

**As Reported by the House Government Accountability and Oversight
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. H. B. No. 525

**Representative Schuring
Cosponsor: Speaker Rosenberger**

A BILL

To amend sections 107.036, 122.85, 5726.98, 1
5733.98, 5747.98, and 5751.98 of the Revised 2
Code to extend eligibility for the motion 3
picture tax credit to certain live stage theater 4
productions, to include post-production and 5
advertising expenses in computing the credit 6
amount, and to make other revisions to the law 7
governing administration of the credit. 8

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

Section 1. That sections 107.036, 122.85, 5726.98, 9
5733.98, 5747.98, and 5751.98 of the Revised Code be amended to 10
read as follows: 11

Sec. 107.036. (A) For each business incentive tax credit, 12
the main operating appropriations act shall contain a detailed 13
estimate of the total amount of credits that may be authorized 14
in each year, an estimate of the amount of credits expected to 15
be claimed in each year, and an estimate of the amount of 16
credits expected to remain outstanding at the end of the 17
biennium. The governor shall include such estimates in the state 18

budget submitted to the general assembly pursuant to section	19
107.03 of the Revised Code.	20
(B) As used in this section, "business incentive tax	21
credit" means all of the following:	22
(1) The job creation tax credit under section 122.17 of	23
the Revised Code;	24
(2) The job retention tax credit under section 122.171 of	25
the Revised Code;	26
(3) The historic preservation tax credit under section	27
149.311 of the Revised Code;	28
(4) The motion picture <u>and Broadway theatrical production</u>	29
tax credit under section 122.85 of the Revised Code;	30
(5) The new markets tax credit under section 5725.33 of	31
the Revised Code;	32
(6) The research and development credit under section	33
166.21 of the Revised Code;	34
(7) The small business investment credit under section	35
122.86 of the Revised Code;	36
(8) The rural growth investment credit under section	37
122.152 of the Revised Code.	38
Sec. 122.85. (A) As used in this section and in sections	39
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:	40
(1) "Tax credit-eligible production" means a motion	41
picture <u>or Broadway theatrical</u> production certified by the	42
director of development services under division (B) of this	43
section as qualifying the motion picture production company for	44
a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54	45

of the Revised Code. 46

(2) "Certificate owner" means a ~~motion picture~~ production 47
company to which a tax credit certificate is issued or a person 48
to which the company has transferred under division (H) of this 49
section the authority to claim all or a part of the tax credit 50
authorized by that certificate. 51

(3) "~~Motion picture~~ Production company" means an 52
individual, corporation, partnership, limited liability company, 53
or other form of business association producing a motion picture 54
or Broadway theatrical production. 55

(4) "Eligible ~~production~~ expenditures" means expenditures 56
made after June 30, 2009, for goods or services purchased and 57
consumed in this state by a ~~motion picture~~ production company 58
directly for the production of a tax credit-eligible production 59
or for post-production activities, or for advertising and 60
promotion of the production. 61

"Eligible ~~production~~ expenditures" includes, but is not 62
limited to, expenditures for cast and crew wages, 63
accommodations, costs of set construction and operations, 64
editing and related services, photography, sound 65
synchronization, lighting, wardrobe, makeup and accessories, 66
film processing, transfer, sound mixing, special and visual 67
effects, music, location fees, and the purchase or rental of 68
facilities and equipment. 69

(5) "Motion picture" means entertainment content created 70
in whole or in part within this state for distribution or 71
exhibition to the general public, including, but not limited to, 72
feature-length films; documentaries; long-form, specials, 73
miniseries, series, and interstitial television programming; 74

interactive web sites; sound recordings; videos; music videos; 75
interactive television; interactive games; video games; 76
commercials; any format of digital media; and any trailer, 77
pilot, video teaser, or demo created primarily to stimulate the 78
sale, marketing, promotion, or exploitation of future investment 79
in either a product or a motion picture by any means and media 80
in any digital media format, film, or videotape, provided the 81
motion picture qualifies as a motion picture. "Motion picture" 82
does not include any television program created primarily as 83
news, weather, or financial market reports, a production 84
featuring current events or sporting events, an awards show or 85
other gala event, a production whose sole purpose is 86
fundraising, a long-form production that primarily markets a 87
product or service or in-house corporate advertising or other 88
similar productions, a production for purposes of political 89
advocacy, or any production for which records are required to be 90
maintained under 18 U.S.C. 2257 with respect to sexually 91
explicit content. 92

(6) "Broadway theatrical production" means a pre-broadway 93
production, long run production, or tour launch. 94

(7) "Pre-broadway production" means a live stage 95
production that is scheduled for presentation in New York city's 96
broadway theater district after the original or adaptive version 97
is performed in a qualified production facility. 98

(8) "Long run production" means a live stage production 99
that is scheduled to be performed at a qualified production 100
facility for more than five weeks, with an average of at least 101
six performances per week. 102

(9) "Tour launch" means a live stage production for which 103
the activities comprising the technical period are conducted at 104

a qualified production facility before a tour of the original or 105
adaptive version of the production begins. 106

(10) "Qualified production facility" means a facility 107
located in this state that is used in the development or 108
presentation to the public of theater productions. 109

(B) For the purpose of encouraging and developing ~~a strong~~ 110
film ~~industry and theater industries~~ in this state, the director 111
of development services may certify a motion picture or Broadway 112
theatrical production produced by a ~~motion picture production~~ 113
company as a tax credit-eligible production. In the case of a 114
television series, the director may certify the production of 115
each episode of the series as a separate tax credit-eligible 116
production. A ~~motion picture production~~ company shall apply for 117
certification of a motion picture or Broadway theatrical 118
production as a tax credit-eligible production on a form and in 119
the manner prescribed by the director. Each application shall 120
include the following information: 121

(1) The name and telephone number of the ~~motion picture~~ 122
production company; 123

(2) The name and telephone number of the company's contact 124
person; 125

(3) A list of the first preproduction date through the 126
last production ~~date and post-production dates~~ in Ohio and, in 127
the case of a Broadway theatrical production, a list of each 128
scheduled performance in a qualified production facility; 129

(4) The Ohio production office or qualified production 130
facility address and telephone number; 131

(5) The total production budget ~~of the motion picture;~~ 132

(6) The total budgeted eligible production expenditures	133
and the percentage that amount is of the total production budget	134
of the motion picture <u>or Broadway theatrical production</u> ;	135
(7) The <u>In the case of a motion picture, the</u> total	136
percentage of the motion picture <u>production</u> being shot in Ohio;	137
(8) The level of employment of cast and crew who reside in	138
Ohio;	139
(9) A synopsis of the script;	140
(10) The <u>In the case of a motion picture, the</u> shooting	141
script;	142
(11) A creative elements list that includes the names of	143
the principal cast and crew and the producer and director;	144
(12) Documentation of financial ability to undertake and	145
complete the motion picture <u>or Broadway theatrical production</u> ,	146
including documentation that shows that the company has secured	147
funding equal to at least fifty per cent of the total production	148
budget of the motion picture ;	149
(13) Estimated value of the tax credit based upon total	150
budgeted eligible production expenditures;	151
(14) <u>Estimated amount of state and local taxes to be</u>	152
<u>generated in this state from the production</u> ;	153
<u>(15)</u> Any other information considered necessary by the	154
director.	155
Within ninety days after certification of a motion picture	156
<u>or Broadway theatrical production</u> as a tax credit-eligible	157
production, and any time thereafter upon the request of the	158
director of development services, the motion picture <u>production</u>	159

company shall present to the director sufficient evidence of 160
reviewable progress. If the ~~motion picture production~~ company 161
fails to present sufficient evidence, the director may rescind 162
the certification. If the production of a motion picture or 163
broadway theatrical production does not begin within six months 164
after the date it is certified as a tax credit-eligible 165
production, the director shall rescind the certification. Upon 166
rescission, the director shall notify the applicant that the 167
certification has been rescinded. Nothing in this section 168
prohibits an applicant whose tax credit-eligible production 169
certification has been rescinded from submitting a subsequent 170
application for certification. 171

(C) (1) A ~~motion picture production~~ company whose motion 172
picture or Broadway theatrical production has been certified as 173
a tax credit-eligible production may apply to the director of 174
development services on or after July 1, 2009, for a refundable 175
credit against the tax imposed by section 5726.02, 5733.06, 176
5747.02, or 5751.02 of the Revised Code. The director in 177
consultation with the tax commissioner shall prescribe the form 178
and manner of the application and the information or 179
documentation required to be submitted with the application. 180

The credit is determined as follows: 181

(a) If the total budgeted eligible ~~production~~ expenditures 182
stated in the application submitted under division (B) of this 183
section or the actual eligible ~~production~~ expenditures as 184
finally determined under division (D) of this section, whichever 185
is least, is less than or equal to three hundred thousand 186
dollars, no credit is allowed; 187

(b) If the total budgeted eligible ~~production~~ expenditures 188
stated in the application submitted under division (B) of this 189

section or the actual eligible ~~production~~-expenditures as 190
finally determined under division (D) of this section, whichever 191
is least, is greater than three hundred thousand dollars, the 192
credit equals thirty per cent of the least of such budgeted or 193
actual eligible expenditure amounts. 194

(2) Except as provided in division (C) (4) of this section, 195
if the director of development services approves a ~~motion-~~ 196
~~picture-production~~ company's application for a credit, the 197
director shall issue a tax credit certificate to the company. 198
The director in consultation with the tax commissioner shall 199
prescribe the form and manner of issuing certificates. The 200
director shall assign a unique identifying number to each tax 201
credit certificate and shall record the certificate in a 202
register devised and maintained by the director for that 203
purpose. The certificate shall state the amount of the eligible 204
~~production~~-expenditures on which the credit is based and the 205
amount of the credit. Upon the issuance of a certificate, the 206
director shall certify to the tax commissioner the name of the 207
applicant, the amount of eligible ~~production~~-expenditures shown 208
on the certificate, and any other information required by the 209
rules adopted to administer this section. 210

(3) The amount of eligible ~~production~~-expenditures for 211
which a tax credit may be claimed is subject to inspection and 212
examination by the tax commissioner or employees of the 213
commissioner under section 5703.19 of the Revised Code and any 214
other applicable law. Once the eligible ~~production~~-expenditures 215
are finally determined under section 5703.19 of the Revised Code 216
and division (D) of this section, the credit amount is not 217
subject to adjustment unless the director determines an error 218
was committed in the computation of the credit amount. 219

(4) No tax credit certificate may be issued before the 220
completion of the tax credit-eligible production. Not more than 221
forty million dollars of tax credit may be allowed per fiscal 222
year ~~beginning July 1, 2016,~~ provided that, for any fiscal year 223
in which the amount of tax credits allowed under this section is 224
less than that maximum annual amount, the amount not allowed for 225
that fiscal year shall be added to the maximum annual amount 226
that may be allowed for the following fiscal year. 227

(5) ~~In approving~~ Except as otherwise provided in this 228
division, the director shall review and approve applications for 229
tax credits under this section credit certificates in two rounds 230
each fiscal year. The first round of certificates shall be 231
approved not later than the last day of July of the fiscal year, 232
and the second round of certificates shall be approved not later 233
than the last day of the ensuing January. For each round, the 234
director shall rank applications on the basis of the extent of 235
positive economic impact each tax credit-eligible production is 236
likely to have in this state and the effect on developing a 237
permanent workforce in motion picture or theatrical production 238
industries in the state. For the purpose of such ranking, the 239
director shall give priority to tax-credit eligible productions 240
that are television series or miniseries due to the long-term 241
commitment typically associated with such productions. The 242
director shall approve productions in the order of their 243
ranking, from those with the greatest positive economic impact 244
and workforce development effect to those with the least 245
positive economic impact and workforce development effect. If 246
the amount of credits represented by productions approved in the 247
first round equals the maximum annual credit amount allowed 248
under division (C) (4) of this section, the director shall not 249
conduct the second round for the fiscal year. 250

(D) A ~~motion picture production~~ company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, post-production, and advertising and promotion expenditures to identify the expenditures that qualify as eligible ~~production~~ expenditures. The certified public accountant shall issue a report to the company and to the director of development services certifying the company's eligible ~~production~~ expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible ~~production~~ expenditure. If the director disallows an expenditure, the director shall issue a written notice to the ~~motion picture~~ production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible ~~production~~ expenditures stated in the application submitted under division (B) of this section or the actual eligible ~~production~~ expenditures for the purpose of computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any Broadway theatrical production.

(G) (1) The director of development services in 281
consultation with the tax commissioner shall adopt rules for the 282
administration of this section, including rules setting forth 283
and governing the criteria for determining whether a motion 284
picture or Broadway theatrical production is a tax credit- 285
eligible production; activities that constitute the production 286
or post-production of a motion picture or Broadway theatrical 287
production; reporting sufficient evidence of reviewable 288
progress; expenditures that qualify as eligible ~~production-~~ 289
expenditures; a schedule and deadlines for applications to be 290
submitted and reviewed; a competitive process for approving 291
credits based on likely economic impact in this state and 292
development of a permanent workforce in motion picture or 293
theatrical production industries in this state; consideration of 294
geographic distribution of credits; and implementation of the 295
program described in division (I) of this section. The rules 296
shall be adopted under Chapter 119. of the Revised Code. 297

(2) To cover the administrative costs of the program, the 298
director shall require each applicant to pay an application fee 299
equal to the lesser of ten thousand dollars or one per cent of 300
the estimated value of the tax credit as stated in the 301
application. The fees collected shall be credited to the tax 302
incentives operating fund created in section 122.174 of the 303
Revised Code. All grants, gifts, fees, and contributions made to 304
the director for marketing and promotion of the motion picture 305
industry within this state shall also be credited to the fund. 306

(H) (1) After the director of development services makes 307
the determination required under division (D) of this section, a 308
~~motion picture production~~ company to which a tax credit 309
certificate is issued may transfer the authority to claim all or 310
a portion of the amount of the tax credit ~~the motion picture-~~ 311

~~company is authorized to claim pursuant to that certificate~~ 312
~~under section 5726.55, 5733.59, 5747.66, or 5751.54 of the~~ 313
~~Revised Code~~ to one or more other persons. Within thirty days 314
after a transfer under this division, the ~~motion picture~~ 315
production company shall submit the following information to the 316
director, on a form prescribed by the director: 317

(a) Information necessary for the director to identify the 318
certificate that is the basis for the transfer; 319

(b) The portion or amount of the tax credit transferred to 320
each transferee; 321

(c) The portion or amount of the tax credit that the 322
~~motion picture~~ production company retains the authority to 323
claim; 324

(d) The tax identification number of each transferee; 325

(e) The date of the transfer; 326

(f) Any other information required by the director; 327

(g) Any information required by the tax commissioner. 328

The director shall deliver a copy of any submission 329
received under division (H)(1) of this section to the tax 330
commissioner. 331

(2) A transferee may not claim a credit under section 332
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 333
and until the transferring ~~motion picture~~ production company 334
complies with division (H)(1) of this section. A transferee may 335
claim the transferred amount of any credit or portion of a 336
credit for the same taxable year or tax period for which the 337
transferring ~~motion picture~~ production company was authorized to 338
claim the credit or portion of a credit pursuant to the 339

certificate. A ~~motion picture~~ production company shall make no 340
transfer under division (H) (1) of this section after the last 341
day of the tax period or taxable year for which the ~~motion~~ 342
~~picture~~ production company is required to claim the credit 343
pursuant to the certificate. 344

A ~~motion picture~~ production company may make not more than 345
one transfer under division (H) (1) of this section for each tax 346
credit certificate, but pursuant to that transaction, may 347
allocate the authority to claim a portion of the credit to more 348
than one transferee. A ~~motion picture~~ production company may not 349
authorize more than one transferee to claim the same portion of 350
a credit. 351

(I) The director of development services shall establish a 352
program for the training of Ohio residents who are or wish to be 353
employed in the film or multimedia industry. Under the program, 354
the director shall: 355

(1) Certify individuals as film and multimedia trainees. 356
In order to receive such a certification, an individual must be 357
an Ohio resident, have participated in relevant on-the-job 358
training or have completed a relevant training course approved 359
by the director, and have met any other requirements established 360
by the director. 361

(2) Accept applications from ~~motion picture~~ production 362
companies that intend to hire and provide on-the-job training to 363
one or more certified film and multimedia trainees who will be 364
employed in the company's tax credit-eligible production. 365

(3) Upon completion of a tax-credit eligible production, 366
and upon the receipt of any salary information and other 367
documentation required by the director, authorize a 368

reimbursement payment to each ~~motion picture~~ production company 369
whose application was approved under division (I) (2) of this 370
section. The payment shall equal fifty per cent of the salaries 371
paid to film and multimedia trainees employed in the production. 372

Sec. 5726.98. (A) To provide a uniform procedure for 373
calculating the amount of tax due under section 5726.02 of the 374
Revised Code, a taxpayer shall claim any credits to which the 375
taxpayer is entitled under this chapter in the following order: 376

(1) The nonrefundable job retention credit under division 377
(B) of section 5726.50 of the Revised Code; 378

(2) The nonrefundable credit for purchases of qualified 379
low-income community investments under section 5726.54 of the 380
Revised Code; 381

(3) The nonrefundable credit for qualified research 382
expenses under section 5726.56 of the Revised Code; 383

(4) The nonrefundable credit for qualifying dealer in 384
intangibles taxes under section 5726.57 of the Revised Code; 385

(5) The refundable credit for rehabilitating an historic 386
building under section 5726.52 of the Revised Code; 387

(6) The refundable job retention or job creation credit 388
under division (A) of section 5726.50 of the Revised Code; 389

(7) The refundable credit under section 5726.53 of the 390
Revised Code for losses on loans made under the Ohio venture 391
capital program under sections 150.01 to 150.10 of the Revised 392
Code; 393

(8) The refundable motion picture and Broadway theatrical 394
production credit under section 5726.55 of the Revised Code. 395

(B) For any credit except the refundable credits 396
enumerated in this section, the amount of the credit for a 397
taxable year shall not exceed the tax due after allowing for any 398
other credit that precedes it in the order required under this 399
section. Any excess amount of a particular credit may be carried 400
forward if authorized under the section creating that credit. 401
Nothing in this chapter shall be construed to allow a taxpayer 402
to claim, directly or indirectly, a credit more than once for a 403
taxable year. 404

Sec. 5733.98. (A) To provide a uniform procedure for 405
calculating the amount of tax imposed by section 5733.06 of the 406
Revised Code that is due under this chapter, a taxpayer shall 407
claim any credits to which it is entitled in the following 408
order, except as otherwise provided in section 5733.058 of the 409
Revised Code: 410

(1) For tax year 2005, the credit for taxes paid by a 411
qualifying pass-through entity allowed under section 5733.0611 412
of the Revised Code; 413

(2) The credit allowed for financial institutions under 414
section 5733.45 of the Revised Code; 415

(3) The credit for qualifying affiliated groups under 416
section 5733.068 of the Revised Code; 417

(4) The subsidiary corporation credit under section 418
5733.067 of the Revised Code; 419

(5) The credit for recycling and litter prevention 420
donations under section 5733.064 of the Revised Code; 421

(6) The credit for employers that enter into agreements 422
with child day-care centers under section 5733.36 of the Revised 423
Code; 424

(7) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	425 426
(8) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	427 428
(9) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;	429 430
(10) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	431 432 433
(11) The job training credit under section 5733.42 of the Revised Code;	434 435
(12) The credit for qualified research expenses under section 5733.351 of the Revised Code;	436 437
(13) The enterprise zone credit under section 5709.66 of the Revised Code;	438 439
(14) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	440 441
(15) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	442 443
(16) The ethanol plant investment credit under section 5733.46 of the Revised Code;	444 445
(17) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	446 447
(18) The export sales credit under section 5733.069 of the Revised Code;	448 449
(19) The enterprise zone credits under section 5709.65 of the Revised Code;	450 451

(20) The credit for using Ohio coal under section 5733.39 of the Revised Code;	452 453
(21) The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	454 455
(22) The credit for small telephone companies under section 5733.57 of the Revised Code;	456 457
(23) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	458 459
(24) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	460 461 462
(25) The research and development credit under section 5733.352 of the Revised Code;	463 464
(26) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	465 466 467
(27) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	468 469
(28) The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	470 471 472
(29) The refundable credit for tax withheld under division (B) (2) of section 5747.062 of the Revised Code;	473 474
(30) The refundable credit under section 5733.49 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;	475 476 477 478

(31) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code; 479
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(32) The refundable motion picture and Broadway theatrical production credit under section 5733.59 of the Revised Code. 482
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due 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. 484
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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: 490
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(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; 494
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(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; 498
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(3) The dependent care credit under section 5747.054 of the Revised Code; 501
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(4) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code; 503
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(5) The campaign contribution credit under section 5747.29 of the Revised Code; 505
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(6) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	507 508
(7) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	509 510
(8) The earned income credit under section 5747.71 of the Revised Code;	511 512
(9) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	513 514
(10) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	515 516
(11) The enterprise zone credit under section 5709.66 of the Revised Code;	517 518
(12) The ethanol plant investment credit under section 5747.75 of the Revised Code;	519 520
(13) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	521 522
(14) The small business investment credit under section 5747.81 of the Revised Code;	523 524
(15) The enterprise zone credits under section 5709.65 of the Revised Code;	525 526
(16) The research and development credit under section 5747.331 of the Revised Code;	527 528
(17) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	529 530
(18) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	531 532

(19) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	533 534
(20) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5747.66 of the Revised Code;	535 536
(21) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	537 538 539
(22) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	540 541
(23) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	542 543 544
(24) 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;	545 546 547 548
(25) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	549 550
(26) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	551 552 553
(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	554 555 556 557 558 559 560

particular credit may be carried forward if authorized under the 561
section creating that credit. Nothing in this chapter shall be 562
construed to allow a taxpayer to claim, directly or indirectly, 563
a credit more than once for a taxable year. 564

Sec. 5751.98. (A) To provide a uniform procedure for 565
calculating the amount of tax due under this chapter, a taxpayer 566
shall claim any credits to which it is entitled in the following 567
order: 568

(1) The nonrefundable jobs retention credit under division 569
(B) of section 5751.50 of the Revised Code; 570

(2) The nonrefundable credit for qualified research 571
expenses under division (B) of section 5751.51 of the Revised 572
Code; 573

(3) The nonrefundable credit for a borrower's qualified 574
research and development loan payments under division (B) of 575
section 5751.52 of the Revised Code; 576

(4) The nonrefundable credit for calendar years 2010 to 577
2029 for unused net operating losses under division (B) of 578
section 5751.53 of the Revised Code; 579

(5) The refundable motion picture and Broadway theatrical 580
production credit under section 5751.54 of the Revised Code; 581

(6) The refundable jobs creation credit or job retention 582
credit under division (A) of section 5751.50 of the Revised 583
Code; 584

(7) The refundable credit for calendar year 2030 for 585
unused net operating losses under division (C) of section 586
5751.53 of the Revised Code. 587

(B) For any credit except the refundable credits 588

enumerated in this section, the amount of the credit for a tax 589
period shall not exceed the tax due after allowing for any other 590
credit that precedes it in the order required under this 591
section. Any excess amount of a particular credit may be carried 592
forward if authorized under the section creating the credit. 593

Section 2. That existing sections 107.036, 122.85, 594
5726.98, 5733.98, 5747.98, and 5751.98 of the Revised Code are 595
hereby repealed. 596

Section 3. The amendment by this act of division (B) of 597
section 122.85 of the Revised Code requiring the Director of 598
Development Services to rescind certification of any tax credit- 599
eligible production that does not begin production within six 600
months applies to motion pictures and Broadway theatrical 601
productions that are certified on or after July 1, 2018. 602

All other amendments by this act of sections 107.036, 603
122.85, 5726.98, 5733.98, 5747.98, and 5751.98 of the Revised 604
Code apply to fiscal years beginning on or after July 1, 2018. 605