

Executive

As Passed by the House

AGRCD2 Elimination of the Agricultural Financing Commission and its related state fund

R.C. *901.61, 901.62, 901.63, 901.64 (All Repealed)
902.01, Section 512.60*

Eliminates the Agricultural Financing Commission, which is required to make recommendations to and advise the Director of Agriculture concerning the Family Farm Loan Program, which was repealed in 2007.

Abolishes the Agricultural Financing Commission Fund (Fund 5750) and requires the Director of Budget and Management to transfer the remaining cash balance to the GRF.

Fiscal effect: The remaining cash balance in Fund 5750 is just over \$3,000. This amount would be transferred to the GRF.

R.C. *901.61, 901.62, 901.63, 901.64 (All Repealed)
902.01, Section 512.60*

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

AGRCD6 Review compliance certificates

R.C. *903.04, (Repealed), 903.01, 903.03, 903.07,
903.09, 903.10, 903.11, 903.12, 903.13,
903.16, 903.17, and 903.25*

Eliminates provisions governing review compliance certificates issued under the Concentrated Animal Feeding Facilities Law, the operation of which has expired.

Fiscal effect: None.

R.C. *903.04, (Repealed), 903.01, 903.03, 903.07,
903.09, 903.10, 903.11, 903.12, 903.13,
903.16, 903.17, and 903.25*

Same as the Executive.

Fiscal effect: Same as the Executive.

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AGRCDD5 Certification for application of manure

R.C. 903.40

(1) Prohibits a person, for the purposes of the cultivation, primarily for sale, of plants or any parts of plants on more than 50 acres, from applying manure obtained from a concentrated animal feeding facility issued a permit under the Concentrated Animal Feeding Facilities Law unless one of the following applies: (A) The person has been issued a livestock manager certification under that Law; or (B) The person has been certified under the bill to apply the manure by the Director of Agriculture.

(1) No provision.

(2) Requires the Director to issue, renew, and deny certifications for the application of manure in the same manner as for the certification of fertilizer application established in the Fertilizer Law and rules adopted under it.

(2) No provision.

Fiscal effect: Potential increase in administrative costs to certify persons to apply manure obtained from a concentrated animal feeding facility. These costs would be partially offset by an application fee that will likely be deposited into the Pesticide, Fertilizer, and Lime Program Fund (Fund 6690).

AGRCDD4 Application of fertilizer and manure

R.C. 905.326, 905.327, 1511.10, 1511.11, 1511.99,
 Section 709.10

Does all of the following regarding the application of fertilizer and manure in the western basin of Lake Erie:

No provision.

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- (1) Prohibits, with certain exceptions, the application of fertilizer or manure on frozen ground, on saturated soil, and during certain weather conditions;
- (2) Requires the Director of Agriculture or the Director's designee to administer the fertilizer provisions and the Director of Natural Resources or the Director's designee to administer the manure provisions;
- (3) States that the prohibition does not affect any restrictions established in the Concentrated Animal Feeding Facilities Law or otherwise apply to those entities or facilities that are permitted as concentrated animal feeding facilities under that Law;
- (4) Exempts a person from the prohibition if the person applies the fertilizer or manure, as applicable, under specified circumstances, including injecting the fertilizer or manure into the ground and incorporating the fertilizer or manure within 24 hours of surface application;
- (5) Authorizes the Director of Agriculture or the Director's designee or the Director of Natural Resources or the Director's designee to investigate complaints filed against a person that violates the above prohibition, including applying for a search warrant;
- (6) Authorizes the applicable Director to assess a civil penalty against a person that violates the prohibition against the application of fertilizer or manure, as applicable, only if the person is afforded an opportunity for an adjudication hearing;
- (7) Requires a violator of the prohibition against the application of fertilizer or manure, as applicable, to pay a

- (1) No provision.
- (2) No provision.
- (3) No provision.
- (4) No provision.
- (5) No provision.
- (6) No provision.
- (7) No provision.

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civil penalty in an amount determined in rules, not to exceed \$10,000;

(8) Specifies that a violator of the prohibition against the application of manure is guilty of a first degree misdemeanor and also may be assessed damages for repairing any damage to property caused by the violation; and

(8) No provision.

(9) Requires a legislative review of the above provisions four years after their effective date to determine if they should be repealed.

(9) No provision.

Fiscal effect: May increase costs for the Department of Agriculture and the Department of Natural Resources to investigate and pursue complaints regarding improper manure and fertilizer application. Some of these enforcement costs would be offset by civil penalties that could be imposed.

AGRCD3 High Volume Breeder Kennel Control License Fund

R.C. 956.18

Eliminates the requirements that money may only be released from the High Volume Breeder Kennel Control License Fund (Fund 5MR0) with Controlling Board approval and that the Director of Agriculture request the release of not more than \$2.5 million per biennium, thus removing the cap on expenditures from Fund 5MR0.

No provision.

Fiscal effect: Provides additional flexibility to fund the program. Fund 5MR0 revenue was approximately \$164,000 in FY 2014.

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AGRCD1 Wine tax revenue credited to the Ohio Grapes Industries Fund

R.C. 4301.43

Extends through June 30, 2017, the two cents per gallon wine tax revenue that is credited to the Ohio Grape Industries Fund (Fund 4960).

Fiscal effect: Maintains the current amount of wine tax revenue credited to DPF Fund 4960 through the FY 2016-FY 2017 biennium to support marketing and production in the grape industry. Fund 4960 received nearly \$1.1 million from this portion of wine tax proceeds in FY 2014 and is estimated to receive about the same amount in FY 2015. Receipts from the wine tax are otherwise credited to the GRF.

R.C. 4301.43

Same as the Executive.

Fiscal effect: Same as the Executive.

AGRCD12 Exceptions to requirements for licensure under Auctioneers Law

No provision.

No provision.

R.C. 4707.02

Does both of the following regarding exemptions from the existing prohibition against acting as an auction firm, auctioneer, or apprentice auctioneer within Ohio without a license issued by the Department of Agriculture:

(1) Adds an exemption for sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code, e.g., a business league, chamber of commerce, or board of trade, and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in Ohio when the property to be sold is donated to or is the property of the organization and the proceeds

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No provision.

remain within the organization or are donated to a nonprofit charitable organization; and

(2) Revises the existing exemption for a bid calling contest conducted for the purposes of the advancement or promotion of the auction profession in Ohio by removing the provision that no compensation is paid to the sponsor of or participants in the contest other than a prize or award for winning the contest.

Fiscal effect: None.

AGRCD8 Dangerous and Restricted Wild Animals

Section: 211.10

Specifies that GRF appropriation item 700426, Dangerous and Restricted Animals, be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

Section: 211.10

Same as the Executive.

AGRCD9 County Agricultural Societies

Section: 211.10

Requires that GRF appropriation item 700501, County Agricultural Societies, be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

Section: 211.10

Same as the Executive.

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AGRCD10 Clean Ohio Agricultural Easement Operating Expenses

Section: 211.10

Requires CLF Fund 7057 appropriation item 700632, Clean Ohio Agricultural Easement Operating, to be used to administer the Clean Ohio Agricultural Easement Purchase Program under sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

Section: 211.10

Same as the Executive.

AGRCD11 Agricultural Society Facilities Grant Program

No provision.

Sections: 717.10, 211.10

Creates the Agricultural Society Facilities Grant Program for fiscal years 2016 and 2017 to provide grants to county agricultural societies and independent agricultural societies to support capital projects that enhance the use and enjoyment of agricultural society facilities by individuals, and allows agricultural societies to apply to the Director of Agriculture for monetary assistance to be used for the acquisition, construction, reconstruction, expansion, improvement, planning, and equipping of such facilities.

No provision.

Requires the Director of Agriculture or the Director's designee, not later than 90 days after the effective date of the amendment, to establish requirements and procedures for the administration of the program, including all of the following: (1) a grant application form, (2) procedures for reviewing an application, (3) procedures for awarding grant money, and (4) any other requirements and procedures the Director of the Director's designee determines to be necessary to administer the program.

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No provision.

Restricts an agricultural society that applies for a grant under the program from receiving an award greater than twice the amount the agricultural society obtains as a matching grant from an individual or other entity, specifies that the matching grant may be any combination of funding, materials, and donated labor, and requires documentation of the matching grant to be submitted with the grant application.

No provision.

Requires an agricultural society that applies for a grant to submit the grant application and matching grant documentation to the Director or the Director's designee not later than July 1, 2016, in accordance with the requirements and procedures established by the Director or the Director's designee.

No provision.

Requires the Director or the Director's designee, after reviewing a grant application and matching grant documentation, to approve or disapprove the application and award all grants not later than August 1, 2016, and to so notify each grant recipient.

No provision.

Requires GRF appropriation item 700505, Agricultural Society Facilities Grant, to be used by the Department of Agriculture to administer the Agricultural Society Facilities Grant Program.

Fiscal effect: The bill provides GRF funding of \$4.7 million in FY 2017 under a new appropriation item, 700505, Agricultural Society Facilities Grant, for the Department of Agriculture to administer the program.

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AIRCD1 Energy Strategy Development Program

Section: 213.20

Requires OAQDA to establish the Energy Strategy Development Program to develop energy initiatives, projects, and policy that align with the energy policy for the state. Creates the Energy Strategy Development Fund (Fund 5EG0) consisting of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Specifies that interest earned on money in Fund 5EG0 be credited to the GRF.

Permits the Director of Budget and Management to make the following cash transfers up to the amounts specified to Fund 5EG0 on July 1 or as soon as possible thereafter each fiscal year:

- (1) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the State Agency Construction Project Service Fund (Fund 1310) used by the Ohio Facilities Construction Commission;
- (2) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Indirect Cost Fund (Fund 5GH0) used by the Department of Agriculture;
- (3) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Supportive Services Fund (Fund 1350) used by the Development Services Agency;
- (4) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Indirect Cost Fund (Fund 2190) used by the Environmental Protection Agency;

Section: 213.20

Same as the Executive.

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

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(5) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Chargeback Fund (Fund 1570) used by the Department of Natural Resources; and
 (6) Up to \$39,150 in FY 2016 and up to \$39,199 in FY 2017 from the Highway Operating Fund (Fund 7002) used by the Department of Transportation.

Allows the Director of Budget and Management to transfer any remaining cash in Fund 5EG0 at the end of FY 2017 to the GRF. Abolishes Fund 5EG0 upon completion of the transfer.

Fiscal effect: Generates up to \$176,175 in FY 2016 and up to \$176,394 in FY 2017 for oversight of energy initiatives, projects, and strategies that align with the state's energy policy.

(5) Same as the Executive.

(6) Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

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LECCD1 Cash transfers to the Lake Erie Resources Fund

Section: 313.10

- (1) Permits the Director of Budget and Management, on July 1 of each fiscal year, or as soon as possible thereafter, to transfer up to \$44,000 from each of the following funds to the Lake Erie Resources Fund (Fund 5D80):
 - (a) Environmental Protection Fund (Fund 5BC0) used by the Ohio Environmental Protection Agency.
 - (b) Pesticide, Fertilizer and Lime Fund (Fund 6690) used by the Department of Agriculture.
 - (c) General Operations Fund (Fund 4700) used by the Department of Health.
 - (d) Central Support Indirect Fund (Fund 1570) used by the Department of Natural Resources.
- (2) Permits the Director of Budget and Management, on July 1 of each fiscal year, or as soon as possible thereafter, to transfer \$44,000 from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 5D80.
- (3) Permits Fund 5D80 to accept contributions and transfers made to the fund.

Section: 313.10

- (1) Same as the Executive.
- (a) Same as the Executive.
- (b) Same as the Executive.
- (c) Same as the Executive.
- (d) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.

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DNRCD41 Legislative review of statutes regarding the application of fertilizer and manure to agricultural fields**Section: 709.10**

Requires, within four years of the effective date of Section 709.10 of H.B. 64 of the 131st General Assembly, the committees of the House of Representatives and the Senate that are primarily responsible for agriculture and natural resource matters to jointly review the effectiveness of Sections 905.326, 905.327, 1511.10, and 1511.11 or the Revised Code regarding the application of fertilizer and manure to agricultural fields in order to determine whether to recommend legislation repealing those sections. Requires the committees to jointly issue a report to the Governor containing their findings and recommendation. Permits the committees, if they do not recommend repealing those sections, to include in the report additional recommendations for revisions to those sections.

No provision.

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PUCCD1 Utility Radiological Safety Board assessments

Section: 506.10

Specifies, absent contractual agreement, the maximum amounts that may be assessed against each nuclear electric utility under R.C. 4937.05 on behalf of four state agencies and deposited into the specified funds as follows:

- (1) \$125,000 in each fiscal year to the Utility Radiological Safety Fund (Fund 4E40) used by the Department of Agriculture;
- (2) \$1,086,098 in each fiscal year to the Radiation Emergency Response Fund (Fund 6100) used by the Department of Health;
- (3) \$298,304 in FY 2016 and \$303,174 in FY 2017 to the ER Radiological Safety Fund (Fund 6440) used by the Environmental Protection Agency; and
- (4) \$1,200,000 in each fiscal year to the Emergency Response Plan Fund (Fund 6570) used by the Department of Public Safety.

Fiscal effect: Up to \$2.8 million in each fiscal year may be assessed against nuclear electric utilities and made available to the four state agencies for their statutory purposes.

Section: 506.10

Same as the Executive.

Fiscal effect: Same as the Executive.