

HB 733 -- Redline

Reported to As Passed by the House -- Include maple syrup, maple product production to agriculture law

Deletions ~~struck~~ · Insertions underlined

As ~~Reported~~Passed by the House ~~Agriculture Committee~~ 136th General Assembly Regular Session Sub. Representatives Newman, ~~Schmidt~~Schmidt, Abdullahi, Baker, Brennan, Brewer, Callender, Claggett, Daniels, Deeter, Demetriou, Dovilla, Glassburn, Grim, Hoops, John, Klopfenstein, Lorenz, Mathews, A., Mathews, T., Miller, J., Miller, M., Mohamed, Oelslager, Peterson, Ray, Robb Blasdel, Roemer, Salvo, Santucci, Sigrist, Sims, Thomas, C., Troy, White, E., Williams, Willis, Young 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.

poultry 17 ~~husbandry~~Sub. ~~and the production of poultry and poultry products;~~

~~18 dairy production;~~

~~the production of field crops, tobacco, 19 fruits, vegetables, nursery stock, ornamental shrubs, ornamental 20 Sub.~~

733 Page 2 As ~~Reported~~Passed by the House ~~Agriculture~~husbandry ~~Committee~~and trees, the flowers, production sod, of or ~~poultry mushrooms, and poultry products;~~

18 dairy production;

the production of field crops, tobacco, 19 fruits, vegetables, nursery stock, ornamental shrubs, ornamental 20 trees, flowers, sod, or mushrooms;

animal husbandry, 47 including, but not limited to, the care and raising of 48 ~~livestock, Sub. 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 Sub.~~

733 Page 3 As ~~Reported~~Passed by the House ~~Agriculture~~livestock, Committee ~~equine, vegetables, and nursery fur-bearing stock, animals; ornamental shrubs, ornamental trees, 52 flowers, sod, or mushrooms;~~

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;

or any 79 ~~combination~~Sub. of those items.

~~80 (2) "Algacultural product" means algal paste, algal 81 Sub.~~

733 Page 4 As ~~Reported~~Passed by the House ~~Agriculture~~combination ~~Committee powder, or dried algae that is comprised primarily of algal those 82 items. biomass.~~

80 (2) "Algacultural product" means algal paste, algal 81 powder, or dried algae that is comprised primarily of algal 82 biomass.

107 ~~(B) Sub. No person shall commit a specified offense involving 108 any agricultural product or equipment with the intent to do any 109 of the following:~~

~~110 Sub.~~

733 Page 5 As ~~Reported~~Passed by the House ~~Agriculture (B) Committee~~No (1) person Intimidate ~~shall commit a specified offense involving 108 any agricultural product or coerce equipment a with civilian the population; intent to do any 109 of the following:~~

110 (1) Intimidate or coerce a civilian population;

131 (D)(1) In addition to the penalties established in section 132 901.99 of the Revised Code for a violation of this section, the 133 court may require any person who violates this section to pay 134 the victim of the offense an amount up to triple the value of 135 the agricultural product or equipment that was the subject of 136 ~~the Sub. violation.~~

~~137 (2) In ordering restitution under division (D)(1) of this 138 section, the court shall consider as part of the value of the 139 Sub.~~

733 Page 6 As ~~Reported~~Passed by the House ~~Agriculture Committee~~ ~~agricultural product or equipment the market value of the 140 agricultural product or equipment prior to the violation and the 141 production, research, testing, replacement, and development 142 costs directly related to the agricultural product or equipment 143 that was the subject of the violation.~~

137 (2) In ordering restitution under division (D)(1) of this 138 section, the court shall consider as part of the value of the 139 agricultural product or equipment the market value of the 140 agricultural product or equipment prior to the violation and the 141 production, research, testing, replacement, and

development 142 costs directly related to the agricultural product or equipment 143 that was the subject of the violation.

and includes the processing, drying, storage, and 165 marketing of agricultural products when those activities are 166 ~~conductedSub. in conjunction with such husbandry, production, or 167 growth.~~

~~168 "Agricultural production" includes conservation practices, 169 Sub.~~

733 Page 7 As ~~Reported~~Passed by the House ~~Agriculture~~conducted Committee~~in provided conjunction thatwith~~the such tracts, husbandry, lots, production, or parcels167 ofgrowth. 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.

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.

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 Sub.~~

733 Page 8 As ~~Reported~~Passed by the House ~~Agriculture~~(2) Committee "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.

~~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 Sub.~~

733 Page 9 As ~~Reported~~Passed by the House ~~Agriculture~~(C) Committee 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.

~~253 (C)Sub. "Association" means any corporation organized under 254 this chapter.~~

~~255 Sub.~~

733 Page 10 As ~~Reported~~Passed by the House ~~Agriculture~~(C) Committee "Association" (D) "Bargaining" means the any mutual corporation obligation organized of under a254 handlerthis 256chapter. and a marketing cooperative to meet at reasonable times and 257 confer and negotiate in good faith.

255 (D) "Bargaining" means the mutual obligation of a handler 256 and a marketing cooperative to meet at reasonable times and 257 confer and negotiate in good faith.

278 (J) "Marketing agreement" means an agreement, contract, or 279 other arrangement between a cooperative and a member in which 280 the member agrees to market all or a part of the products or 281 produce produced by the member, or agrees to purchase all or a 282 ~~partSub. of the member's requirements for inputs, services, or 283 supplies.~~

~~284 Sub.~~

733 Page 11 As ~~Reported~~Passed by the House ~~Agriculture~~part Committee (K) "Marketing cooperative" means any agricultural 285 cooperative meeting the requirements of the "Co-operative member's 286 requirements Marketingfor Associationsinputs, Act," services, 42or Stat.283 supplies.

284 (K) "Marketing cooperative" means any agricultural 285 cooperative meeting the requirements of the "Co-operative 286 Marketing Associations Act," 42 Stat.

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 ~~productsSub. for the market that receives as rent part of the 311 agricultural product.~~

~~312 Sub.~~

733 Page 12 As ~~Reported~~Passed by the House ~~Agriculture~~products Committee for (S) "Sales contract" means a marketing agreement or other 313 similar arrangement between a handler and a producer, negotiated 314 by the producermarket orthat byreceives an agricultural cooperative acting as 315rent agentpart forof a producer, under which the producer311 agrees to grow or 316 produce agricultural productsproduct. for sale to the handler.

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.

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 Sub.~~

733 Page 13 As ~~Reported~~Passed by the House ~~Agriculture~~notice, Committee 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 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~~ Sub.

733 Page 14 As ~~Reported~~Passed by the House ~~Agriculture~~the Committeeamount 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.

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 Sub.

733 Page 15 As ~~Reported~~Passed by the House ~~Agriculture~~department Committeeand 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.

427 (J) Nothing in this section shall be construed to permit 428 the director to acquire real property by appropriation for the 429 ~~purpose~~Sub. of leasing it for agricultural purposes.

~~430 Sec.~~

~~5713.30.~~

~~As used in sections 5713.31 to 5713.37 and 431 Sub.~~

733 Page 16 As ~~Reported~~Passed by the House ~~Agriculture~~purpose Committeeof 5715.01 leasing of it the for Revisedagricultural Code: purposes.

~~430 Sec.~~

~~5713.30.~~

As used in sections 5713.31 to 5713.37 and 431 5715.01 of the Revised Code:

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~~ Sub.

733 Page 17 As ~~Reported~~Passed by the House ~~Agriculture~~fifty Committeeper 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.

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~~ Sub.

733 Page 18 As ~~Reported~~Passed by the House ~~Agriculture~~but Committeesuch 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.

519 ~~Notwithstanding any other provision of law to the 520 contrary, the existence of agritourism on a tract, lot, or 521~~ Sub.

733 Page 19 As ~~Reported~~Passed by the House ~~Agriculture~~Notwithstanding Committeeany 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.

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

~~550 Sub.~~

733 Page 20 As ~~Reported~~Passed by the House ~~Agriculture~~manner Committeethat The is construction consistent or with installation the of return 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 553 549 agricultural use production shall after not three cause years. 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.~~

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.

~~577 (G) "Biodiesel" means a mono-alkyl ester combustible 578 liquid fuel that is derived from vegetable oils or animal fats 579 Sub.~~

733 Page 21 As ~~Reported~~Passed by the House ~~Agriculture~~(G) Committee "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.

~~606 (2) A tract, lot, or parcel that meets at least one of the 607 Sub.~~

733 Page 22 As ~~Reported~~Passed by the House ~~Agriculture~~(2) Committee 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.

The amendment by this act of section 5713.30 of 635 ~~the Revised Code applies to tax years beginning on or after the 636 Sub.~~

733 Page 23 As ~~Reported~~Passed by the House ~~Agriculture~~the Committee Revised Code applies to tax years beginning on or after the 636 effective date of this section.