
DEPARTMENT OF AGRICULTURE

Transfer of Agricultural Soil and Water Conservation Program

- Transfers, effective January 1, 2016, the administration of the Agricultural Soil and Water Conservation Program from the Department of Natural Resources to the Department of Agriculture, and retains all components of the Program.
- Effects the transfer by doing, in part, both of the following:
 - Requiring the Directors of Natural Resources and Agriculture to enter into a memorandum of understanding and requiring the Director of Agriculture to adopt rules that are identical to rules adopted by the Director of Natural Resources; and
 - Stipulating that all operation and management plans developed prior to the transfer continue in effect as if they were developed under the act.

State matching funds for conservation districts

- Authorizes a board of county commissioners that has established a county sewer district to enter into a contract with another public agency under which that agency will undertake projects and activities for compliance with phase II of the federal storm water program.
- If the contract is with a soil and water conservation district, generally requires the Department of Agriculture to pay the district state funds to match the money the district receives under the contract, as part of ongoing state matching payments to the districts.
- Stipulates limits on the state matching money paid in calendar years 2015, 2016, and 2017 for the contracted storm water activities.

Agricultural Society Facilities Grant Program

- Creates the Agricultural Society Facilities Grant Program to provide grants in fiscal year 2017 to county and independent agricultural societies to support capital projects that enhance the use and enjoyment of agricultural society facilities.
- Generally requires each agricultural society that applies for assistance to receive an equal amount appropriated for the above purposes.



- Requires the Director of Agriculture or the Director's designee to establish requirements and procedures for the Program, including procedures for reviewing applications and awarding grants.
- Requires each agricultural society to provide a matching grant.
- Requires the Director or designee, after reviewing a grant application and matching grant documentation, to approve the application unless:
 - The project or facility is not a bondable capital improvement project; or
 - The agricultural society does not provide a matching grant.

Other provisions

- Eliminates the Agricultural Financing Commission, which was required to advise the Director concerning the Family Farm Loan Program, which was repealed in 2007.
- Eliminates provisions that governed review compliance certificates issued under the Concentrated Animal Feeding Facilities Law, the operation of which has expired.
- Eliminates requirements and procedures under which a board of county commissioners had to reimburse the owner of an animal that had been killed or injured by a dog belonging to another.
- Extends through June 30, 2017, the extra 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund.
- Regarding exemptions from licensure under the Auctioneers Law:
 - Adds an exemption for sales at an auction sponsored by a tax-exempt organization such as a business league, chamber of commerce, or board of trade when certain conditions apply; and
 - Revises the continuing exemption for a bid-calling contest conducted to advance or promote the auction profession in Ohio by allowing any type of compensation to be paid to the event's sponsor or participants.

Transfer of Agricultural Soil and Water Conservation Program

(R.C. 121.04, 305.31, 505.101, 717.01, 901.08, 901.21, 901.22, 903.082, 903.11, 903.25, 905.31, 905.323, 931.01, 931.02, 939.01 to 939.10, 940.01 to 940.35, 941.14, 953.22, 1501.011,



1501.04, 3714.073, 3718.03, 3734.02, 3734.029, 3734.901, 3745.70, 4115.03, 5301.68, 5301.69, 5537.05, 5705.19, 6111.01, 6111.03, 6111.04, 6111.12, 6111.44, and 6131.23; R.C. 1511.01, 1511.04, 1511.06, 1511.07, 1511.08, and 1511.99 (all repealed); Sections 709.20, 709.30, 709.40, and 709.50)

The act transfers, effective January 1, 2016, the administration of the Agricultural Soil and Water Conservation Program from the Department of Natural Resources to the Department of Agriculture and retains all of the components of the Program. The act effects the transfer by doing, in part, all of the following:

(1) Requiring the Directors of Natural Resources and Agriculture to enter into a memorandum of understanding, requiring the Director of Natural Resources to identify in the memorandum all rules that apply to the Program, and requiring the Director of Agriculture to adopt rules identical to the rules identified in the memorandum;

(2) Stating that, subject to the layoff provisions of the law governing state and local personnel or the applicable collective bargaining agreement, all employees relating to the Program are transferred to the Department of Agriculture and retain their same positions and all benefits accruing to them;

(3) Stipulating that all operation and management plans developed prior to the transfer continue in effect as if they were developed under the act; and

(4) Transferring to the Director of Agriculture responsibility for administering the Agricultural Pollution Abatement Fund, which is used to pay the costs of investigating or abating water degradation caused by agricultural pollution or an unauthorized discharge of manure or residual farm products that requires emergency action to protect public health.

The act authorizes the Director of Agriculture to enforce the law governing the Agricultural Soil and Water Conservation Program, including taking corrective actions, imposing civil and administrative penalties, and seeking injunctive relief. Formerly, DNR enforced that law by issuing orders requiring compliance with specified rules relating to the abatement of the degradation of the waters of the state by agricultural pollution. If a person failed to comply with those orders, DNR could seek a court order requiring the person to cease the violation and remove the agricultural pollutant.

State matching funds for conservation districts

(R.C. 940.15 and 6117.021)

The act designates a new source of local funds that soil and water conservation districts may use to draw state matching funds: money they receive under contracts with counties for storm water projects and activities. Previously, the Department of



Natural Resources has paid state matching funds to the districts under the Agricultural Soil and Water Conservation Program. Administration of the payments will transfer to the Department of Agriculture as part of the act's transfer of the Program to it.

The new source for state matching payments is contracts with counties for projects and activities aimed at compliance with phase II of the federal storm water program. This entails two steps. First, the act authorizes a board of county commissioners that has established a county sewer district to enter into these contracts with other public agencies. The contract may be for a period and on terms that are mutually agreed upon. Second, it directs the payment of the state matching funds to soil and water conservation districts that have entered these contracts. The districts may use money they receive under the contracts to match the state funds.

Payment of the new matching funds is subject to the guidelines that already apply to the previously authorized matching payments, with some particular stipulations for the new payments in calendar years 2015 to 2017. Specifically, the state match cannot exceed dollar for dollar per calendar year, and the act retains the general aggregate cap of \$8,000 per district, per calendar year for all eligible activities. The act retains the Soil and Water Conservation Commission's authority to approve a payment exceeding \$8,000 on a case-by-case basis. Matching payments also are limited to the amounts appropriated for them.

However, for calendar years 2015, 2016, and 2017, the state match paid to a district for the newly authorized storm water contracts:

(1) Generally cannot exceed the matching money the district was paid in calendar year 2013 as a result of having used, directly or indirectly, the proceeds of a similar contract between the county and the district to obtain the state match; but

(2) May exceed that amount to the extent the district uses other sources of local matching funds in state fiscal years 2015, 2016, and 2017.

Agricultural Society Facilities Grant Program

(Section 717.10)

The act creates the Agricultural Society Facilities Grant Program to provide grants in fiscal year 2017 to county and independent agricultural societies to support capital projects that enhance the use and enjoyment of agricultural society facilities by individuals. Agricultural societies may apply to the Director of Agriculture for monetary assistance to acquire, construct, reconstruct, expand, improve, plan, and equip such facilities. Except as discussed below, each agricultural society that applies for assistance must receive an equal amount appropriated for those purposes.



By December 29, 2015, the Director or the Director's designee must establish requirements and procedures for the Program, including an application form, procedures for reviewing applications and awarding grants, and any other requirements and procedures the Director or designee determines necessary. The requirements must include a requirement that each agricultural society provide a matching grant. The matching grant may be any combination of funding, materials, and donated labor. Documentation of the matching grant must be submitted with the grant application. An agricultural society must submit the grant application and matching grant documentation by July 1, 2016.

The Director or designee must approve an application unless either of the following applies:

- (1) The project or facility is not a bondable capital improvement project; or
- (2) The agricultural society does not provide a matching grant.

The Director or designee must award all grants by August 1, 2016, and must so notify each grant recipient.

Agricultural Financing Commission

(R.C. 901.61, 901.62, 901.63, and 901.64 (all repealed), and 902.01)

The act eliminates the Agricultural Financing Commission, which was required to advise the Director of Agriculture concerning the Family Farm Loan Program, which was repealed in 2007.

Review compliance certificates

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

The act eliminates provisions that governed review compliance certificates issued under the Concentrated Animal Feeding Facilities Law, the operation of which has expired.

County payment for injury or loss of animals by dogs

(R.C. 955.12, 955.121, 955.14, 955.15, 955.20, and 955.27; R.C. 955.29, 955.30, 955.32, 955.35, 955.351, 955.36, 955.37, and 955.38 (all repealed))

The act eliminates requirements and procedures under which a board of county commissioners had to reimburse the owner of an animal that had been killed or injured by a dog not belonging to the owner. Accordingly, the act repeals provisions that:



--Allowed an owner of an animal that the owner believed had a fair market value of \$10 or more to make a claim for the injury or loss of that animal;

--Required a board of county commissioners to hear a claim and, if the dog warden determined that the claim was valid, pay the claim from the dog and kennel fund or the county general fund;

--Required statements and testimony regarding the loss or injury of an animal to be on forms prepared by the Secretary of State;

--Allowed an owner of an animal that had been killed or injured by a dog to appeal a final allowance made by a board of county commissioners; and

--Required a probate court to hear an appeal by the animal's owner and determine the fair market value of that animal and the limit on relief.

Wine tax diversion to Ohio Grape Industries Fund

(R.C. 4301.43)

The act extends through June 30, 2017, the extra 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund. Continuing law imposes a tax on the distribution of wine, vermouth, and sparkling and carbonated wine and champagne at rates ranging from 30¢ per gallon to \$1.48 per gallon. From the taxes paid, a portion is credited to the Fund for the encouragement of the state's grape and wine industry. The remainder is credited to the GRF.

Auctioneer licensure

(R.C. 4707.02)

The act does both of the following regarding exemptions from the continuing 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 that is (a) 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 (b) 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 remain within the organization or are donated to a nonprofit charitable organization; and



(2) Revises the continuing exemption for a bid-calling contest conducted to advance or promote the auction profession in Ohio by allowing any type of compensation to be paid to the event's sponsor or participants. Formerly, no compensation could be paid other than a prize or award for winning the contest.

