A BILL

To amend section 5747.98 and to enact section 5747.74 of the Revised Code to authorize a nonrefundable income tax credit for the retail sale of high-ethanol blend motor fuel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5747.98 be amended and section 5747.74 of the Revised Code be enacted to read as follows:

Sec. 5747.74. (A) As used in this section:

(1) "Ethanol" has the same meaning as in section 5747.75 of the Revised Code.

(2) "Higher ethanol blend" means a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of between and including fifteen and eighty-five per cent ethanol.

(3) "Retail dealer" means a person that owns or operates a retail service station.

(4) "Retail service station" means a location in this state from which higher ethanol blend is sold to the general
public and is dispensed directly into motor vehicle fuel tanks for consumption.

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that is a retail dealer that sells higher ethanol blend at the dealer's retail service station. The credit shall equal five cents per gallon of higher ethanol blend the retail dealer sells and dispenses through metered pumps at the dealer's retail service station during the calendar year in which this section becomes law and during the three subsequent calendar years. The credit shall be claimed for the taxpayer's taxable year that includes the last day of such a calendar year.

The taxpayer shall claim the credit in the order required by section 5747.98 of the Revised Code. Any credit amount in excess of the taxpayer's tax liability, after allowing for any other credits preceding the credit in that order, may be carried forward for succeeding taxable years, but the amount of excess credit allowed in any such year shall be deducted from the balance carried forward to the next year.

If the taxpayer is a direct or indirect investor in a pass-through entity that is a retail dealer that has sold and dispensed higher ethanol blend as described in this section, the taxpayer may claim its proportionate or distributive share of the credit allowed under this section.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:
(1) Either the retirement income credit under division (B)
of section 5747.055 of the Revised Code or the lump sum
retirement income credits under divisions (C), (D), and (E) of
that section;

(2) Either the senior citizen credit under division (F) of
section 5747.055 of the Revised Code or the lump sum
distribution credit under division (G) of that section;

(3) The dependent care credit under section 5747.054 of
the Revised Code;

(4) The credit for displaced workers who pay for job
training under section 5747.27 of the Revised Code;

(5) The twenty-dollar personal exemption credit under
section 5747.022 of the Revised Code;

(6) The joint filing credit under division (G) of section
5747.05 of the Revised Code;

(7) The earned income credit under section 5747.71 of the
Revised Code;

(8) The credit for adoption of a minor child under section
5747.37 of the Revised Code;

(9) The nonrefundable job retention credit under division
(B) of section 5747.058 of the Revised Code;

(10) The enterprise zone credit under section 5709.66 of
the Revised Code;

(11) The ethanol plant investment credit under section
5747.75 of the Revised Code;

(12) The credit for purchases of qualifying grape
production property under section 5747.28 of the Revised Code;
(13) The small business investment credit under section 5747.81 of the Revised Code;

(14) The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;

(15) The credit for the sale of higher ethanol blend motor fuel under section 5747.74 of the Revised Code;

(16) The opportunity zone investment credit under section 122.84 of the Revised Code;

(16) (17) The enterprise zone credits under section 5709.65 of the Revised Code;

(17) (18) The research and development credit under section 5747.331 of the Revised Code;

(18) (19) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

(19) (20) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(20) (21) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(21) (22) The refundable motion picture and broadway theatrical production credit under section 5747.66 of the Revised Code;

(22) (23) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

(22) (24) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Section 2. That existing section 5747.98 of the Revised Code is hereby repealed.