

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 606

Representatives Patterson, LaTourette

Cosponsors: Representatives Boggs, Craig, Ginter, Koehler, O'Brien

A BILL

To amend sections 321.24, 929.01, 5713.30, and 5713.34 and to enact section 5709.29 of the Revised Code to authorize a property tax exemption for land used for commercial maple sap extraction and to reimburse, up to \$3 million per year, local governments for revenue lost from the exemption.

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

Section 1. That sections 321.24, 929.01, 5713.30, and 5713.34 be amended and section 5709.29 of the Revised Code be enacted to read as follows:

Sec. 321.24. (A) On or before the fifteenth day of February, in each year, the county treasurer shall settle with the county auditor for all taxes and assessments that the treasurer has collected on the general duplicate of real and public utility property at the time of making the settlement. If the county treasurer has made or will make advance payments to the several taxing districts of current year unpaid taxes under section 321.341 of the Revised Code before collecting them, the

county treasurer shall take the advance payments into account 19
for purposes of the settlement with the county auditor under 20
this division. 21

(B) On or before the thirtieth day of June, in each year, 22
the treasurer shall settle with the auditor for all advance 23
payments of general personal and classified property taxes that 24
the treasurer has received at the time of making the settlement. 25

(C) On or before the tenth day of August, in each year, 26
the treasurer shall settle with the auditor for all taxes and 27
assessments that the treasurer has collected on the general 28
duplicates of real and public utility property at the time of 29
making such settlement, not included in the preceding February 30
settlement. If the county treasurer has made or will make 31
advance payments to the several taxing districts of the current 32
year delinquent taxes under section 321.341 of the Revised Code 33
before collecting them, the county treasurer shall take the 34
advance payments into account for purposes of the settlement 35
with the county auditor under this division. 36

(D) On or before the thirty-first day of October, in each 37
year, the treasurer shall settle with the auditor for all taxes 38
that the treasurer has collected on the general personal and 39
classified property duplicates, and for all advance payments of 40
general personal and classified property taxes, not included in 41
the preceding June settlement, that the treasurer has received 42
at the time of making such settlement. 43

(E) In the event the time for the payment of taxes is 44
extended, pursuant to section 323.17 of the Revised Code, the 45
date on or before which settlement for the taxes so extended 46
must be made, as herein prescribed, shall be deemed to be 47
extended for a like period of time. At each such settlement, the 48

auditor shall allow to the treasurer, on the moneys received or 49
collected and accounted for by the treasurer, the treasurer's 50
fees, at the rate or percentage allowed by law, at a full 51
settlement of the treasurer. 52

(F) Within thirty days after the day of each settlement of 53
taxes required under divisions (A) and (C) of this section, the 54
treasurer shall certify to the tax commissioner any adjustments 55
that have been made to the amount certified previously pursuant 56
to section 319.302 of the Revised Code and that the settlement 57
has been completed. Upon receipt of such certification, the 58
commissioner shall provide for payment to the county treasurer 59
from the general revenue fund of an amount equal to one-half of 60
the amount certified by the treasurer in the preceding tax year 61
under section 319.302 of the Revised Code, less one-half of the 62
amount computed for all taxing districts in that county for the 63
current fiscal year under section 5703.80 of the Revised Code 64
for crediting to the property tax administration fund. Such 65
payment shall be credited upon receipt to the county's undivided 66
income tax fund, and the county auditor shall transfer to the 67
county general fund from the amount thereof the total amount of 68
all fees and charges which the auditor and treasurer would have 69
been authorized to receive had such section not been in effect 70
and that amount had been levied and collected as taxes. The 71
county auditor shall distribute the amount remaining among the 72
various taxing districts in the county as if it had been levied, 73
collected, and settled as real property taxes. The amount 74
distributed to each taxing district shall be reduced by the 75
total of the amounts computed for the district under section 76
5703.80 of the Revised Code, but the reduction shall not exceed 77
the amount that otherwise would be distributed to the taxing 78
district under this division. The tax commissioner shall make 79

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

(G) (1) ~~Within thirty days after the day of the settlement~~ 83
~~required in division (D) of this section, On or before the first~~ 84
~~day of March each year, the county treasurer-auditor of each~~ 85
~~county shall notify-certify to the tax commissioner-that the~~ 86
~~settlement has been completed the amount of tax that would have~~ 87
~~been assessed on maple forest land appearing on the exempt list~~ 88
~~for the preceding tax year if the land had not been exempted~~ 89
~~under section 5709.29 of the Revised Code. Upon receipt of that~~ 90
~~notification, the-Except as otherwise provided in this division,~~ 91
~~the commissioner, within sixty days after a settlement of taxes~~ 92
~~under divisions (A) and (C) of this section, shall provide for~~ 93
~~payment to the county treasurer from the general revenue fund of~~ 94
~~an amount equal to one-half of the amount certified-under former~~ 95
~~section 319.311 of the Revised Code and paid in the state's~~ 96
~~fiscal year 2003 multiplied by the percentage specified in~~ 97
~~division (C) (2) of this section. The payment, which shall be~~ 98
~~credited upon receipt to the county's undivided income tax fund,~~ 99
~~and. If the total amount certified for all counties under this~~ 100
~~division exceeds three million dollars, the amount to be paid to~~ 101
~~each county treasurer shall be reduced by such an amount that~~ 102
~~the payment bears the same ratio to the amount certified for the~~ 103
~~county that three million dollars bears to the total amount~~ 104
~~certified for all counties. Immediately upon receipt of funds~~ 105
~~into the county's undivided income tax fund under this division,~~ 106
~~the county auditor shall distribute the amount thereof among the~~ 107
~~various to each taxing districts-of authority in the county-as~~ 108
~~if it had been levied, collected, and settled as personal~~ 109
~~property taxes an amount equal to the total amount to be~~ 110

distributed to all such taxing authorities multiplied by a 111
fraction, the numerator of which equals the amount of tax levied 112
by the taxing authority that would have been assessed on maple 113
forest land appearing on the exempt list for the preceding tax 114
year if the land had not been exempted under section 5709.29 of 115
the Revised Code, and the denominator of which equals the amount 116
certified for the county under this division. The ~~Any~~ amount 117
received by a taxing ~~district~~ authority under this division 118
shall be apportioned among its funds in the same proportion as 119
the ~~current preceding tax year's personal-property taxes are~~ 120
were apportioned. 121

~~(2) Payments required under division (G) (1) of this~~ 122
~~section shall be made at the following percentages of the amount~~ 123
~~certified under former section 319.311 of the Revised Code and~~ 124
~~paid under division (G) (1) of this section in the state's fiscal~~ 125
~~year 2003:~~ 126

- ~~(a) In fiscal year 2004, ninety per cent;~~ 127
- ~~(b) In fiscal year 2005, eighty per cent;~~ 128
- ~~(c) In fiscal year 2006, sixty-four per cent;~~ 129
- ~~(d) In fiscal year 2007, forty per cent;~~ 130
- ~~(e) In fiscal year 2008, thirty-two per cent;~~ 131
- ~~(f) In fiscal year 2009, sixteen per cent.~~ 132

~~After fiscal year 2009, no payments shall be made under~~ 133
~~division (G) (1) of this section~~ On or before the tenth day of 134
March of each year, beginning in 2020, the tax commissioner 135
shall certify to the chief of the division of forestry in the 136
department of natural resources the total amount certified for 137
all counties under division (G) (1) of this section. 138

(H) (1) On or before the fifteenth day of April each year, 139
the county treasurer shall settle with the county auditor for 140
all manufactured home taxes that the county treasurer has 141
collected on the manufactured home tax duplicate at the time of 142
making the settlement. 143

(2) On or before the fifteenth day of September each year, 144
the county treasurer shall settle with the county auditor for 145
all remaining manufactured home taxes that the county treasurer 146
has collected on the manufactured home tax duplicate at the time 147
of making the settlement. 148

(3) If the time for payment of such taxes is extended 149
under section 4503.06 of the Revised Code, the time for making 150
the settlement as prescribed by divisions (H) (1) and (2) of this 151
section is extended for a like period of time. 152

(I) On or before the second Monday in September of each 153
year, the county treasurer shall certify to the tax commissioner 154
the total amount by which the manufactured home taxes levied in 155
that year were reduced pursuant to section 319.302 of the 156
Revised Code. Within ninety days after the receipt of such 157
certification, the commissioner shall provide for payment to the 158
county treasurer from the general revenue fund of an amount 159
equal to the amount certified by the treasurer. Such payment 160
shall be credited upon receipt to the county's undivided income 161
tax fund, and the county auditor shall transfer to the county 162
general fund from the amount thereof the total amount of all 163
fees and charges that the auditor and treasurer would have been 164
authorized to receive had such section not been in effect and 165
that amount had been levied and collected as manufactured home 166
taxes. The county auditor shall distribute the amount remaining 167
among the various taxing districts in the county as if it had 168

been levied, collected, and settled as manufactured home taxes. 169

Sec. 929.01. As used in this chapter: 170

(A) "Agricultural production" means commercial 171
aquaculture, algaculture meaning the farming of algae, 172
apiculture, animal husbandry, or poultry husbandry; the 173
production for a commercial purpose of timber, field crops, 174
tobacco, fruits, vegetables, nursery stock, ornamental shrubs, 175
ornamental trees, flowers, or sod; the growth of timber for a 176
noncommercial purpose if the land on which the timber is grown 177
is contiguous to or part of a parcel of land under common 178
ownership that is otherwise devoted exclusively to agricultural 179
use; or any combination of such husbandry, production, or 180
growth; and includes the processing, drying, storage, and 181
marketing of agricultural products when those activities are 182
conducted in conjunction with such husbandry, production, or 183
growth. 184

"Agricultural production" includes conservation practices, 185
provided that the tracts, lots, or parcels of land or portions 186
thereof that are used for conservation practices comprise not 187
more than twenty-five per cent of tracts, lots, or parcels of 188
land that are otherwise devoted exclusively to agricultural use 189
and for which an application is filed under section 929.02 of 190
the Revised Code. 191

(B) "Withdrawal from an agricultural district" includes 192
the explicit removal of land from an agricultural district, 193
conversion of land in an agricultural district to use for 194
purposes other than agricultural production, and withdrawal of 195
land from a land retirement or conservation program to use for 196
purposes other than agricultural production. Withdrawal from an 197
agricultural district does not include land described in 198

division (A) ~~(4)~~ (3) of section 5713.30 of the Revised Code. 199

(C) "Conservation practice" has the same meaning as in 200
section 5713.30 of the Revised Code. 201

Sec. 5709.29. (A) As used in this section: 202

(1) "Maple forest land" means parcels of land or portions 203
thereof bearing a stand of maple trees and located wholly or 204
partly in the same contiguous area, provided all of the 205
following apply to the land: 206

(a) During the tax year, an average of at least thirty 207
taps are drilled into at least twelve of those maple trees per 208
acre of that land. 209

(b) During the tax year, the land's owner processes sap 210
harvested from maple trees situated on that land to be 211
incorporated into a commercially sold maple product or sells 212
that sap to another person to process and incorporate into a 213
commercially sold maple product. 214

(c) The land is managed according to a plan that complies 215
with the standards of reasonable care in the protection and 216
maintenance of forest land prescribed in rules adopted by the 217
chief under section 5713.24 of the Revised Code. 218

(d) Either of the following apply with respect to such 219
land: 220

(i) The area of such land in that contiguous area equals 221
or exceeds ten acres. 222

(ii) The aggregate area of such land in that contiguous 223
area is less than ten acres and either (I) activities described 224
in division (A) (1) (b) of this section from sap harvested from 225
maple trees situated on that land produced an average yearly 226

gross income of at least two thousand five hundred dollars 227
during the three calendar years preceding the year for which an 228
application is filed under division (B) of this section, or (II) 229
there is evidence indicating that gross income from such 230
activities from such sap during the tax year in which 231
application is made will equal at least two thousand five 232
hundred dollars. 233

(2) "Contiguous area" means an area of not more than two 234
thousand ten acres that is a circle. 235

(3) "Chief" means the chief of the division of forestry in 236
the department of natural resources. 237

(B) (1) The owner of maple forest land may apply to the 238
chief for the exemption from taxation authorized under division 239
(B) (2) of this section. The application may be filed with the 240
chief on or after the first day of August and on or before the 241
thirtieth day of September of the tax year for which the 242
exemption is sought. The application shall include a declaration 243
from the owner certifying that the owner's land qualifies as 244
maple forest land and shall be accompanied by payment of the fee 245
prescribed in rules adopted under division (C) of this section. 246
Except as provided under division (B) (3) of this section, upon 247
receipt of an application, declaration, and fee, if the chief 248
determines that the land that is the subject of the declaration 249
qualifies as maple forest land, the chief, on or before the 250
thirty-first day of the following December, shall notify the 251
owner of that determination and file a copy of that declaration 252
with the county auditor of each county in which the land is 253
located. 254

(2) Maple forest land that is the subject of a declaration 255
filed with a county auditor under division (B) (1) of this 256

section shall be exempt from taxation for each tax year the land 257
qualifies as maple forest land, beginning with the tax year the 258
declaration is filed with the county auditor. No application for 259
exemption under section 5715.27 of the Revised Code is required 260
for maple forest land to qualify for the exemption authorized 261
under division (B)(2) of this section. 262

(3) If the amount certified to the chief under division 263
(G)(2) of section 321.24 of the Revised Code equals or exceeds 264
three million dollars, the chief shall not accept an application 265
or fee or file a declaration for the current tax year under 266
division (B)(1) of this section. 267

(C) The chief, in consultation with the tax commissioner 268
and the director of agriculture, shall prescribe all forms and 269
declarations, and adopt rules in accordance with Chapter 119. of 270
the Revised Code, necessary for the administration and 271
enforcement of this section, including rules prescribing all of 272
the following: 273

(1) The amount of a fee, payable to the division of 274
forestry, that shall be submitted with each application seeking 275
a determination of maple forest land provided in this section; 276

(2) The method of determining whether land qualifies for 277
the exemption under this section and how such land is to be 278
identified and mapped; 279

(3) The manner in which an owner of maple forest land may 280
declare that such land qualifies as maple forest land. 281

The fee described in division (C)(1) of this section shall 282
be credited to the state forest fund created by section 1503.05 283
of the Revised Code. 284

(D) The owner of maple forest land exempted from taxation 285

under this section may withdraw the owner's land from the 286
exemption upon certification to the chief of the owner's 287
intention to do so. The owner shall indicate on the 288
certification whether or not the withdrawal is because damage 289
caused by a casualty beyond the control of the owner made the 290
land no longer capable of qualifying as maple forest land. The 291
chief shall send a copy of the certification to the county 292
auditor of the county in which the land is located. If the chief 293
finds that damage caused by such a casualty made the land no 294
longer capable of qualifying as maple forest land, the auditor 295
shall return the land to the tax list beginning with the tax 296
year following the tax year in which the auditor receives a copy 297
of the certification. If the chief does not make such a finding, 298
the auditor shall return the land to the tax list beginning with 299
the tax year in which the auditor receives a copy of the 300
certification. 301

(E) (1) If the chief finds that land exempted from taxation 302
under this section no longer qualifies as maple forest land, the 303
chief shall notify the owner of that finding in writing. Upon 304
the owner's written request, the chief shall grant the owner six 305
months in which to correct the violation. Except as provided in 306
division (E) (2) of this section, failure to correct the 307
violation within this period voids the owner's declaration filed 308
with the chief in accordance with division (B) of this section, 309
and the chief shall notify the county auditor, who shall return 310
the land to the tax list beginning with the tax year in which 311
the auditor receives such notification and shall assess a charge 312
on the land as provided in division (F) of this section. 313

(2) An owner who receives the chief's notification under 314
division (E) (1) of this section that land no longer qualifies as 315
maple forest land may notify the chief that the failure to 316

qualify results from damage caused by a casualty beyond the 317
control of the owner. The owner's notice must be sent within 318
twenty days after the owner receives the chief's notification. 319
If the chief finds that damage caused by such a casualty made 320
the land no longer capable of qualifying as maple forest land, 321
the chief shall notify the county auditor, and the county 322
auditor shall return the land to the tax list beginning with the 323
tax year following the tax year in which the auditor receives a 324
copy of the notification, but shall not assess a charge on the 325
land as provided in division (F) of this section. 326

(F) Except as otherwise provided in this section, if the 327
chief notifies the county auditor that an owner's declaration 328
has become void under division (E) of this section, the auditor 329
shall levy a charge on the land equal to the amount of real 330
property taxes that would have been levied upon such land if it 331
had been valued and assessed at its current agricultural use 332
value under sections 5713.30 to 5713.38 of the Revised Code for 333
the two tax years immediately preceding the year in which the 334
auditor receives the notification. 335

The charge is a lien of the state upon the property as of 336
the first day of the tax year in which the charge is levied as 337
provided in section 323.11 of the Revised Code. The auditor 338
shall place the charge as a separate item on the tax list for 339
the current tax year to be collected by the county treasurer in 340
the same manner and at the same time as real property taxes 341
levied against such land for the current calendar year are 342
collected. 343

A charge shall not be levied under this section if land no 344
longer qualifies for the exemption under this section on the 345
first day of the current tax year because the county auditor 346

determines either of the following:

(1) Pursuant to an application filed under section 5713.31
of the Revised Code, that the land is devoted exclusively to
agricultural use and shall be valued in accordance with sections
5713.30 to 5713.38 of the Revised Code for that tax year.

(2) The land is taxed under sections 5713.22 to 5713.26 of
the Revised Code for that tax year.

Upon the collection of a charge under this section and any
penalties and interest arising thereon, the auditor, after
deducting all fees allowed on the collection of money on the tax
list and duplicate, shall transmit the remainder to the
treasurer of state, who shall credit such receipts to the
general revenue fund.

(G) Not later than the thirtieth day of June each year,
beginning in 2022, the chief shall issue a report to the
governor, the speaker of the house of representatives, and the
president of the senate evaluating the effectiveness of the
exemption authorized under this section. The report shall
include all of the following:

(1) The total number of owners of maple forest land
exempted from taxation under this section for the preceding tax
year;

(2) The total number of owners of maple forest land
applying for the exemption for the preceding tax year;

(3) The total acreage of maple forest land subject to the
exemption for the preceding tax year;

(4) The economic impact of the exemption on enhanced
production of and sales of sap to be incorporated into

commercially sold maple products and on jobs created; 375

(5) The environmental impact of the exemption on the 376
control of invasive plant and animal species; 377

(6) If possible, the impact on water quality as measured 378
by statistics on phosphorous, nitrogen, and other measurable 379
compounds in watersheds, as compiled by the state or federal 380
environmental protection agency; 381

(7) An analysis of the data reported under divisions (G) 382
(1) to (6) of this section, including an evaluation of the 383
impact on production, forest management, and environmental 384
benefits. 385

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 386
5715.01 of the Revised Code: 387

(A) "Land devoted exclusively to agricultural use" means: 388

(1) Tracts, lots, or parcels of land totaling not less 389
than ten acres to which, during the three calendar years prior 390
to the year in which application is filed under section 5713.31 391
of the Revised Code, and through the last day of May of such 392
year, one or more of the following apply: 393

(a) The tracts, lots, or parcels of land were devoted 394
exclusively to commercial animal or poultry husbandry, 395
aquaculture, algaculture meaning the farming of algae, 396
apiculture, the production for a commercial purpose of timber, 397
field crops, tobacco, fruits, vegetables, nursery stock, 398
ornamental trees, sod, or flowers, or the growth of timber for a 399
noncommercial purpose, if the land on which the timber is grown 400
is contiguous to or part of a parcel of land under common 401
ownership that is otherwise devoted exclusively to agricultural 402
use. 403

(b) The tracts, lots, or parcels of land were devoted 404
exclusively to biodiesel production, biomass energy production, 405
electric or heat energy production, or biologically derived 406
methane gas production if the land on which the production 407
facility is located is contiguous to or part of a parcel of land 408
under common ownership that is otherwise devoted exclusively to 409
agricultural use, provided that at least fifty per cent of the 410
feedstock used in the production was derived from parcels of 411
land under common ownership or leasehold. 412

(c) The tracts, lots, or parcels of land were devoted to 413
and qualified for payments or other compensation under a land 414
retirement or conservation program under an agreement with an 415
agency of the federal government. 416

(2) Tracts, lots, or parcels of land totaling less than 417
ten acres that, during the three calendar years prior to the 418
year in which application is filed under section 5713.31 of the 419
Revised Code and through the last day of May of such year, were 420
devoted exclusively to commercial animal or poultry husbandry, 421
aquaculture, algaculture meaning the farming of algae, 422
apiculture, the production for a commercial purpose of field 423
crops, tobacco, fruits, vegetables, timber, nursery stock, 424
ornamental trees, sod, or flowers where such activities produced 425
an average yearly gross income of at least twenty-five hundred 426
dollars during such three-year period or where there is evidence 427
of an anticipated gross income of such amount from such 428
activities during the tax year in which application is made, or 429
were devoted to and qualified for payments or other compensation 430
under a land retirement or conservation program under an 431
agreement with an agency of the federal government; 432

(3) ~~A tract, lot, or parcel of land taxed under sections~~ 433

~~5713.22 to 5713.26 of the Revised Code is not land devoted~~ 434
~~exclusively to agricultural use.~~ 435

~~(4)~~ Tracts, lots, or parcels of land, or portions thereof 436
that, during the previous three consecutive calendar years have 437
been designated as land devoted exclusively to agricultural use, 438
but such land has been lying idle or fallow for up to one year 439
and no action has occurred to such land that is either 440
inconsistent with the return of it to agricultural production or 441
converts the land devoted exclusively to agricultural use as 442
defined in this section. Such land shall remain designated as 443
land devoted exclusively to agricultural use provided that 444
beyond one year, but less than three years, the landowner proves 445
good cause as determined by the board of revision. 446

~~(5)~~ (4) Tracts, lots, or parcels of land, or portions 447
thereof that, during the previous three consecutive calendar 448
years, have been designated as land devoted exclusively to 449
agricultural use, but such land has been lying idle or fallow 450
because of dredged material being stored or deposited on such 451
land pursuant to a contract between the land's owner and the 452
department of natural resources or the United States army corps 453
of engineers and no action has occurred to the land that is 454
either inconsistent with the return of it to agricultural 455
production or converts the land devoted exclusively to 456
agricultural use. Such land shall remain designated as land 457
devoted exclusively to agricultural use until the last year in 458
which dredged material is stored or deposited on the land 459
pursuant to such a contract, but not to exceed five years. 460

"Land devoted exclusively to agricultural use" includes 461
tracts, lots, or parcels of land or portions thereof that are 462
used for conservation practices, provided that the tracts, lots, 463

or parcels of land or portions thereof comprise twenty-five per 464
cent or less of the total of the tracts, lots, or parcels of 465
land that satisfy the criteria established in division (A) (1), 466
(2), ~~(4)~~ (3), or ~~(5)~~ (4) of this section together with the 467
tracts, lots, or parcels of land or portions thereof that are 468
used for conservation practices. 469

Notwithstanding any other provision of law to the 470
contrary, the existence of agritourism on a tract, lot, or 471
parcel of land that otherwise meets the definition of "land 472
devoted exclusively to agricultural use" as defined in this 473
division does not disqualify that tract, lot, or parcel from 474
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 475
Revised Code. 476

A tract, lot, or parcel of land taxed under sections 477
5713.22 to 5713.26 of the Revised Code or exempted from taxation 478
under section 5709.29 of the Revised Code is not land devoted 479
exclusively to agricultural use. 480

A tract, lot, parcel, or portion thereof on which medical 481
marijuana, as defined by section 3796.01 of the Revised Code, is 482
cultivated or processed is not land devoted exclusively to 483
agricultural use. 484

(B) "Conversion of land devoted exclusively to 485
agricultural use" means any of the following: 486

(1) The failure of the owner of land devoted exclusively 487
to agricultural use during the next preceding calendar year to 488
file a renewal application under section 5713.31 of the Revised 489
Code without good cause as determined by the board of revision; 490

(2) The failure of the new owner of such land to file an 491
initial application under that section without good cause as 492

determined by the board of revision; 493

(3) The failure of such land or portion thereof to qualify 494
as land devoted exclusively to agricultural use for the current 495
calendar year as requested by an application filed under such 496
section; 497

(4) The failure of the owner of the land described in 498
division (A) ~~(4)~~ (3) or ~~(5)~~ (4) of this section to act on such 499
land in a manner that is consistent with the return of the land 500
to agricultural production after three years. 501

The construction or installation of an energy facility, as 502
defined in section 5727.01 of the Revised Code, on a portion of 503
a tract, lot, or parcel of land devoted exclusively to 504
agricultural use shall not cause the remaining portion of the 505
tract, lot, or parcel to be regarded as a conversion of land 506
devoted exclusively to agricultural use if the remaining portion 507
of the tract, lot, or parcel continues to be devoted exclusively 508
to agricultural use. 509

(C) "Tax savings" means the difference between the dollar 510
amount of real property taxes levied in any year on land valued 511
and assessed in accordance with its current agricultural use 512
value and the dollar amount of real property taxes that would 513
have been levied upon such land if it had been valued and 514
assessed for such year in accordance with Section 2 of Article 515
XII, Ohio Constitution. 516

(D) "Owner" includes, but is not limited to, any person 517
owning a fee simple, fee tail, or life estate or a buyer on a 518
land installment contract. 519

(E) "Conservation practices" are practices used to abate 520
soil erosion as required in the management of the farming 521

operation, and include, but are not limited to, the 522
installation, construction, development, planting, or use of 523
grass waterways, terraces, diversions, filter strips, field 524
borders, windbreaks, riparian buffers, wetlands, ponds, and 525
cover crops for that purpose. 526

(F) "Wetlands" has the same meaning as in section 6111.02 527
of the Revised Code. 528

(G) "Biodiesel" means a mono-alkyl ester combustible 529
liquid fuel that is derived from vegetable oils or animal fats 530
or any combination of those reagents and that meets the American 531
society for testing and materials specification D6751-03a for 532
biodiesel fuel (B100) blend stock distillate fuels. 533

(H) "Biologically derived methane gas" means gas from the 534
anaerobic digestion of organic materials, including animal waste 535
and agricultural crops and residues. 536

(I) "Biomass energy" means energy that is produced from 537
organic material derived from plants or animals and available on 538
a renewable basis, including, but not limited to, agricultural 539
crops, tree crops, crop by-products, and residues. 540

(J) "Electric or heat energy" means electric or heat 541
energy generated from manure, cornstalks, soybean waste, or 542
other agricultural feedstocks. 543

(K) "Dredged material" means material that is excavated or 544
dredged from waters of this state. "Dredged material" does not 545
include material resulting from normal farming, silviculture, 546
and ranching activities, such as plowing, cultivating, seeding, 547
and harvesting, for production of food, fiber, and forest 548
products. 549

~~(K)~~ (L) "Agritourism" has the same meaning as in section 550

901.80 of the Revised Code. 551

Sec. 5713.34. (A) (1) Upon the conversion of all or any 552
portion of a tract, lot, or parcel of land devoted exclusively 553
to agricultural use a portion of the tax savings upon such 554
converted land shall be recouped as provided for by Section 36, 555
Article II, Ohio Constitution by levying a charge on such land 556
in an amount equal to the amount of the tax savings on the 557
converted land during the three tax years immediately preceding 558
the year in which the conversion occurs. If the auditor 559
discovers that agricultural land valued at the lowest valued 560
soil type, pursuant to section 5713.31 of the Revised Code, 561
because of its use for a conservation practice or devotion to a 562
land retirement or conservation program ceases to be used or 563
devoted to such purposes sooner than thirty-six months after the 564
initial certification, the auditor shall levy a charge on such 565
agricultural land in an amount equal to the reduction in taxes 566
resulting from the land's valuation at the lowest valued soil 567
type, rather than valuation at its actual soil type, in all 568
preceding years the land was so valued, not to exceed the most 569
recent three years. The charges levied under this section shall 570
constitute a lien of the state upon such converted land as of 571
the first day of January of the tax year in which the charge is 572
levied and shall continue until discharged as provided by law. 573

(2) Upon the conversion of an adequately described portion 574
of a tract, lot, or parcel of land, the county auditor shall 575
divide any numbered permanent parcel into economic units and 576
value each unit individually for the purpose of levying the 577
charge under division (A) (1) of this section against only the 578
converted portion. 579

(3) A charge shall not be levied under this section for 580

the conversion of a portion of a tract, lot, or parcel of land 581
devoted exclusively to agricultural use if the conversion is 582
incident to the construction or installation of an energy 583
facility, as defined in section 5727.01 of the Revised Code, and 584
if the remaining portion of the tract, lot, or parcel continues 585
to be devoted exclusively to agricultural use. 586

(4) A charge shall not be levied under this section for 587
the conversion of all or a portion of a tract, lot, or parcel of 588
land devoted exclusively to agricultural use if the conversion 589
is to maple forest land that is exempted from taxation under 590
section 5709.29 of the Revised Code. 591

(B) Except as otherwise provided in division (C) or (D) of 592
this section, a public entity that acquires by any means and 593
converts land devoted exclusively to agricultural use and a 594
private entity granted the power of eminent domain that acquires 595
by any means and converts land devoted exclusively to 596
agricultural use shall pay the charge levied by division (A) of 597
this section and shall not, directly or indirectly, transfer the 598
charge to the person from whom the land is acquired. A person 599
injured by a violation of this division may recover, in a civil 600
action, any damages resulting from the violation. 601

(C) The charge levied by division (A) (1) of this section 602
does not apply to the conversion of land acquired by a public 603
entity by means other than eminent domain and thereafter used 604
exclusively for a public purpose that leaves the land 605
principally undeveloped when either of the following conditions 606
applies: 607

(1) In the case of land so acquired and converted by a 608
park district created under Chapter 1545. of the Revised Code, 609
the land is located within the boundaries of the park district. 610

(2) In the case of land so acquired and converted by a 611
public entity other than a park district created under Chapter 612
1545. of the Revised Code, the land is located within the 613
boundaries of any city, local, exempted village, or joint 614
vocational school district that is wholly or partially located 615
within the boundaries of the public entity that so acquired and 616
converted the land. 617

If all or any portion of a tract, lot, or parcel of such 618
land is later developed or otherwise converted to a purpose 619
other than one of the purposes enumerated under division (E) (1) 620
of this section, the charge levied by division (A) (1) of this 621
section shall be levied against such developed or converted land 622
as otherwise required by that division. 623

The county auditor of the county in which the land is 624
located shall determine annually whether all or any portion of a 625
tract, lot, or parcel of land formerly converted to a purpose 626
enumerated under division (E) (1) of this section has been 627
developed in such a way or converted to such a purpose as to 628
require the charge levied by division (A) (1) of this section to 629
be levied against the land so developed or converted. 630

(D) Division (B) of this section does not apply to a 631
public entity that acquires by means other than eminent domain 632
and converts land devoted exclusively to agricultural use to use 633
for public, active or passive, outdoor education, recreation, or 634
similar open space uses when either of the following conditions 635
applies: 636

(1) In the case of land so acquired and converted by a 637
park district created under Chapter 1545. of the Revised Code, 638
the land is located outside the boundaries of the park district. 639

(2) In the case of land so acquired and converted by a 640
public entity other than a park district created under Chapter 641
1545. of the Revised Code, the land is located outside the 642
boundaries of any city, local, exempted village, or joint 643
vocational school district that is wholly or partially located 644
within the boundaries of the public entity that so acquired and 645
converted the land. 646

(E) As used in divisions (C) and (D) of this section: 647

(1) "Principally undeveloped" means a parcel of real 648
property that is used for public, active or passive, outdoor 649
education, recreation, or similar open space uses and contains 650
only the structures, roadways, and other facilities that are 651
necessary for such uses. 652

(2) "Public entity" means any political subdivision of 653
this state or any agency or instrumentality of a political 654
subdivision. 655

Section 2. That existing sections 321.24, 929.01, 5713.30, 656
and 5713.34 of the Revised Code are hereby repealed. 657

Section 3. This act applies to tax year 2019 and every tax 658
year thereafter. 659

Section 4. The General Assembly, applying the principle 660
stated in division (B) of section 1.52 of the Revised Code that 661
amendments are to be harmonized if reasonably capable of 662
simultaneous operation, finds that the following sections, 663
presented in this act as composites of the sections as amended 664
by the acts indicated, are the resulting versions of the 665
sections in effect prior to the effective date of the sections 666
as presented in this act: 667

Section 321.24 of the Revised Code as amended by both Sub. 668

S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of	669
the 128th General Assembly.	670
Section 5713.30 of the Revised Code as amended by both	671
Sub. H.B. 523 and Sub. S.B. 75 of the 131st General Assembly.	672