AM0595

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

_______________________________ moved to amend as follows:

1 Engross the bill as directed by the commands in the
2 amendments attached hereto, ignoring matter extraneous to those
3 commands

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5 The following amendments are attached hereto:

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6 The motion was __________ agreed to.
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,"

In line 11 of the title, after "3706.485," insert "3706.486,"

In line 26, after "4928.6610," insert "5727.47,"

In line 30, after "3706.485," insert "3706.486,"

In line 332, delete "an" and insert "both of the following:

(1) An"

In line 335, delete "(1)" and insert "(a)"

In line 338, delete "(2)" and insert "(b)"

In line 341, delete "(3)" and insert "(c)"

In line 342, delete "(a)" and insert "(i)"

In line 345, delete "(b)" and insert "(ii)"

In line 348, delete "(4)" and insert "(d)"

In line 351, delete "(5)" and insert "(e)"

After line 352, insert:

"(f) The facility's owner maintains operations in this state."

(2) An electric generating facility in this state that uses
or will use solar energy as the primary energy source that satisfies all of the criteria in divisions (A)(1)(a) to (e) of this section and that has obtained a certificate from the power sitting board prior to June 1, 2019."

After line 366, insert:

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

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

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

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

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

In line 508, delete "(1)"

In line 511, delete "as"

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

Delete lines 516 through 519

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

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

After line 538, insert:

"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:

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

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

(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:

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

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

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

In line 554, after "2027," delete the balance of the line and insert "an unaffiliated and independent third party"

After line 1776, insert:

"Sec. 5727.47. (A) Notice of each assessment certified or issued pursuant to section 5727.23 or 5727.38 of the Revised Code shall be mailed to the public utility, and its mailing shall be prima-facie evidence of its receipt by the public utility to which it is addressed. With the notice, the tax commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. If Except as otherwise provided in division (G) of this section, if a public utility objects to such an assessment, it may file with the commissioner, either personally or by certified mail, within sixty days after the mailing of the notice of assessment a written petition for reassessment signed by the utility's authorized agent having knowledge of the facts. The date the commissioner receives the petition shall be considered the date of filing. The petition shall indicate the utility's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

In the case of a petition seeking a reduction in taxable value filed with respect to an assessment certified under section 5727.23 of the Revised Code, the petitioner shall state in the petition the total amount of reduction in taxable value sought by the petitioner. If the petitioner objects to the percentage of true value at which taxable property is assessed by the commissioner, the petitioner shall state in the petition the total amount of reduction in taxable value sought both with and without
regard to the objection pertaining to the percentage of true value at which its taxable property is assessed. If a petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner shall distinctly state in the petition that the petitioner objects to the commissioner's apportionment, and, within forty-five days after filing the petition for reassessment, shall submit the petitioner's proposed apportionment of the taxable value of its taxable property among taxing districts. If a petitioner that objects to the commissioner's apportionment fails to state its objections to that apportionment in its petition for reassessment or fails to submit its proposed apportionment within forty-five days after filing the petition for reassessment, the commissioner shall dismiss the petitioner's objection to the commissioner's apportionment, and the taxable value of the petitioner's taxable property, subject to any adjustment to taxable value pursuant to the petition or appeal, shall be apportioned in the manner used by the commissioner in the preliminary or amended preliminary assessment certified under section 5727.23 of the Revised Code.

If an additional objection seeking a reduction in taxable value in excess of the reduction stated in the original petition is properly and timely raised with respect to an assessment issued under section 5727.23 of the Revised Code, the petitioner shall state the total amount of the reduction in taxable value sought in the additional objection both with and without regard to any reduction in taxable value pertaining to the percentage of true value at which taxable property is assessed. If a petitioner fails to state the reduction in taxable value sought in the original petition or in additional objections properly raised after the petition is filed, the commissioner shall notify the petitioner of the failure by certified mail. If the petitioner fails to notify
the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought.

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

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

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

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B)(2)(c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner,
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
last appeal notice issued by the commissioner under division (C)
of this section.

(C) Upon receipt of a properly filed petition for
reassessment with respect to an assessment certified under section
5727.23 of the Revised Code, the tax commissioner shall notify the
treasurer of state or the auditor of each county to which the
assessment objected to has been certified. In the case of a
petition with respect to an assessment certified under section
5727.23 of the Revised Code, the commissioner shall issue an
appeal notice within thirty days after receiving the amount of the
taxable value reduction and apportionment changes sought by the
petitioner in the original petition or in any additional
objections properly and timely raised by the petitioner. The
appeal notice shall indicate the amount of the reduction in
taxable value sought in the petition or in the additional
objections and the extent to which the reduction in taxable value
and any change in apportionment requested by the petitioner would
affect the commissioner's apportionment of the taxable value among
taxing districts in the county as shown in the assessment. If a
petitioner is seeking a reduction in taxable value on the basis of
a lower percentage of true value than the percentage at which the
commissioner assessed the petitioner's taxable property, the
appeal notice shall indicate the reduction in taxable value sought
by the petitioner without regard to the reduction sought on the
basis of the lower percentage and shall indicate that the
petitioner is required to pay tax on the reduced taxable value
determined without regard to the reduction sought on the basis of
a lower percentage of true value, as provided under division
(B)(2)(c) of this section. The appeal notice shall include a
statement that the reduced taxable value and the apportionment
indicated in the notice are not final and are subject to adjustment by the commissioner or by the board of tax appeals or a court on appeal. If the commissioner finds an error in the appeal notice, the commissioner may amend the notice, but the notice is only for informational and tax payment purposes; the notice is not subject to appeal by any person. The commissioner also shall mail a copy of the appeal notice to the petitioner. Upon the request of a taxing authority, the county auditor may disclose to the taxing authority the extent to which a reduction in taxable value sought by a petitioner would affect the apportionment of taxable value to the taxing district or districts under the taxing authority's jurisdiction, but such a disclosure does not constitute a notice required by law to be given for the purpose of section 5717.02 of the Revised Code.

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

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

_______________________________ moved to amend as follows:

1. In line 3118, after "310" insert "the amendments to this section by"
2. In line 3442, after "of" insert "divisions (B)(1)(c), (C)(2), (E), and (F)(4), (5), and (7) of"; delete "5725.75" and
3. insert "5727.75"

4. The motion was _______ agreed to.