is used to test, develop, or analyze the process of producing, growing, or maintaining any agricultural product. 84  
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(4) "Material support or resources" means currency, payment instruments, other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials. 91  
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(5) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money regardless of whether the item in question is negotiable. 97  
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(6) "Specified offense" means either of the following: 101

(a) A violation of section 2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, or 2913.42 of the Revised Code; 102  
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(b) An attempt to commit, complicity in committing, or a conspiracy to commit an offense listed in division (A) (5) (a) of this section. 105  
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(B) No person shall commit a specified offense involving any agricultural product or equipment with the intent to do any 108  
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of the following:	110
(1) Intimidate or coerce a civilian population;	111
(2) Influence the policy of any government by intimidation or coercion;	112 113
(3) Affect the conduct of any government;	114
(4) Interrupt or interfere with agricultural production, agricultural research, or equipment for purposes of disrupting or influencing, through intimidation or other means, consumer confidence or agricultural production methods.	115 116 117 118
Division (B) of this section does not apply to the practice of veterinary medicine by a person who has been issued a valid license, temporary permit, or registration certificate to practice veterinary medicine under Chapter 4741. of the Revised Code. As used in this division, "practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	119 120 121 122 123 124 125
(C) No person shall raise, solicit, collect, donate, or provide any material support or resources with the purpose that the material support or resources will be used in whole or in part to plan, prepare, carry out, or aid in either a violation of division (B) of this section or in the concealment of, or an escape from, a violation of that division.	126 127 128 129 130 131
(D) (1) In addition to the penalties established in section 901.99 of the Revised Code for a violation of this section, the court may require any person who violates this section to pay the victim of the offense an amount up to triple the value of the agricultural product or equipment that was the subject of the violation.	132 133 134 135 136 137

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

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

**Sec. 929.01.** As used in this chapter:

(A) "Agricultural production" means commercial aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the cultivation of trees to produce maple syrup and maple products; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; 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 any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or

growth. 168

"Agricultural production" includes conservation practices, 169  
provided that the tracts, lots, or parcels of land or portions 170  
thereof that are used for conservation practices comprise not 171  
more than twenty-five per cent of tracts, lots, or parcels of 172  
land that are otherwise devoted exclusively to agricultural use 173  
and for which an application is filed under section 929.02 of 174  
the Revised Code. 175

(B) "Withdrawal from an agricultural district" includes 176  
the explicit removal of land from an agricultural district, 177  
conversion of land in an agricultural district to use for 178  
purposes other than agricultural production, and withdrawal of 179  
land from a land retirement or conservation program to use for 180  
purposes other than agricultural production. Withdrawal from an 181  
agricultural district does not include land described in 182  
division (A) (3) of section 5713.30 of the Revised Code. 183

(C) "Conservation practice" has the same meaning as in 184  
section 5713.30 of the Revised Code. 185

**Sec. 1311.55.** (A) As used in this section: 186

(1) "Agricultural product" means all fruit and vegetable 187  
crops, maple syrup and maple products, meat and meat products, 188  
milk and dairy products, poultry and poultry products, wool, and 189  
all seeds harvested by a producer for sale, except that it does 190  
not include any grain crop that is subject to the fee that the 191  
director of agriculture may require to be remitted under section 192  
926.16 of the Revised Code. "Agricultural product" also includes 193  
an agricultural product as defined in section 901.511 of the 194  
Revised Code. 195

(2) "Agricultural product handling" means engaging in or 196

participating in the business of buying, selling, exchanging, or 197  
negotiating or soliciting a purchase, sale, resale, exchange, or 198  
transfer of an agricultural product. 199

(3) "Agricultural product handler" or "handler" means any 200  
person who is engaged in the business of agricultural product 201  
handling, except that a person who sells only those agricultural 202  
products that the person has produced, or buys agricultural 203  
products for the person's own use, is not an agricultural 204  
product handler. 205

(4) "Agricultural producer" or "producer" means any person 206  
who grows, raises, or produces an agricultural product on land 207  
that the person owns or leases. 208

(5) "Proceeds" has the same meaning as in division (A) (64) 209  
of section 1309.102 of the Revised Code. 210

(B) An agricultural producer who delivers an agricultural 211  
product under an express or implied contract to an agricultural 212  
product handler, or an agricultural product handler who delivers 213  
an agricultural product under an express or implied contract to 214  
another agricultural product handler, has a lien to secure the 215  
payment for all of the agricultural product delivered under that 216  
contract. The lien attaches to the product, whether in a raw or 217  
processed condition, while in the possession of the agricultural 218  
product handler, and to the proceeds of the sale of the 219  
agricultural product. The lien attaches from the date of 220  
delivery of the agricultural product to the handler, or if there 221  
is a series of deliveries under the contract, from the date of 222  
the first delivery. The lien is contingent until the producer or 223  
handler complies with section 1311.56 of the Revised Code. 224

(C) The lien on an agricultural product covers the 225

contract price agreed upon, or when there is no agreed price at 226  
the time of delivery, the value of the agricultural product as 227  
determined by the "market news service" of the Ohio department 228  
of agriculture on the date the agricultural producer or handler 229  
files the affidavit permitted under section 1311.56 of the 230  
Revised Code. 231

(D) Any waiver by a producer or handler of the producer's 232  
or handler's right to an agricultural product lien is void as 233  
being contrary to public policy. 234

**Sec. 1729.01.** As used in this chapter: 235

(A) "Agricultural cooperative" means a cooperative to 236  
which all of the following apply: 237

(1) The cooperative engages in any activity in connection 238  
with the propagation, raising, producing, harvesting, storing, 239  
drying, handling, processing, or marketing of agricultural 240  
products; procuring equipment and supplies or providing services 241  
for producers and others; bargaining; and any activity related 242  
to the foregoing. 243

(2) Producers or agricultural cooperatives exercise more 244  
than fifty per cent of the voting control of the cooperative. 245

(3) The cooperative does at least fifty per cent of its 246  
business with producers or agricultural cooperatives. 247

(B) "Agricultural products" includes aquacultural, 248  
horticultural, viticultural, forestry, dairy, livestock, 249  
poultry, bee, and farm products, and the produce or byproducts 250  
of any of such products. "Agricultural products" also includes 251  
algacultural products as defined in section 901.511 of the 252  
Revised Code and maple syrup and maple products. 253

(C) "Association" means any corporation organized under this chapter.	254 255
(D) "Bargaining" means the mutual obligation of a handler and a marketing cooperative to meet at reasonable times and confer and negotiate in good faith. Negotiations may include all terms relative to trading between handlers and producers. The obligation does not require either party to agree upon price, terms of sale, or any other marketing agreement, or to make a concession.	256 257 258 259 260 261 262
(E) "Board" means the board of directors of an association.	263 264
(F) "Cooperative" means an association or a foreign association.	265 266
(G) "Entity," except as otherwise provided, means a foreign association, a foreign or domestic corporation other than a cooperative, or a foreign or domestic limited liability company.	267 268 269 270
(H) "Foreign association" means a corporation organized under the cooperative laws of another state or the District of Columbia or a foreign corporation organized under corporation laws of another state, the District of Columbia, or the United States that operates on a cooperative basis.	271 272 273 274 275
(I) "Handler" means a person who acquires agricultural products under a sales contract for the purpose of processing or reselling agricultural products.	276 277 278
(J) "Marketing agreement" means an agreement, contract, or other arrangement between a cooperative and a member in which the member agrees to market all or a part of the products or produce produced by the member, or agrees to purchase all or a	279 280 281 282

part of the member's requirements for inputs, services, or	283
supplies.	284
(K) "Marketing cooperative" means any agricultural	285
cooperative meeting the requirements of the "Co-operative	286
Marketing Associations Act," 42 Stat. 388 (1922), 7 U.S.C.A.	287
291, that negotiates sales contracts with handlers on behalf of	288
its members and is not in direct competition with any handler	289
with which it negotiates such contracts.	290
(L) "Member" means a person who has been qualified and	291
accepted into membership in a cooperative.	292
(M) "Membership stock" means any class of stock or other	293
equity interest in a cooperative, continuous ownership of which	294
is required for membership in the cooperative.	295
(N) "Patron" means a person with which a cooperative has	296
made an enforceable agreement to allocate and distribute a per	297
unit retain, patronage dividend, or patronage refund with	298
respect to business conducted by the cooperative with or for the	299
person.	300
(O) "Patronage stock" means any stock or other equity	301
interest in a cooperative that was originally issued by the	302
cooperative with respect to patronage transactions.	303
(P) "Person" includes a natural person, partnership,	304
corporation, cooperative, or other entity.	305
(Q) "Processing" means changing the physical or chemical	306
characteristics of agricultural products.	307
(R) "Producer" means a person engaged in the production of	308
agricultural products for the market, including a lessor of real	309
or personal property used for production of agricultural	310

products for the market that receives as rent part of the 311  
agricultural product. 312

(S) "Sales contract" means a marketing agreement or other 313  
similar arrangement between a handler and a producer, negotiated 314  
by the producer or by an agricultural cooperative acting as 315  
agent for a producer, under which the producer agrees to grow or 316  
produce agricultural products for sale to the handler. 317

**Sec. 5501.50.** (A) As used in this section, "agricultural 318  
purposes" means commercial animal or poultry husbandry, the 319  
cultivation of trees to produce maple syrup and maple products, 320  
or the production for a commercial purpose of field crops, 321  
tobacco, fruits, or vegetables. "Agricultural purposes" also 322  
includes algaculture meaning the farming of algae. 323

(B) Whenever the director of transportation acquires real 324  
property as provided in section 5501.32 of the Revised Code or 325  
otherwise acquires real property in fee simple in the name of 326  
the state for highway purposes and subsequently finds the 327  
property is not needed for such purposes, or will not be needed 328  
for such purposes for a period of two years or more following 329  
the date of acquisition of the property, and the property is 330  
adjacent to or in the near vicinity of property used for 331  
agricultural purposes, the director may, at the director's 332  
discretion, offer to lease the property for agricultural 333  
purposes for one year at a price consistent with rentals of 334  
adjacent agricultural lands in the manner provided in divisions 335  
(C), (D), (E), (F), (G), (H), and (I) of this section before 336  
conveying or transferring the fee simple estate or any lesser 337  
estate or interest in the property, or permitting its use by 338  
another. 339

(C) Real property shall be offered for lease by mailing a 340

notice, in writing, to each person who owns or leases property 341  
being used for agricultural purposes that adjoins or is in the 342  
near vicinity of the property. The notice shall include a 343  
general description of the property offered for lease, the cost 344  
of the lease, the manner in which the lease will be made, the 345  
requirements of this section, a statement that the person shall 346  
notify the director in writing within no more than four weeks 347  
following mailing of the notice if the person is interested in 348  
leasing the property, and such other information as the director 349  
considers necessary. 350

(D) If the director receives information in writing from 351  
two or more persons who are interested in leasing the real 352  
property, one of whom is the owner of real property that adjoins 353  
the property offered for lease, the director may lease the 354  
property to that person. If the director receives such 355  
information from two or more persons, two or more of whom are 356  
owners of real property that adjoins the property offered for 357  
lease, the director shall lease the property to the person whose 358  
information is contained in the envelope bearing the earliest 359  
postmark. 360

(E) Any lease made under this section shall be conditioned 361  
upon the lessee's written agreement to maintain weed control on 362  
the property. If the director has reasonable cause to believe 363  
that such an agreement is violated, the director, or any of the 364  
director's authorized agents, may, at the director's or 365  
authorized agent's discretion, do either of the following: 366

(1) Provide necessary weed control. The expense of 367  
providing weed control shall be paid by the director out of any 368  
appropriation to the department of transportation available for 369  
the establishment, use, maintenance, or repair of highways and 370

the amount thereof shall be reimbursed by the lessee to the 371  
department and if not reimbursed the amount thereof shall be 372  
certified to the attorney general for collection by civil action 373  
against the lessee of the property. 374

(2) File a complaint by petition in the court of common 375  
pleas of the county in which the property is located. Upon a 376  
finding by the court that a violation of the agreement exists as 377  
alleged in the petition, the court shall enter an order of 378  
abatement against the lessee of the property. 379

(F) If real property offered for lease as provided in this 380  
section is located near a highway where the use of the property 381  
for crops such as corn and wheat will obstruct the view of any 382  
part of the highway from a person operating a vehicle on the 383  
highway or on an intersecting highway or private road, or near 384  
an airport where such use of the property may interfere with 385  
airport safety, any lease made shall be conditioned upon the 386  
lessee's written agreement to use the property for only crops 387  
that will not create such an obstruction of the view of the 388  
highway or interference with airport safety. If the director has 389  
reasonable cause to believe that such an agreement is violated, 390  
the director, or any of the director's authorized agents, may, 391  
at the director's or authorized agent's discretion, do either of 392  
the following: 393

(1) Remove the crop or such part thereof as may be 394  
necessary to ensure that the view of the highway will not be 395  
obstructed, or that airport safety will not be reduced. The 396  
expense of the removal shall be paid by the director out of any 397  
appropriation to the department of transportation available for 398  
the establishment, use, maintenance, or repair of highways and 399  
the amount thereof shall be reimbursed by the lessee to the 400

department and if not reimbursed the amount thereof shall be 401  
certified to the attorney general for collection by civil action 402  
against the lessee of the property. 403

(2) File a complaint by petition in the court of common 404  
pleas of the county in which the property is located. Upon a 405  
finding by the court that a violation of the agreement exists as 406  
alleged in the petition, the court shall enter an order of 407  
abatement against the lessee of the property. 408

(G) The director may offer to renew annually any lease of 409  
real property made under this section to the current lessee or 410  
may offer the opportunity to lease to others in the manner and 411  
subject to the requirements and limitations as provided for in 412  
this section. 413

(H) The requirements of sections 5501.32, 5501.34, and 414  
5501.45 of the Revised Code relating to the appraisal, 415  
advertisement, manner of sale, and minimum sale price of 416  
property not needed for highway purposes and the requirements of 417  
sections 5501.34 and 5501.45 of the Revised Code relating to the 418  
use of property not needed for highway purposes for recreation 419  
purposes, do not apply to a lease or renewal of a lease of real 420  
property made in accordance with this section. 421

(I) Except as provided in divisions (E) (1) and (F) (1) of 422  
this section, all expense incurred in the lease of real property 423  
under this section shall be paid out of the proceeds of the 424  
lease and the balance shall be deposited in the highway fund 425  
from which the purchase of the real property giving rise to the 426  
proceeds was made. 427

(J) Nothing in this section shall be construed to permit 428  
the director to acquire real property by appropriation for the 429

purpose of leasing it for agricultural purposes. 430

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 431  
5715.01 of the Revised Code: 432

(A) "Land devoted exclusively to agricultural use" means: 433

(1) Tracts, lots, or parcels of land totaling not less 434  
than ten acres to which, during the three calendar years prior 435  
to the year in which application is filed under section 5713.31 436  
of the Revised Code, and through the last day of May of such 437  
year, one or more of the following apply: 438

(a) The tracts, lots, or parcels of land were devoted 439  
exclusively to commercial animal or poultry husbandry, 440  
aquaculture, algaculture meaning the farming of algae, 441  
apiculture, the cultivation of hemp by a person issued a hemp 442  
cultivation license under section 928.02 of the Revised Code, 443  
the cultivation of trees for the commercial production of maple 444  
syrup or maple products, the production for a commercial purpose 445  
of timber, field crops, tobacco, fruits, vegetables, nursery 446  
stock, ornamental trees, sod, or flowers, or the growth of 447  
timber for a noncommercial purpose, if the land on which the 448  
timber is grown is contiguous to or part of a parcel of land 449  
under common ownership that is otherwise devoted exclusively to 450  
agricultural use. 451

(b) The tracts, lots, or parcels of land were devoted 452  
exclusively to biodiesel production, biomass energy production, 453  
electric or heat energy production, or biologically derived 454  
methane gas production if the land on which the production 455  
facility is located is contiguous to or part of a parcel of land 456  
under common ownership or leasehold that is otherwise devoted 457  
exclusively to agricultural use, provided that (i) at least 458

fifty per cent of the feedstock used in the production is 459  
agricultural feedstock, (ii) at least twenty per cent of the 460  
agricultural feedstock used in the production is derived from 461  
parcels of land under common ownership or leasehold, and (iii) 462  
none of the feedstock used in the production consists of human 463  
waste. As used in this division, "agricultural feedstock" means 464  
manure and food waste, and "human waste" includes sludge as 465  
defined in section 6111.01 of the Revised Code. 466

(c) The tracts, lots, or parcels of land are eligible 467  
conservation land. 468

(2) Tracts, lots, or parcels of land totaling less than 469  
ten acres that, during the three calendar years prior to the 470  
year in which application is filed under section 5713.31 of the 471  
Revised Code and through the last day of May of such year, were 472  
devoted exclusively to commercial animal or poultry husbandry, 473  
aquaculture, algaculture meaning the farming of algae, 474  
apiculture, the cultivation of hemp by a person issued a hemp 475  
cultivation license under section 928.02 of the Revised Code, 476  
the cultivation of trees for the commercial production of maple 477  
syrup or maple products, the production for a commercial purpose 478  
of field crops, tobacco, fruits, vegetables, timber, nursery 479  
stock, ornamental trees, sod, or flowers where such activities 480  
produced an average yearly gross income of at least twenty-five 481  
hundred dollars during such three-year period or where there is 482  
evidence of an anticipated gross income of such amount from such 483  
activities during the tax year in which application is made, or 484  
were eligible conservation land; 485

(3) Tracts, lots, or parcels of land, or portions thereof 486  
that, during the previous three consecutive calendar years have 487  
been designated as land devoted exclusively to agricultural use, 488

but such land has been lying idle or fallow for up to one year 489  
and no action has occurred to such land that is either 490  
inconsistent with the return of it to agricultural production or 491  
converts the land devoted exclusively to agricultural use as 492  
defined in this section. Such land shall remain designated as 493  
land devoted exclusively to agricultural use provided that 494  
beyond one year, but less than three years, the landowner proves 495  
good cause as determined by the board of revision. 496

(4) Tracts, lots, or parcels of land, or portions thereof 497  
that, during the previous three consecutive calendar years have 498  
been designated as land devoted exclusively to agricultural use, 499  
but such land has been lying idle or fallow because of dredged 500  
material being stored or deposited on such land pursuant to a 501  
contract between the land's owner and the department of natural 502  
resources or the United States army corps of engineers and no 503  
action has occurred to the land that is either inconsistent with 504  
the return of it to agricultural production or converts the land 505  
devoted exclusively to agricultural use. Such land shall remain 506  
designated as land devoted exclusively to agricultural use until 507  
the last year in which dredged material is stored or deposited 508  
on the land pursuant to such a contract, but not to exceed five 509  
years. 510

"Land devoted exclusively to agricultural use" includes 511  
tracts, lots, or parcels of land or portions thereof that are 512  
used for conservation practices, provided that the tracts, lots, 513  
or parcels of land or portions thereof comprise twenty-five per 514  
cent or less of the total of the tracts, lots, or parcels of 515  
land that satisfy the criteria established in division (A) (1), 516  
(2), (3), or (4) of this section together with the tracts, lots, 517  
or parcels of land or portions thereof that are used for 518  
conservation practices. 519

Notwithstanding any other provision of law to the 520  
contrary, the existence of agritourism on a tract, lot, or 521  
parcel of land that otherwise meets the definition of "land 522  
devoted exclusively to agricultural use" as defined in this 523  
division does not disqualify that tract, lot, or parcel from 524  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 525  
Revised Code. 526

A tract, lot, or parcel of land taxed under sections 527  
5713.22 to 5713.26 of the Revised Code is not land devoted 528  
exclusively to agricultural use. 529

A tract, lot, parcel, or portion thereof on which medical 530  
marijuana or adult-use marijuana, as those terms are defined by 531  
section 3796.01 of the Revised Code, is cultivated or processed 532  
is not land devoted exclusively to agricultural use. 533

(B) "Conversion of land devoted exclusively to 534  
agricultural use" means any of the following: 535

(1) The failure of the owner of land devoted exclusively 536  
to agricultural use during the next preceding calendar year to 537  
file a renewal application under section 5713.31 of the Revised 538  
Code without good cause as determined by the board of revision; 539

(2) The failure of the new owner of such land to file an 540  
initial application under that section without good cause as 541  
determined by the board of revision; 542

(3) The failure of such land or portion thereof to qualify 543  
as land devoted exclusively to agricultural use for the current 544  
calendar year as requested by an application filed under such 545  
section; 546

(4) The failure of the owner of the land described in 547  
division (A) (3) or (4) of this section to act on such land in a 548

manner that is consistent with the return of the land to 549  
agricultural production after three years. 550

The construction or installation of an energy facility, as 551  
defined in section 5727.01 of the Revised Code, on a portion of 552  
a tract, lot, or parcel of land devoted exclusively to 553  
agricultural use shall not cause the remaining portion of the 554  
tract, lot, or parcel to be regarded as a conversion of land 555  
devoted exclusively to agricultural use if the remaining portion 556  
of the tract, lot, or parcel continues to be devoted exclusively 557  
to agricultural use. 558

(C) "Tax savings" means the difference between the dollar 559  
amount of real property taxes levied in any year on land valued 560  
and assessed in accordance with its current agricultural use 561  
value and the dollar amount of real property taxes that would 562  
have been levied upon such land if it had been valued and 563  
assessed for such year in accordance with Section 2 of Article 564  
XII, Ohio Constitution. 565

(D) "Owner" includes, but is not limited to, any person 566  
owning a fee simple, fee tail, or life estate or a buyer on a 567  
land installment contract. 568

(E) "Conservation practices" are practices used to abate 569  
soil erosion as required in the management of the farming 570  
operation, and include, but are not limited to, the 571  
installation, construction, development, planting, or use of 572  
grass waterways, terraces, diversions, filter strips, field 573  
borders, windbreaks, riparian buffers, wetlands, ponds, and 574  
cover crops for that purpose. 575

(F) "Wetlands" has the same meaning as in section 6111.02 576  
of the Revised Code. 577

(G) "Biodiesel" means a mono-alkyl ester combustible 578  
liquid fuel that is derived from vegetable oils or animal fats 579  
or any combination of those reagents and that meets the American 580  
society for testing and materials specification D6751-03a for 581  
biodiesel fuel (B100) blend stock distillate fuels. 582

(H) "Biologically derived methane gas" means gas from the 583  
anaerobic digestion of organic materials, including animal waste 584  
and agricultural crops and residues. 585

(I) "Biomass energy" means energy that is produced from 586  
organic material derived from plants or animals and available on 587  
a renewable basis, including, but not limited to, agricultural 588  
crops, tree crops, crop by-products, and residues. 589

(J) "Electric or heat energy" means electric or heat 590  
energy generated from manure, cornstalks, soybean waste, or 591  
other agricultural feedstocks. 592

(K) "Dredged material" means material that is excavated or 593  
dredged from waters of this state. "Dredged material" does not 594  
include material resulting from normal farming, silviculture, 595  
and ranching activities, such as plowing, cultivating, seeding, 596  
and harvesting, for production of food, fiber, and forest 597  
products. 598

(L) "Agritourism" has the same meaning as in section 599  
901.80 of the Revised Code. 600

(M) "Eligible conservation land" means either of the 601  
following: 602

(1) A tract, lot, or parcel devoted to and qualified for 603  
payments or other compensation under a land retirement or 604  
conservation program under an agreement with an agency of the 605  
federal government; 606

(2) A tract, lot, or parcel that meets at least one of the 607  
conditions described in divisions (M) (2) (a) to (c) of this 608  
section and the condition described in division (M) (2) (d) of 609  
this section. 610

(a) The land is subject to an agricultural water project 611  
or nature water project that receives funding from the H2Ohio 612  
fund created in section 126.60 of the Revised Code. 613

(b) The land was subject to such a project during the 614  
immediately preceding calendar year. 615

(c) The land is or was subject to such a project for the 616  
current or one of the two immediately preceding tax years and, 617  
for the current tax year, is subject to either a conservation 618  
easement held by the state or an agency of the state or a 619  
conservation easement held by any other person if such easement 620  
is a condition of a nature water project that is funded through 621  
the H2Ohio fund. 622

(d) For the tax year that includes or immediately precedes 623  
the year in which the land became subject to the project 624  
described in division (M) (2) (a), (b), or (c) of this section, as 625  
applicable, the land qualified as land devoted exclusively to 626  
agricultural use pursuant to other criteria in divisions (A) (1) 627  
to (4) of this section. 628

As used in division (M) (2) of this section, "conservation 629  
easement" has the same meaning as in section 5301.67 of the 630  
Revised Code. 631

**Section 2.** That existing sections 1.61, 303.01, 519.01, 632  
901.511, 929.01, 1311.55, 1729.01, 5501.50, and 5713.30 of the 633  
Revised Code are hereby repealed. 634

**Section 3.** The amendment by this act of section 5713.30 of 635

the Revised Code applies to tax years beginning on or after the 636  
effective date of this section. 637

**Section 4.** Section 901.511 of the Revised Code is 638  
presented in this act as a composite of the section as amended 639  
by both H.B. 276 and H.B. 389 of the 129th General Assembly. The 640  
General Assembly, applying the principle stated in division (B) 641  
of section 1.52 of the Revised Code that amendments are to be 642  
harmonized if reasonably capable of simultaneous operation, 643  
finds that the composite is the resulting version of the section 644  
in effect prior to the effective date of the section as 645  
presented in this act. 646