

Sub. H.B. 6
As Reported by H. Energy
and Natural Resources

Topic: Solar, credit price, remittance, owner operations, and tax changes

_____ moved to amend as follows:

- In line 5 of the title, after "5501.311," insert "5727.47," 1
- In line 11 of the title, after "3706.485," insert "3706.486," 2
- In line 26, after "4928.6610," insert "5727.47," 3
- In line 30, after "3706.485," insert "3706.486," 4
- In line 332, delete "an" and insert "both of the following:" 5
- (1) An" 6
- In line 335, delete "(1)" and insert "(a)" 7
- In line 338, delete "(2)" and insert "(b)" 8
- In line 341, delete "(3)" and insert "(c)" 9
- In line 342, delete "(a)" and insert "(i)" 10
- In line 345, delete "(b)" and insert "(ii)" 11
- In line 348, delete "(4)" and insert "(d)" 12
- In line 351, delete "(5)" and insert "(e)" 13
- After line 352, insert: 14
- "(f) The facility's owner maintains operations in this state." 15
- (2) An electric generating facility in this state that uses 16

or will use solar energy as the primary energy source that 17
satisfies all of the criteria in divisions (A)(1)(a) to (e) of 18
this section and that has obtained a certificate from the power 19
siting board prior to June 1, 2019." 20

After line 366, insert: 21

"(F) "Credit price adjustment" means a reduction to the price 22
for each clean air credit equal to the market price index minus 23
the strike price. 24

(G) "Strike price" means forty-six dollars per megawatt hour. 25

(H) "Market price index" means the sum, expressed in dollars 26
per megawatt hour, of both of the following for the upcoming 27
program year: 28

(1) Projected energy prices, determined using futures 29
contracts for the PJM AEP-Dayton hub; 30

(2) Projected capacity prices, determined using PJM's 31
rest-of-RT0 market clearing price." 32

In line 508, delete "(1)" 33

In line 511, delete "as" 34

In line 512, delete "long as there is sufficient money in the 35
fund" and insert "subject to section 3706.486 of the Revised Code" 36

Delete lines 516 through 519 37

In line 521, after "dollars" insert ", except as provided in 38
division (C) of this section." 39

(C) To ensure that the purchase of clean air credits remains 40
affordable to retail customers if electricity prices increase, on 41
the first day of April during the first program year and annually 42
on that date in subsequent program years, the authority shall 43

apply the credit price adjustment for the upcoming program year if
the market price index exceeds the strike price on that date. This
division shall apply only to clean air resources fueled by nuclear
power"

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After line 538, insert:

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"Sec. 3706.486. (A) If the money in the Ohio clean air
program fund is insufficient in a particular month to make the
remittances in the amount required under division (A) of section
3706.482 of the Revised Code, the Ohio air quality development
authority shall, not later than fourteen days after the close of
that month, direct the treasurer of state to remit money from the
Ohio clean air program fund to pay for the unpaid credits before
any other remittances are made. Remittances made under division
(A) of this section shall be made in the following order of
priority:

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(1) To the owners of clean air resources fueled by nuclear
power;

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(2) To the owners of clean air resources that use or will use
solar energy.

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(B) After any remittances are made under division (A) of this
section, the remittances under sections 3706.482 and 3706.485 of
the Revised Code shall be made in the following order of priority:

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(1) Under section 3706.482 of the Revised Code, to the owners
of clean air resources fueled by nuclear power;

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(2) Under section 3706.482 of the Revised Code, to the owners
of clean air resources that use or will use solar energy;

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(3) Under section 3706.485 of the Revised Code, to electric
distribution utilities as reimbursement for costs as described in

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that section." 72

In line 554, after "2027," delete the balance of the line and 73

insert "an unaffiliated and independent third party" 74

After line 1776, insert: 75

"**Sec. 5727.47.** (A) Notice of each assessment certified or 76

issued pursuant to section 5727.23 or 5727.38 of the Revised Code 77

shall be mailed to the public utility, and its mailing shall be 78

prima-facie evidence of its receipt by the public utility to which 79

it is addressed. With the notice, the tax commissioner shall 80

provide instructions on how to petition for reassessment and 81

request a hearing on the petition. ~~If~~ Except as otherwise provided 82

in division (G) of this section, if a public utility objects to 83

such an assessment, it may file with the commissioner, either 84

personally or by certified mail, within sixty days after the 85

mailing of the notice of assessment a written petition for 86

reassessment signed by the utility's authorized agent having 87

knowledge of the facts. The date the commissioner receives the 88

petition shall be considered the date of filing. The petition 89

shall indicate the utility's objections, but additional objections 90

may be raised in writing if received by the commissioner prior to 91

the date shown on the final determination. 92

In the case of a petition seeking a reduction in taxable 93

value filed with respect to an assessment certified under section 94

5727.23 of the Revised Code, the petitioner shall state in the 95

petition the total amount of reduction in taxable value sought by 96

the petitioner. If the petitioner objects to the percentage of 97

true value at which taxable property is assessed by the 98

commissioner, the petitioner shall state in the petition the total 99

amount of reduction in taxable value sought both with and without 100

regard to the objection pertaining to the percentage of true value 101
at which its taxable property is assessed. If a petitioner objects 102
to the commissioner's apportionment of the taxable value of the 103
petitioner's taxable property, the petitioner shall distinctly 104
state in the petition that the petitioner objects to the 105
commissioner's apportionment, and, within forty-five days after 106
filing the petition for reassessment, shall submit the 107
petitioner's proposed apportionment of the taxable value of its 108
taxable property among taxing districts. If a petitioner that 109
objects to the commissioner's apportionment fails to state its 110
objections to that apportionment in its petition for reassessment 111
or fails to submit its proposed apportionment within forty-five 112
days after filing the petition for reassessment, the commissioner 113
shall dismiss the petitioner's objection to the commissioner's 114
apportionment, and the taxable value of the petitioner's taxable 115
property, subject to any adjustment to taxable value pursuant to 116
the petition or appeal, shall be apportioned in the manner used by 117
the commissioner in the preliminary or amended preliminary 118
assessment certified under section 5727.23 of the Revised Code. 119

If an additional objection seeking a reduction in taxable 120
value in excess of the reduction stated in the original petition 121
is properly and timely raised with respect to an assessment issued 122
under section 5727.23 of the Revised Code, the petitioner shall 123
state the total amount of the reduction in taxable value sought in 124
the additional objection both with and without regard to any 125
reduction in taxable value pertaining to the percentage of true 126
value at which taxable property is assessed. If a petitioner fails 127
to state the reduction in taxable value sought in the original 128
petition or in additional objections properly raised after the 129
petition is filed, the commissioner shall notify the petitioner of 130
the failure by certified mail. If the petitioner fails to notify 131

the commissioner in writing of the reduction in taxable value 132
 sought in the petition or in an additional objection within thirty 133
 days after receiving the commissioner's notice, the commissioner 134
 shall dismiss the petition or the additional objection in which 135
 that reduction is sought. 136

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 137
 public utility filing a petition for reassessment regarding an 138
 assessment certified or issued under section 5727.23 or 5727.38 of 139
 the Revised Code shall pay the tax with respect to the assessment 140
 objected to as required by law. The acceptance of any tax payment 141
 by the treasurer of state, tax commissioner, or any county 142
 treasurer shall not prejudice any claim for taxes on final 143
 determination by the commissioner or final decision by the board 144
 of tax appeals or any court. 145

(2) If a public utility properly and timely files a petition 146
 for reassessment regarding an assessment certified under section 147
 5727.23 of the Revised Code, the petitioner shall pay the tax as 148
 prescribed by divisions (B)(2)(a), (b), and (c) of this section: 149

(a) If the petitioner does not object to the commissioner's 150
 apportionment of the taxable value of the petitioner's taxable 151
 property, the petitioner is not required to pay the part of the 152
 tax otherwise due on the taxable value that the petitioner seeks 153
 to have reduced, subject to division (B)(2)(c) of this section. 154

(b) If the petitioner objects to the commissioner's 155
 apportionment of the taxable value of the petitioner's taxable 156
 property, the petitioner is not required to pay the tax otherwise 157
 due on the part of the taxable value apportioned to any taxing 158
 district that the petitioner objects to, subject to division 159
 (B)(2)(c) of this section. If, pursuant to division (A) of this 160
 section, the petitioner has, in a proper and timely manner, 161

apportioned taxable value to a taxing district to which the
commissioner did not apportion the petitioner's taxable value, the
petitioner shall pay the tax due on the taxable value that the
petitioner has apportioned to the taxing district, subject to
division (B)(2)(c) of this section.

(c) If a petitioner objects to the percentage of true value
at which taxable property is assessed by the commissioner, the
petitioner shall pay the tax due on the basis of the percentage of
true value at which the public utility's taxable property is
assessed by the commissioner. In any case, the petitioner's
payment of tax shall not be less than the amount of tax due based
on the taxable value reflected on the last appeal notice issued by
the commissioner under division (C) of this section. Until the
county auditor receives notification under division (E) of this
section and proceeds under section 5727.471 of the Revised Code to
issue any refund that is found to be due, the county auditor shall
not issue a refund for any increase in the reduction in taxable
value that is sought by a petitioner later than forty-five days
after the petitioner files the original petition as required under
division (A) of this section.

(3) Any part of the tax that, under division (B)(2)(a) or (b)
of this section, is not paid shall be collected upon receipt of
the notification as provided in section 5727.471 of the Revised
Code with interest thereon computed in the same manner as interest
is computed under division (E) of section 5715.19 of the Revised
Code, subject to any correction of the assessment by the
commissioner under division (E) of this section or the final
judgment of the board of tax appeals or a court to which the
board's final judgment is appealed. The penalty imposed under
section 323.121 of the Revised Code shall apply only to the unpaid
portion of the tax if the petitioner's tax payment is less than

the amount of tax due based on the taxable value reflected on the 193
last appeal notice issued by the commissioner under division (C) 194
of this section. 195

(C) Upon receipt of a properly filed petition for 196
reassessment with respect to an assessment certified under section 197
5727.23 of the Revised Code, the tax commissioner shall notify the 198
treasurer of state or the auditor of each county to which the 199
assessment objected to has been certified. In the case of a 200
petition with respect to an assessment certified under section 201
5727.23 of the Revised Code, the commissioner shall issue an 202
appeal notice within thirty days after receiving the amount of the 203
taxable value reduction and apportionment changes sought by the 204
petitioner in the original petition or in any additional 205
objections properly and timely raised by the petitioner. The 206
appeal notice shall indicate the amount of the reduction in 207
taxable value sought in the petition or in the additional 208
objections and the extent to which the reduction in taxable value 209
and any change in apportionment requested by the petitioner would 210
affect the commissioner's apportionment of the taxable value among 211
taxing districts in the county as shown in the assessment. If a 212
petitioner is seeking a reduction in taxable value on the basis of 213
a lower percentage of true value than the percentage at which the 214
commissioner assessed the petitioner's taxable property, the 215
appeal notice shall indicate the reduction in taxable value sought 216
by the petitioner without regard to the reduction sought on the 217
basis of the lower percentage and shall indicate that the 218
petitioner is required to pay tax on the reduced taxable value 219
determined without regard to the reduction sought on the basis of 220
a lower percentage of true value, as provided under division 221
(B)(2)(c) of this section. The appeal notice shall include a 222
statement that the reduced taxable value and the apportionment 223

indicated in the notice are not final and are subject to 224
adjustment by the commissioner or by the board of tax appeals or a 225
court on appeal. If the commissioner finds an error in the appeal 226
notice, the commissioner may amend the notice, but the notice is 227
only for informational and tax payment purposes; the notice is not 228
subject to appeal by any person. The commissioner also shall mail 229
a copy of the appeal notice to the petitioner. Upon the request of 230
a taxing authority, the county auditor may disclose to the taxing 231
authority the extent to which a reduction in taxable value sought 232
by a petitioner would affect the apportionment of taxable value to 233
the taxing district or districts under the taxing authority's 234
jurisdiction, but such a disclosure does not constitute a notice 235
required by law to be given for the purpose of section 5717.02 of 236
the Revised Code. 237

(D) If the petitioner requests a hearing on the petition, the 238
tax commissioner shall assign a time and place for the hearing on 239
the petition and notify the petitioner of such time and place, but 240
the commissioner may continue the hearing from time to time as 241
necessary. 242

(E) The tax commissioner may make corrections to the 243
assessment as the commissioner finds proper. The commissioner 244
shall serve a copy of the commissioner's final determination on 245
the petitioner in the manner provided in section 5703.37 of the 246
Revised Code. The commissioner's decision in the matter shall be 247
final, subject to appeal under section 5717.02 of the Revised 248
Code. With respect to a final determination issued for an 249
assessment certified under section 5727.23 of the Revised Code, 250
the commissioner also shall transmit a copy of the final 251
determination to the applicable county auditor. In the absence of 252
any further appeal, or when a decision of the board of tax appeals 253
or of any court to which the decision has been appealed becomes 254

final, the commissioner shall notify the public utility and, as
 appropriate, shall proceed under section 5727.42 of the Revised
 Code, or notify the applicable county auditor, who shall proceed
 under section 5727.471 of the Revised Code.

The notification made under this division is not subject to
 further appeal.

(F) On appeal, no adjustment shall be made in the tax
 commissioner's assessment certified under section 5727.23 of the
 Revised Code that reduces the taxable value of a petitioner's
 taxable property by an amount that exceeds the reduction sought by
 the petitioner in its petition for reassessment or in any
 additional objections properly and timely raised after the
 petition is filed with the commissioner.

(G) An electric company with taxable property that is, or is
 part of, a clean air resource fueled by nuclear power and
 certified under section 3706.44 of the Revised Code may file a
 petition for reassessment seeking a reduction in taxable value of
 that property, provided that any such petition shall not request,
 and the tax commissioner shall have no authority to grant, a
 reduction in taxable value below the taxable values for such
 property as of the effective date of the amendments to this
 section by H.B. 6 of the 133rd general assembly. As used in this
 division, "clean air resource" has the same meaning as defined by
 section 3706.40 of the Revised Code.

In line 2144, after "4928.6610," insert "5727.47,"

The motion was _____ agreed to.

AM0592X2

Sub. H.B. 6
As Reported by H. Energy and Natural Resources

Topic: LSC corrective

_____ moved to amend as follows:

1 In line 3118, after "~~310~~" insert "the amendments to this
2 section by"

3 In line 3442, after "of" insert "divisions (B)(1)(c),
4 (C)(2), (E), and (F)(4), (5), and (7) of"; delete "5725.75" and
5 insert "5727.75"

6 The motion was _____ agreed to.