

As Reported by the House Agriculture and Conservation Committee

134th General Assembly

Regular Session

2021-2022

Am. H. B. No. 397

Representatives Stewart, Kick

Cosponsors: Representatives Bird, Click, Creech, Hall, John, Johnson, Lanese, Miller, J., Plummer, Riedel, Swearingen, West, Young, T., Koehler, Jones, O'Brien

A BILL

To amend section 940.05 and to enact section 1
5301.71 of the Revised Code to revise the law 2
regarding agricultural leases and soil and water 3
conservation districts. 4

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

Section 1. That section 940.05 be amended and section 5
5301.71 of the Revised Code be enacted to read as follows: 6

Sec. 940.05. (A) The board of supervisors of a soil and 7
water conservation district shall consist of five supervisors, 8
as provided for in section 940.04 of the Revised Code. 9

(B) The board shall organize annually by selecting a 10
chairperson, a secretary, and a treasurer. It shall designate 11
one of its members as fiscal agent. A majority of the board 12
shall constitute a quorum. The concurrence of a majority of the 13
board in any matter shall be required for its determination. A 14
supervisor shall receive no compensation for the supervisor's 15
services, except when both of the following occur: 16

~~(A)~~ (1) A district board of supervisors designates one or 17

more of its supervisors to represent the district on a joint 18
district board or if an agency or instrumentality of the United 19
States, of this state, or of a political subdivision of this 20
state requires or requests district board representation; 21

~~(B)~~ (2) Such compensation is provided for by public moneys 22
other than moneys in the special fund of the local district 23
created pursuant to section 940.12 of the Revised Code. 24

(C) A supervisor is entitled to be reimbursed for the 25
necessary expenses incurred in the discharge of official duties. 26

(D) The board of supervisors shall furnish to the Ohio 27
soil and water conservation commission, upon its request, copies 28
of rules, orders, contracts, forms, and other documents it 29
adopts or employs and other information concerning its 30
activities as it requires in the performance of its duties under 31
this chapter. 32

(E) At least once each year, a district shall submit to 33
the commission a report of progress and operations, including a 34
summary of receipts and disbursements during the period covered 35
by the report. A district shall submit additional financial 36
reports as requested by the commission. 37

~~The board shall provide for the execution of surety bonds~~ 38
~~for~~ (F) For all employees and officers who are entrusted with 39
funds ~~and~~, the board shall either: 40

(1) Provide for the execution of surety bonds; 41

(2) By resolution, adopt a policy to allow for use of an 42
employee dishonesty and faithful performance of duty insurance 43
policy to cover financial or property loss caused by the 44
fraudulent or dishonest actions of, and the failure to perform a 45
duty prescribed by law for, an officer, employee, or appointee 46

that is otherwise required by law to give an individual surety 47
bond before entering upon the discharge of official duties. 48

(G) The board shall provide for the keeping of a full and 49
accurate record of all proceedings and of all resolutions and 50
orders issued or adopted. 51

(H) Any supervisor may be removed by the commission upon 52
notice and hearing for neglect of duty or malfeasance in office. 53

Sec. 5301.71. (A) As used in this section: 54

(1) "Agricultural lease agreement" means an agreement or 55
lease, written or oral, that establishes or modifies the terms, 56
conditions, rules, or any other provisions between a landlord 57
and tenant concerning the use and occupancy of real property by 58
one of the parties for agricultural purposes. 59

(2) "Agricultural purposes" means the use and occupancy of 60
real property for the planting, growing, and harvesting of crops 61
and all practices necessary for that planting, growing, and 62
harvesting. It does not mean the use and occupancy of real 63
property for pasture, timber, farm buildings, horticultural 64
buildings, or leases solely for equipment. 65

(3) "Landlord" means the owner or lessor of real property 66
used for agricultural purposes that is authorized to receive 67
remuneration from a tenant under an agricultural lease 68
agreement, and has entered into, or has actual or constructive 69
knowledge of, an agricultural lease agreement. 70

(4) "Tenant" means the person entitled under an 71
agricultural lease agreement to use real property for 72
agricultural purposes to the exclusion of all others. 73

(B) (1) Notwithstanding anything in Chapter 1335. of the 74

Revised Code, if an agricultural lease agreement does not 75
provide for a termination date or method for notice of 76
termination of the agricultural lease agreement, the landlord 77
shall provide the tenant with written notice of termination. The 78
written notice shall be delivered on or before the first day of 79
September, in the year the termination is to be effective, by 80
personal delivery, facsimile, or electronic mail. 81

(2) If notice of termination of an agricultural lease 82
agreement is given pursuant to division (B)(1) of this section, 83
the termination date for the agricultural lease agreement shall 84
be the earlier of the following, unless otherwise agreed to, in 85
writing, by the landlord and tenant: 86

(a) The date harvesting or removal of crops is complete; 87

(b) The thirty-first day of December in the year in which 88
the notice was given. 89

(C) This section does not affect the requirements of 90
section 5301.01 of the Revised Code. 91

Section 2. That existing section 940.05 of the Revised 92
Code is hereby repealed. 93