



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 276

129th General Assembly  
(As Introduced)

**Reps.** Buchy and Gentile, Hall, Derickson, Peterson, Balderson, Boose, Ruhl, Murray, O'Brien, Huffman, Grossman, Amstutz, Hackett, Maag, Gonzales, R. Adams, Johnson, Yuko, Fende

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## BILL SUMMARY

- Revises the definition of "agriculture" for purposes of the statutes governing county zoning and township zoning to include biodiesel production, biomass energy production, electric or heat energy production, and biologically derived methane gas production, and defines "biodiesel," "biomass energy," "electric or heat energy," and "biologically derived methane gas."
- Revises the definition of "land devoted exclusively to agricultural use" for purposes of the statutes that govern current agricultural use valuation of real property for real property tax assessment to include land devoted exclusively to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production.

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## CONTENT AND OPERATION

For purposes of the statutes governing county zoning and township zoning, current law defines "agriculture" to include specified activities that are identical for both county and township zoning. The bill adds biodiesel production, biomass energy production, electric or heat energy production, and biologically derived methane gas production to the definition of "agriculture" in both instances.<sup>1</sup> It then defines all of the following terms:

"Biodiesel" means a mono-alkyl ester combustible liquid fuel to which all of the following apply:

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<sup>1</sup> R.C. 303.01(A) and 519.01(A).

(1) It is derived from vegetable oils or animal fats or any combination of those reagents;

(2) It meets the American Society for Testing and Materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels; and

(3) At least 50% of the starting material that was used to produce the fuel was derived from the same tracts, lots, or parcels of land on which the fuel was produced.

"Biologically derived methane gas" means gas from the anaerobic digestion of organic materials, including animal waste, municipal wastewater, and agricultural crops and residues, provided that at least 50% of the starting material that was used to produce the gas was derived from the same tracts, lots, or parcels of land on which the gas was produced.

"Biomass energy" means energy that is produced from organic material derived from plants or animals and available on a renewable basis, including, but not limited to, agricultural crops, tree crops, crop by-products, and residues, provided that at least 50% of the starting material that was used to produce the energy was derived from the same tracts, lots, or parcels of land on which the energy was produced.

"Electric or heat energy" means electric or heat energy at least 50% of which was generated from manure, cornstalks, soybean waste, or other agricultural feedstocks that were produced on the same tracts, lots, or parcels of land on which the electric or heat energy was produced.<sup>2</sup>

For purposes of the statutes that govern current agricultural use valuation of real property for real property tax assessment, current law defines "land devoted exclusively to agricultural use" in part to mean land devoted exclusively to specified activities. The bill adds biodiesel production, biomass energy production, electric or heat energy production, and biologically derived methane gas production to the list of specified activities in the definition. It then states that "biodiesel," "biomass energy," "electric or heat energy," and "biologically derived methane gas" have the meanings discussed above.<sup>3</sup>

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<sup>2</sup> R.C. 303.01(B) and 519.01(B).

<sup>3</sup> R.C. 5713.30(A) and (G).

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## HISTORY

ACTION

DATE

Introduced

06-21-11

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