

_____ moved to amend as follows:

1 In line 122 of the title, after "2151.455," insert
2 "2305.011,"

3 In line 281, after "2151.455," insert "2305.011,"

4 After line 12268, insert:

5 "Sec. 2305.011. (A) As used in this section:

6 (1) "Nature" means the phenomena of the physical world
7 collectively, including plants, animals, the landscape, other
8 features and products of the earth, the natural environment or
9 wilderness, and generally areas that are not human or human
10 creations, have not been substantially altered by humans, or
11 that persist despite human intervention.

12 (2) "Ecosystem" means a complex community of living
13 organisms in conjunction with their physical environments, all
14 interacting and linked together as a system through nutrient
15 cycles and energy flows in a particular unit of space.

16 (B) Nature or any ecosystem does not have standing to
17 participate in or bring an action in any court of common pleas.

18 (C) (1) No person, on behalf of or representing nature or an
19 ecosystem, shall bring an action in any court of common pleas.

20 (2) No person shall bring an action in any court of common
21 pleas against a person who is acting on behalf of or
22 representing nature or an ecosystem.

23 (3) No person, on behalf of or representing nature or an
24 ecosystem, shall intervene in any manner, such as by filing a
25 counterclaim, cross-claim, or third-party complaint, in any
26 action brought in any court of common pleas.

27 (D) Nothing in this section shall be construed to prevent
28 the state or any of its agencies from enforcing the laws
29 pertaining to environmental pollution, conservation, wild
30 animals, or other natural communities or ecosystems."

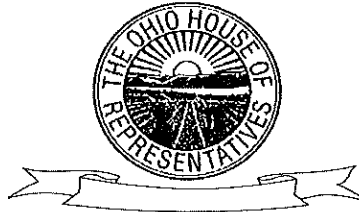
31 The motion was _____ agreed to.

32 SYNOPSIS

33 **Prohibition against court action by nature or ecosystem**

34 **R.C. 2305.011**

35 Provides that nature or any ecosystem does not have
36 standing to participate or bring an action in a common pleas
37 court; prohibits any person, on behalf of nature or an
38 ecosystem, from bringing, or intervening in, an action in such
39 court; and prohibits any person from bringing an action against
40 a person who is acting on behalf of nature or an ecosystem.



State Representative Jim Hoops
Ohio House District 81

MEMORANDUM

To: Christine Morrison, Blake Springhetti, Chair Scott Oelslager
From: Representative Jim Hoops
Date: May 5, 2019
Re: Omnibus Amendments for Consideration to Sub HB 166

Hoops-01

HC-2281

Restore tax credit for campaign contributions

R.C. 5747.29 (eliminates repeal); Section 757.140

Restores the income tax credit for campaign contributions to candidates for certain public offices (Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, member of the State Board of Education, Chief Justice of the Supreme Court, Justice of the Supreme Court, or member of the General Assembly). Under continuing law, the credit equals the aggregate amount of the taxpayer's campaign contributions up to a maximum of \$50. The credit is repealed by the substitute bill.

Hoops-02

HC-2290

Ethanol sales income tax credit

Creates a new income tax credit for sales of higher ethanol blend for retail dealers that operate a retail service station in this state. The credit is equal to five cents per gallon of higher ethanol blend that the retail dealer sells in calendar year 2019, 2020, 2021, or 2022.

Hoops-03

HC-2313

SSI for community colleges

Section 381.140

Restores, as it relates to specifying only "resident" or "subsidy-eligible" students be counted in the State Share of Instruction (SSI) distribution formula for community colleges, the portion under GRF appropriation item 235501, State Share of Instruction, that prescribes how funds are distributed to community and technical colleges to the language specified in the As Introduced version of the bill.

Hoops-04

HC-2314

Restriction on fee increases at two-year colleges

Section 381.160

For the 2019-2020 and 2020-2021 academic years, permits community colleges, state community colleges, and technical colleges to charge \$10 per credit hour over what the institution charged in the 2018-2019 academic year for in-state undergraduate instructional and general fees, instead of limiting the increase of instructional and general fees to 2% as under the Executive version of the bill.

Hoops-05

HC-2152

Defense for nuisances for specified agricultural activities

Does all of the following regarding the complete defense in civil actions for nuisances involving agricultural activities:

1. Expands the defense to include both of the following:

--Agricultural activities that were conducted on land devoted exclusively to agricultural use in accordance with the law governing current agricultural use value; and

--Agricultural activities conducted by a person pursuant to a lease agreement, written or otherwise.

2. Eliminates the specification that the plaintiff in a nuisance action not be engaged in agricultural production.

3. Defines "agricultural activities" to mean common agricultural practices, including specified agricultural-related practices. (Current law does not define "agricultural activities.")

Hoops-06

HC-2349

Multi-state licensing system

Excludes pawnbrokers and precious metal dealers from the multi-state licensing system established under the bill, which authorizes the Superintendent of Financial Institutions to use for all license or registration overseen by the Superintendent.

Hoops-07

HC-1929

Prohibition against court action by nature or ecosystem

R.C. 2305.011

Provides that nature or any ecosystem does not have standing to participate or bring an action in a common pleas court; prohibits any person, on behalf of nature or an ecosystem, from bringing, or intervening in, an action in such court; and prohibits any person from bringing an action against a person who is acting on behalf of nature or an ecosystem.

Hoops-08

HC-2349

H2Ohio Fund to be used for certain research purposes

Authorizes the innovation regarding the removal of excess phosphorus from freshwater sources.

Environmental Protection Agency

Section 277.20 Requires \$250,000 of appropriation item 715695, H2Ohio, in FY 2020 to be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize. Permits up to \$250,000 of the amount of the appropriation item reappropriated for FY 2021 to be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize.

Memorandum of understanding between EPA and the Everglades Foundation

Section 737. ___

Requires the Director of Environmental Protection to enter into a memorandum of understanding with the Everglades Foundation prior to dispersing any H2Ohio money earmarked for the Foundation and requires the memorandum to be signed by the Director, a representative from any entity that OEPA contracts with for purposes of the George Barley Water Prize, and a representative from the Everglades Foundation.

Requires the memorandum to specify all of the following:

- 1. That the money will be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize;*
 - 2. That the state of Ohio or OEPA will be listed as a sponsor of the George Barley Water Prize;*
 - 3. That OEPA, and any other entity that OEPA contracts with for purposes of the George Barley Water Prize, may assist in the development of testing parameters for data collection in the Grand Challenge testing stage of the competition;*
 - 4. That OEPA, and any other entity that OEPA contracts with for purposes of the George Barley Water Prize, will have access to all data collected during the George Barley Water Prize's campaign as well as access to the data and technologies developed during the George Barley Water Prize process; and*
 - 5. That OEPA, and any other entity that OEPA contracts with for purposes of the George Barley Water Prize, will enter into a nondisclosure agreement with the Everglades Foundation for data collected in the Grand Challenge testing stage of the competition.*
- H2Ohio Fund to be used to fund research associated with competitions designed to inspire*

A	B	C	D
1	Member Hoops-01	Amendment # HC-2281	LSC Description Restore tax credit for campaign contributions R.C. 5747.29 (eliminates repeal); Section 757.140 Restores the income tax credit for campaign contributions to candidates for certain public offices (Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, member of the State Board of Education, Chief Justice of the Supreme Court, Justice of the Supreme Court, or member of the General Assembly). Under continuing law, the credit equals the aggregate amount of the taxpayer's campaign contributions up to a maximum of \$50. The credit is repealed by the substitute bill.
2	Hoops-02	HC-2290	Ethanol sales income tax credit. Creates a new income tax credit for sales of higher ethanol blend for retail dealers that operate a retail service station in this state. The credit is equal to five cents per gallon of higher ethanol blend that the retail dealer sells in calendar year 2019, 2020, 2021, or 2022.
3	Hoops-03	HC-2313	SSI for community colleges Department of Higher Education Section 381.140 Restores, as it relates to specifying only "resident" or "subsidy-eligible" students be counted in the State Share of Instruction (SSI) distribution formula for community colleges, the portion under GRF appropriation item 235501, State Share of Instruction, that prescribes how funds are distributed to community and technical colleges to the language specified in the As Introduced version of the bill.
4	Hoops-04	HC-2314	Per credit hour tuition cap for community colleges -Restoration on fee increases at two-year colleges Restoration on fee increases at two-year colleges Section 381.160 For the 2019-2020 and 2020-2021 academic years, permits community colleges, state community colleges, and technical colleges to change \$10 per credit hour over what the institution charged in the 2018-2019 academic year for in-state undergraduate instructional and general fees, instead of limiting the increase of instructional and general fees to 2% as under the Executive version of the bill.
5	Hoops-05	HC-2152	Defense for nuisances for specified agricultural activities Does all of the following regarding the complete defense in civil actions for nuisances involving agricultural activities: 1. Expands the defense to include both of the following: -Agricultural activities that were conducted on land devoted exclusively to agricultural use in accordance with the law governing current agricultural use value and -Agricultural activities conducted by a person pursuant to a lease agreement, written or otherwise. 2. Eliminates the specification that the plaintiff in a nuisance action not be engaged in agricultural production. 3. Defines "agricultural activities" to mean common agricultural practices, including specified agricultural-related practices. (Current law does not define "agricultural activities.")
6	Hoops-06	HC-2349	Multi-state licensing system Excludes pawnbrokers and precious metal dealers from the multi-state licensing system established under the bill, which authorizes the Superintendent of Financial Institutions to use for all license or registration overviews by the Superintendent.
7	Hoops-07	HC-1929	Prohibition against court action by nature or ecosystem R.C. 2305.011 Provides that nature or any ecosystem does not have standing to participate or bring an action in a common pleas court, prohibits any person, on behalf of nature or an ecosystem, from bringing or intervening in, an action in such court, and prohibits any person from bringing an action against a person who is acting on behalf of nature or an ecosystem.
8	Hoops-08	HC-2348	H2Ohio Fund to be used for certain research purposes R.C. 126.60 Authorizes the H2Ohio Fund to be used to fund research associated with competitions designed to inspire innovation regarding the removal of excess phosphorus from freshwater sources. Environmental Protection Agency Section 277.20 Requires \$250,000 of appropriation item 715695, H2Ohio, in FY 2020 to be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize. Permits up to \$250,000 of the amount of the appropriation item reappropriated for FY 2021 to be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize. Memorandum of understanding between EPA and the Everglades Foundation Section 737. Requires the Director of Environmental Protection to enter into a memorandum of understanding with the Everglades Foundation prior to dispersing any H2Ohio money earmarked for the Foundation and requires the memorandum to be signed by the Director, a representative from any entity that OPEA contracts with for purposes of the George Barley Water Prize, and a representative from the Everglades Foundation. Requires the memorandum to specify all of the following: 1. That the money will be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize. 2. That the state of Ohio or OPEA will be listed as a sponsor of the George Barley Water Prize. 3. That OPEA, and any other entity that OPEA contracts with for purposes of the George Barley Water Prize, may assist in the development of testing parameters for data collection in the Grand Challenge testing stage of the competition. 4. That OPEA, and any other entity that OPEA contracts with for purposes of the George Barley Water Prize, will have access to all data collected during the George Barley Water Prize's campaign as well as access to the data and technologies developed during the George Barley Water Prize process; and 5. That OPEA, and any other entity that OPEA contracts with for purposes of the George Barley Water Prize, will enter into a nondisclosure agreement with the Everglades Foundation for data collected in the Grand Challenge testing stage of the competition.
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