

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 62

Representatives Patterson, Sheehy

**Cosponsors: Representatives Rogers, Boccieri, Fedor, Antonio, Bishoff, O'Brien,
Ashford, Leland, Ramos**

A BILL

To amend sections 321.24, 939.01, and 939.02 and to 1
enact section 5709.30 of the Revised Code to 2
require the Director of Agriculture to adopt 3
rules establishing the Ohio Water Quality 4
Improvement Program, to exempt land enrolled in 5
the Program from taxation, and to reimburse 6
local taxing units for revenue lost due to that 7
exemption. 8

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

Section 1. That sections 321.24, 939.01, and 939.02 be 9
amended and section 5709.30 of the Revised Code be enacted to 10
read as follows: 11

Sec. 321.24. (A) On or before the fifteenth day of 12
February, in each year, the county treasurer shall settle with 13
the county auditor for all taxes and assessments that the 14
treasurer has collected on the general duplicate of real and 15
public utility property at the time of making the settlement. If 16
the county treasurer has made or will make advance payments to 17
the several taxing districts of current year unpaid taxes under 18

section 321.341 of the Revised Code before collecting them, the 19
county treasurer shall take the advance payments into account 20
for purposes of the settlement with the county auditor under 21
this division. 22

(B) On or before the thirtieth day of June, in each year, 23
the treasurer shall settle with the auditor for all advance 24
payments of general personal and classified property taxes that 25
the treasurer has received at the time of making the settlement. 26

(C) On or before the tenth day of August, in each year, 27
the treasurer shall settle with the auditor for all taxes and 28
assessments that the treasurer has collected on the general 29
duplicates of real and public utility property at the time of 30
making such settlement, not included in the preceding February 31
settlement. If the county treasurer has made or will make 32
advance payments to the several taxing districts of the current 33
year delinquent taxes under section 321.341 of the Revised Code 34
before collecting them, the county treasurer shall take the 35
advance payments into account for purposes of the settlement 36
with the county auditor under this division. 37

(D) On or before the thirty-first day of October, in each 38
year, the treasurer shall settle with the auditor for all taxes 39
that the treasurer has collected on the general personal and 40
classified property duplicates, and for all advance payments of 41
general personal and classified property taxes, not included in 42
the preceding June settlement, that the treasurer has received 43
at the time of making such settlement. 44

(E) In the event the time for the payment of taxes is 45
extended, pursuant to section 323.17 of the Revised Code, the 46
date on or before which settlement for the taxes so extended 47
must be made, as herein prescribed, shall be deemed to be 48

extended for a like period of time. At each such settlement, the auditor shall allow to the treasurer, on the moneys received or collected and accounted for by the treasurer, the treasurer's fees, at the rate or percentage allowed by law, at a full settlement of the treasurer.

(F) Within thirty days after the day of each settlement of taxes required under divisions (A) and (C) of this section, the treasurer shall certify to the tax commissioner any adjustments that have been made to the amount certified previously pursuant to section 319.302 of the Revised Code and that the settlement has been completed. Upon receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to one-half of the amount certified by the treasurer in the preceding tax year under section 319.302 of the Revised Code, less one-half of the amount computed for all taxing districts in that county for the current fiscal year under section 5703.80 of the Revised Code for crediting to the property tax administration fund. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges which the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as real property taxes. The amount distributed to each taxing district shall be reduced by the total of the amounts computed for the district under section 5703.80 of the Revised Code, but the reduction shall not exceed the amount that otherwise would be distributed to the taxing

district under this division. The tax commissioner shall make 80
available to taxing districts such information as is sufficient 81
for a taxing district to be able to determine the amount of the 82
reduction in its distribution under this section. 83

(G) ~~(1)~~ Within thirty days after ~~the day of the a~~ 84
~~settlement required in division (D) of taxes under divisions (A)~~ 85
~~and (C) of this section, the county treasurer shall notify~~ 86
~~certify to the tax commissioner that the settlement has been~~ 87
~~completed one-half of the difference obtained by subtracting the~~ 88
~~amount of tax assessed on property in the county appearing on~~ 89
~~the tax list for the preceding tax year from the amount of tax~~ 90
~~that would be assessed on property in the county that would~~ 91
~~appear on the tax list for the preceding tax year but for the~~ 92
~~exemption authorized under section 5709.30 of the Revised Code.~~ 93
~~Upon receipt of that notification, the~~ The commissioner, within 94
thirty days of receiving such a certification, shall provide for 95
payment to the county treasurer, from the general revenue fund, 96
of ~~an~~ the amount equal to the amount certified under former 97
~~section 319.311 of the Revised Code and paid in the state's~~ 98
~~fiscal year 2003 multiplied by the percentage specified in~~ 99
~~division (G) (2) of this section. The payment, which shall be~~ 100
credited upon receipt to the county's undivided income tax fund, ~~and~~ 101
~~and~~ Immediately upon receipt of funds into that fund, the 102
county auditor shall distribute ~~the amount thereof among the~~ 103
~~various to each taxing districts of authority in the county as~~ 104
~~if it had been levied, collected, and settled as personal~~ 105
~~property taxes~~ an amount equal to one-half of the difference 106
obtained by subtracting the amount of tax levied by the taxing 107
authority and assessed on property in the county appearing on 108
the tax list for the preceding tax year from the amount of tax 109
levied by the taxing authority that would be assessed on 110

property in the county that would appear on the tax list for the 111
preceding tax year but for the exemption authorized under 112
section 5709.30 of the Revised Code. ~~The~~ Any amount received by 113
a taxing ~~district~~ authority under this division shall be 114
apportioned among its funds in the same proportion as the 115
~~current~~ preceding tax year's ~~personal~~ property taxes are 116
apportioned. 117

~~(2) Payments required under division (G) (1) of this~~ 118
~~section shall be made at the following percentages of the amount~~ 119
~~certified under former section 319.311 of the Revised Code and~~ 120
~~paid under division (G) (1) of this section in the state's fiscal~~ 121
~~year 2003:~~ 122

~~(a) In fiscal year 2004, ninety per cent;~~ 123

~~(b) In fiscal year 2005, eighty per cent;~~ 124

~~(c) In fiscal year 2006, sixty four per cent;~~ 125

~~(d) In fiscal year 2007, forty per cent;~~ 126

~~(e) In fiscal year 2008, thirty two per cent;~~ 127

~~(f) In fiscal year 2009, sixteen per cent.~~ 128

~~After fiscal year 2009, no payments shall be made under~~ 129
~~division (G) (1) of this section.~~ 130

(H) (1) On or before the fifteenth day of April each year, 131
the county treasurer shall settle with the county auditor for 132
all manufactured home taxes that the county treasurer has 133
collected on the manufactured home tax duplicate at the time of 134
making the settlement. 135

(2) On or before the fifteenth day of September each year, 136
the county treasurer shall settle with the county auditor for 137

all remaining manufactured home taxes that the county treasurer 138
has collected on the manufactured home tax duplicate at the time 139
of making the settlement. 140

(3) If the time for payment of such taxes is extended 141
under section 4503.06 of the Revised Code, the time for making 142
the settlement as prescribed by divisions (H) (1) and (2) of this 143
section is extended for a like period of time. 144

(I) On or before the second Monday in September of each 145
year, the county treasurer shall certify to the tax commissioner 146
the total amount by which the manufactured home taxes levied in 147
that year were reduced pursuant to section 319.302 of the 148
Revised Code. Within ninety days after the receipt of such 149
certification, the commissioner shall provide for payment to the 150
county treasurer from the general revenue fund of an amount 151
equal to the amount certified by the treasurer. Such payment 152
shall be credited upon receipt to the county's undivided income 153
tax fund, and the county auditor shall transfer to the county 154
general fund from the amount thereof the total amount of all 155
fees and charges that the auditor and treasurer would have been 156
authorized to receive had such section not been in effect and 157
that amount had been levied and collected as manufactured home 158
taxes. The county auditor shall distribute the amount remaining 159
among the various taxing districts in the county as if it had 160
been levied, collected, and settled as manufactured home taxes. 161

Sec. 939.01. As used in this chapter: 162

(A) "Agricultural pollution" means failure to use 163
management or conservation practices in farming operations to 164
abate wind or water erosion of the soil or to abate the 165
degradation of the waters of the state by residual farm 166
products, manure, or soil sediment, including attached 167

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| substances. | 168 |
| (B) "Animal feeding operation" means the production area, | 169 |
| as defined in section 903.01 of the Revised Code, of an | 170 |
| agricultural operation where agricultural animals are kept and | 171 |
| raised in confined areas. "Animal feeding operation" does not | 172 |
| include a facility that possesses a permit issued under Chapter | 173 |
| 903. or division (J) of section 6111.03 of the Revised Code. | 174 |
| (C) "Best management practices" means practices or a | 175 |
| combination of practices that are determined to be the most | 176 |
| effective and practicable means of preventing or reducing | 177 |
| agricultural pollution sources to a level compatible with the | 178 |
| attainment of applicable water quality standards. "Best | 179 |
| management practices" includes structural and nonstructural | 180 |
| practices, conservation practices, and operation and maintenance | 181 |
| procedures. | 182 |
| (D) "Composting" means the controlled decomposition of | 183 |
| organic solid material consisting of dead animals that | 184 |
| stabilizes the organic fraction of the material. | 185 |
| (E) "Conservation" means the wise use and management of | 186 |
| natural resources. | 187 |
| (F) <u>"Conservation reserve program" means the federal</u> | 188 |
| <u>conservation reserve program that is established under 16 U.S.C.</u> | 189 |
| <u>3831 and administered by the United States department of</u> | 190 |
| <u>agriculture, and that provides benefits to a landowner in</u> | 191 |
| <u>exchange for the landowner removing land from agricultural</u> | 192 |
| <u>production and planting species to improve water quality.</u> | 193 |
| <u>(G)</u> "Manure" means animal excreta. | 194 |
| (G) <u>(H)</u> "Ohio soil and water conservation commission" | 195 |
| means the Ohio soil and water conservation commission | 196 |

established in section 940.02 of the Revised Code. 197

~~(H)~~ (I) "Operation and management plan" means a written 198
record, developed or approved by the director of agriculture, 199
the director's designee, or the board of supervisors of a soil 200
and water conservation district, for the owner or operator of 201
agricultural land or an animal feeding operation that contains 202
both of the following: 203

(1) Implementation schedules and operational procedures 204
for a level of management and pollution abatement practices that 205
will abate the degradation of the waters of the state by 206
residual farm products, manure, and soil sediment, including 207
attached pollutants; 208

(2) Best management practices that are to be used by the 209
owner or operator. 210

~~(I)~~ (J) "Pollution abatement practice" means any erosion 211
control, residual farm products, or manure pollution abatement 212
facility, structure, or procedure and the operation and 213
management associated with it as contained in an operation and 214
management plan. 215

~~(J)~~ (K) "Residual farm products" means bedding, wash 216
waters, waste feed, and silage drainage. "Residual farm 217
products" also includes the compost products resulting from the 218
composting of dead animals in operations subject to section 219
939.04 of the Revised Code when either of the following applies: 220

(1) The composting is conducted by the person who raises 221
the animals and the compost product is used in agricultural 222
operations owned or operated by that person regardless of 223
whether the person owns the animals. 224

(2) The composting is conducted by the person who owns the 225

animals, but does not raise them and the compost product is used 226
in agricultural operations either by a person who raises the 227
animals or by a person who raises grain that is used to feed 228
them and that is supplied by the owner of the animals. 229

~~(K)~~ (L) "Soil and water conservation district" has the 230
same meaning as in section 940.01 of the Revised Code. 231

~~(L)~~ (M) "Waters of the state" means all streams, lakes, 232
ponds, wetlands, watercourses, waterways, wells, springs, 233
irrigation systems, drainage systems, and other bodies or 234
accumulations of water, surface and underground, natural or 235
artificial, regardless of the depth of the strata in which 236
underground water is located, that are situated wholly or partly 237
within, or border on, this state or are within its jurisdiction, 238
except those private waters that do not combine or effect a 239
junction with natural surface or underground waters. 240

Sec. 939.02. The director of agriculture shall do all of 241
the following: 242

(A) Provide administrative leadership to soil and water 243
conservation districts in planning, budgeting, staffing, and 244
administering district programs and the training of district 245
supervisors and personnel in their duties, responsibilities, and 246
authorities as prescribed in this chapter and Chapter 940. of 247
the Revised Code; 248

(B) Administer this chapter and Chapter 940. of the 249
Revised Code pertaining to state responsibilities and provide 250
staff assistance to the Ohio soil and water conservation 251
commission in exercising its statutory responsibilities; 252

(C) Assist in expediting state responsibilities for 253
watershed development and other natural resource conservation 254

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| works of improvement; | 255 |
| (D) Coordinate the development and implementation of | 256 |
| cooperative programs and working agreements between soil and | 257 |
| water conservation districts and the department of agriculture | 258 |
| or other agencies of local, state, and federal government; | 259 |
| (E) Subject to the approval of the Ohio soil and water | 260 |
| conservation commission, adopt rules in accordance with Chapter | 261 |
| 119. of the Revised Code that do or comply with all of the | 262 |
| following: | 263 |
| (1) Establish technically feasible and economically | 264 |
| reasonable standards to achieve a level of management and | 265 |
| conservation practices in farming operations that will abate | 266 |
| wind or water erosion of the soil or abate the degradation of | 267 |
| the waters of the state by residual farm products, manure, or | 268 |
| soil sediment, including attached substances, and establish | 269 |
| criteria for determination of the acceptability of such | 270 |
| management and conservation practices; | 271 |
| (2) Establish procedures for administration of rules for | 272 |
| agricultural pollution abatement and for enforcement of those | 273 |
| rules; | 274 |
| (3) Specify the pollution abatement practices eligible for | 275 |
| state cost sharing and determine the conditions for eligibility, | 276 |
| the construction standards and specifications, the useful life, | 277 |
| the maintenance requirements, and the limits of cost sharing for | 278 |
| those practices. Eligible practices shall be limited to | 279 |
| practices that address agricultural operations and that require | 280 |
| expenditures that are likely to exceed the economic returns to | 281 |
| the owner or operator and that abate soil erosion or degradation | 282 |
| of the waters of the state by residual farm products, manure, or | 283 |

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| soil sediment, including attached pollutants. | 284 |
| (4) Establish procedures for administering grants to | 285 |
| owners or operators of agricultural land or animal feeding | 286 |
| operations for the implementation of operation and management | 287 |
| plans; | 288 |
| (5) Do both of the following with regard to composting | 289 |
| conducted in conjunction with agricultural operations: | 290 |
| (a) Establish methods, techniques, or practices for | 291 |
| composting dead animals, or particular types of dead animals, | 292 |
| that are to be used at such operations, as the director | 293 |
| considers to be necessary or appropriate; | 294 |
| (b) Establish requirements and procedures governing the | 295 |
| review and approval or disapproval of composting plans by the | 296 |
| supervisors of soil and water conservation districts under | 297 |
| division (R) of section 940.06 of the Revised Code. | 298 |
| (6) Establish best management practices for inclusion in | 299 |
| operation and management plans; | 300 |
| (7) Establish the amount of civil penalties assessed by | 301 |
| the director under division (B) of section 939.07 of the Revised | 302 |
| Code for violation of rules adopted under division (E) of this | 303 |
| section; | 304 |
| (8) Not conflict with air or water quality standards | 305 |
| adopted pursuant to section 3704.03 or 6111.041 of the Revised | 306 |
| Code. Compliance with rules adopted under this section does not | 307 |
| affect liability for noncompliance with air or water quality | 308 |
| standards adopted pursuant to section 3704.03 or 6111.041 of the | 309 |
| Revised Code. The application of a level of management and | 310 |
| conservation practices recommended under this section to control | 311 |
| windblown soil from farming operations creates a presumption of | 312 |

compliance with section 3704.03 of the Revised Code as that 313
section applies to windblown soil. 314

(F) Cost share with landowners on practices established 315
pursuant to division (E)(3) of this section as moneys are 316
appropriated and available for that purpose. Any practice for 317
which cost share is provided shall be maintained for its useful 318
life. Failure to maintain a cost share practice for its useful 319
life shall subject the landowner to full repayment to the 320
department. 321

(G) Employ field assistants and other employees that are 322
necessary for the performance of the work prescribed by Chapter 323
940. of the Revised Code, for performance of work of the 324
department under this chapter, and as agreed to under working 325
agreements or contractual arrangements with soil and water 326
conservation districts, prescribe their duties, and fix their 327
compensation in accordance with schedules that are provided by 328
law for the compensation of state employees. All such employees 329
of the department, unless specifically exempted by law, shall be 330
employed subject to the classified civil service laws in force 331
at the time of employment. 332

(H) In connection with new or relocated projects involving 333
highways, underground cables, pipelines, railroads, and other 334
improvements affecting soil and water resources, including 335
surface and subsurface drainage: 336

(1) Provide engineering service that is mutually agreeable 337
to the Ohio soil and water conservation commission and the 338
director to aid in the design and installation of soil and water 339
conservation practices as a necessary component of such 340
projects; 341

(2) Maintain close liaison between the owners of lands on 342
which the projects are executed, soil and water conservation 343
districts, and authorities responsible for such projects; 344

(3) Review plans for such projects to ensure their 345
compliance with standards developed under division (E) of this 346
section in cooperation with the department of transportation or 347
with any other interested agency that is engaged in soil or 348
water conservation projects in the state in order to minimize 349
adverse impacts on soil and water resources adjacent to or 350
otherwise affected by these projects; 351

(4) Recommend measures to retard erosion and protect soil 352
and water resources through the installation of water 353
impoundment or other soil and water conservation practices; 354

(5) Cooperate with other agencies and subdivisions of the 355
state to protect the agricultural status of rural lands adjacent 356
to such projects and control adverse impacts on soil and water 357
resources. 358

(I) Collect, analyze, inventory, and interpret all 359
available information pertaining to the origin, distribution, 360
extent, use, and conservation of the soil resources of the 361
state; 362

(J) Prepare and maintain up-to-date reports, maps, and 363
other materials pertaining to the soil resources of the state 364
and their use and make that information available to 365
governmental agencies, public officials, conservation entities, 366
and the public; 367

(K) Provide soil and water conservation districts with 368
technical assistance including on-site soil investigations and 369
soil interpretation reports on the suitability or limitations of 370

soil to support a particular use or to plan soil conservation 371
measures. The assistance shall be on terms that are mutually 372
agreeable to the districts and the department of agriculture. 373

(L) Assist local government officials in utilizing land 374
use planning and zoning, current agricultural use value 375
assessment, development reviews, and land management activities; 376

(M) When necessary for the purposes of this chapter or 377
Chapter 940. of the Revised Code, develop or approve operation 378
and management plans. The director may designate an employee of 379
the department to develop or approve operation and management 380
plans in lieu of the director. 381

(N) Adopt rules in accordance with Chapter 119. of the 382
Revised Code establishing a water quality improvement program 383
that do all of the following: 384

(1) Require the director to develop, implement, and 385
operate the program, to the extent possible, in a manner 386
consistent with the development, implementation, and operation 387
of the conservation reserve program as that program pertains to 388
water quality; 389

(2) Require the applicable soil and water conservation 390
district to assist a landowner who participates in the program 391
when the landowner requests such assistance; 392

(3) Authorize a person to apply to the director, on forms 393
furnished and prescribed by the director, to enroll land owned 394
by the person in the water quality improvement program; 395

(4) Prescribe standards and criteria by which the director 396
shall determine whether land is eligible to be enrolled in the 397
program. The director shall ensure that the standards and 398
criteria are consistent with the standards and criteria 399

prescribed under the conservation reserve program as that 400
program pertains to determining whether land is eligible to be 401
enrolled in the program. 402

Land enrolled in the water quality improvement program is 403
exempt from taxation under section 5709.30 of the Revised Code. 404
The director shall notify the tax commissioner if land ceases to 405
be enrolled in the program. 406

This section does not restrict the manure of domestic or 407
farm animals defecated on land outside an animal feeding 408
operation or runoff from that land into the waters of the state. 409

Sec. 5709.30. Land enrolled in the water quality 410
improvement program created under division (N) of section 939.02 411
of the Revised Code on the first day of January of a tax year 412
shall be exempt from taxation for that tax year. If land subject 413
to the exemption for the preceding tax year is no longer 414
enrolled in that program on the first day of the current tax 415
year, a charge shall be levied on such land equal to the amount 416
of tax that would have been levied on the land if it had not 417
been exempted under this section for the tax year during which 418
the land is removed from the program and the two preceding tax 419
years. The charge is a lien of the state upon such land as of 420
the first day of January of the tax year in which the charge is 421
levied as provided in section 323.11 of the Revised Code. The 422
auditor shall place the charge as a separate item on the tax 423
list for the current tax year to be collected by the county 424
treasurer in the same manner and at the same time as real 425
property taxes levied against such land for the current calendar 426
year are collected. 427

Upon the collection of any charge made under this section 428
and any penalties and interest arising thereon, the county 429

auditor, after deducting all fees allowed on the collection of 430
moneys on the tax list and duplicate, shall remit the full 431
amount thereof to the treasurer of state, who shall credit the 432
amount to the general revenue fund. 433

Section 2. That existing sections 321.24, 939.01, and 434
939.02 of the Revised Code are hereby repealed. 435

Section 3. Section 321.24 of the Revised Code is presented 436
in this act as a composite of the section as amended by both 437
Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 438
of the 128th General Assembly. The General Assembly, applying 439
the principle stated in division (B) of section 1.52 of the 440
Revised Code that amendments are to be harmonized if reasonably 441
capable of simultaneous operation, finds that the composite is 442
the resulting version of the section in effect prior to the 443
effective date of the section as presented in this act. 444