

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 382**

**Representative Jordan**

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**A BILL**

To amend sections 709.023, 718.01, 718.02, 718.03, 1  
718.04, 718.05, 718.16, 718.82, and 5703.94 and 2  
to repeal sections 718.011 and 718.50 of the 3  
Revised Code to prohibit municipal corporations 4  
from levying an income tax on nonresidents' 5  
compensation for personal services or on net 6  
profits from a sole proprietorship owned by a 7  
nonresident. 8

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

**Section 1.** That sections 709.023, 718.01, 718.02, 718.03, 9  
718.04, 718.05, 718.16, 718.82, and 5703.94 of the Revised Code 10  
be amended to read as follows: 11

**Sec. 709.023.** (A) A petition filed under section 709.021 12  
of the Revised Code that requests to follow this section is for 13  
the special procedure of annexing land into a municipal 14  
corporation when, subject to division (H) of this section, the 15  
land also is not to be excluded from the township under section 16  
503.07 of the Revised Code. The owners who sign this petition by 17  
their signature expressly waive their right to appeal in law or 18  
equity from the board of county commissioners' entry of any 19

resolution under this section, waive any rights they may have to 20  
sue on any issue relating to a municipal corporation requiring a 21  
buffer as provided in this section, and waive any rights to seek 22  
a variance that would relieve or exempt them from that buffer 23  
requirement. 24

The petition circulated to collect signatures for the 25  
special procedure in this section shall contain in boldface 26  
capital letters immediately above the heading of the place for 27  
signatures on each part of the petition the following: "WHOEVER 28  
SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN 29  
LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF 30  
ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, 31  
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO 32  
PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION 33  
PROCEDURE." 34

(B) Upon the filing of the petition in the office of the 35  
clerk of the board of county commissioners, the clerk shall 36  
cause the petition to be entered upon the board's journal at its 37  
next regular session. This entry shall be the first official act 38  
of the board on the petition. Within five days after the filing 39  
of the petition, the agent for the petitioners shall notify in 40  
the manner and form specified in this division the clerk of the 41  
legislative authority of the municipal corporation to which 42  
annexation is proposed, the fiscal officer of each township any 43  
portion of which is included within the territory proposed for 44  
annexation, the clerk of the board of county commissioners of 45  
each county in which the territory proposed for annexation is 46  
located other than the county in which the petition is filed, 47  
and the owners of property adjacent to the territory proposed 48  
for annexation or adjacent to a road that is adjacent to that 49  
territory and located directly across that road from that 50

territory. The notice shall refer to the time and date when the 51  
petition was filed and the county in which it was filed and 52  
shall have attached or shall be accompanied by a copy of the 53  
petition and any attachments or documents accompanying the 54  
petition as filed. 55

Notice to a property owner is sufficient if sent by 56  
regular United States mail to the tax mailing address listed on 57  
the county auditor's records. Notice to the appropriate 58  
government officer shall be given by certified mail, return 59  
receipt requested, or by causing the notice to be personally 60  
served on the officer, with proof of service by affidavit of the 61  
person who delivered the notice. Proof of service of the notice 62  
on each appropriate government officer shall be filed with the 63  
board of county commissioners with which the petition was filed. 64

(C) Within twenty days after the date that the petition is 65  
filed, the legislative authority of the municipal corporation to 66  
which annexation is proposed shall adopt an ordinance or 67  
resolution stating what services the municipal corporation will 68  
provide, and an approximate date by which it will provide them, 69  
to the territory proposed for annexation, upon annexation. The 70  
municipal corporation is entitled in its sole discretion to 71  
provide to the territory proposed for annexation, upon 72  
annexation, services in addition to the services described in 73  
that ordinance or resolution. 74

If the territory proposed for annexation is subject to 75  
zoning regulations adopted under either Chapter 303. or 519. of 76  
the Revised Code at the time the petition is filed, the 77  
legislative authority of the municipal corporation also shall 78  
adopt an ordinance or resolution stating that, if the territory 79  
is annexed and becomes subject to zoning by the municipal 80

corporation and that municipal zoning permits uses in the 81  
annexed territory that the municipal corporation determines are 82  
clearly incompatible with the uses permitted under current 83  
county or township zoning regulations in the adjacent land 84  
remaining within the township from which the territory was 85  
annexed, the legislative authority of the municipal corporation 86  
will require, in the zoning ordinance permitting the 87  
incompatible uses, the owner of the annexed territory to provide 88  
a buffer separating the use of the annexed territory and the 89  
adjacent land remaining within the township. For the purposes of 90  
this section, "buffer" includes open space, landscaping, fences, 91  
walls, and other structured elements; streets and street rights- 92  
of-way; and bicycle and pedestrian paths and sidewalks. 93

The clerk of the legislative authority of the municipal 94  
corporation to which annexation is proposed shall file the 95  
ordinances or resolutions adopted under this division with the 96  
board of county commissioners within twenty days following the 97  
date that the petition is filed. The board shall make these 98  
ordinances or resolutions available for public inspection. 99

(D) Within twenty-five days after the date that the 100  
petition is filed, the legislative authority of the municipal 101  
corporation to which annexation is proposed and each township 102  
any portion of which is included within the territory proposed 103  
for annexation may adopt and file with the board of county 104  
commissioners an ordinance or resolution consenting or objecting 105  
to the proposed annexation. An objection to the proposed 106  
annexation shall be based solely upon the petition's failure to 107  
meet the conditions specified in division (E) of this section. 108

If the municipal corporation and each of those townships 109  
timely files an ordinance or resolution consenting to the 110

proposed annexation, the board at its next regular session shall 111  
enter upon its journal a resolution granting the proposed 112  
annexation. If, instead, the municipal corporation or any of 113  
those townships files an ordinance or resolution that objects to 114  
the proposed annexation, the board of county commissioners shall 115  
proceed as provided in division (E) of this section. Failure of 116  
the municipal corporation or any of those townships to timely 117  
file an ordinance or resolution consenting or objecting to the 118  
proposed annexation shall be deemed to constitute consent by 119  
that municipal corporation or township to the proposed 120  
annexation. 121

(E) Unless the petition is granted under division (D) of 122  
this section, not less than thirty or more than forty-five days 123  
after the date that the petition is filed, the board of county 124  
commissioners shall review it to determine if each of the 125  
following conditions has been met: 126

(1) The petition meets all the requirements set forth in, 127  
and was filed in the manner provided in, section 709.021 of the 128  
Revised Code. 129

(2) The persons who signed the petition are owners of the 130  
real estate located in the territory proposed for annexation and 131  
constitute all of the owners of real estate in that territory. 132

(3) The territory proposed for annexation does not exceed 133  
five hundred acres. 134

(4) The territory proposed for annexation shares a 135  
contiguous boundary with the municipal corporation to which 136  
annexation is proposed for a continuous length of at least five 137  
per cent of the perimeter of the territory proposed for 138  
annexation. 139

(5) The annexation will not create an unincorporated area 140  
of the township that is completely surrounded by the territory 141  
proposed for annexation. 142

(6) The municipal corporation to which annexation is 143  
proposed has agreed to provide to the territory proposed for 144  
annexation the services specified in the relevant ordinance or 145  
resolution adopted under division (C) of this section. 146

(7) If a street or highway will be divided or segmented by 147  
the boundary line between the township and the municipal 148  
corporation as to create a road maintenance problem, the 149  
municipal corporation to which annexation is proposed has agreed 150  
as a condition of the annexation to assume the maintenance of 151  
that street or highway or to otherwise correct the problem. As 152  
used in this section, "street" or "highway" has the same meaning 153  
as in section 4511.01 of the Revised Code. 154

(F) Not less than thirty or more than forty-five days 155  
after the date that the petition is filed, if the petition is 156  
not granted under division (D) of this section, the board of 157  
county commissioners, if it finds that each of the conditions 158  
specified in division (E) of this section has been met, shall 159  
enter upon its journal a resolution granting the annexation. If 160  
the board of county commissioners finds that one or more of the 161  
conditions specified in division (E) of this section have not 162  
been met, it shall enter upon its journal a resolution that 163  
states which of those conditions the board finds have not been 164  
met and that denies the petition. 165

(G) If a petition is granted under division (D) or (F) of 166  
this section, the clerk of the board of county commissioners 167  
shall proceed as provided in division (C)(1) of section 709.033 168  
of the Revised Code, except that no recording or hearing 169

exhibits would be involved. There is no appeal in law or equity 170  
from the board's entry of any resolution under this section, but 171  
any party may seek a writ of mandamus to compel the board of 172  
county commissioners to perform its duties under this section. 173

(H) Notwithstanding anything to the contrary in section 174  
503.07 of the Revised Code, unless otherwise provided in an 175  
annexation agreement entered into pursuant to section 709.192 of 176  
the Revised Code or in a cooperative economic development 177  
agreement entered into pursuant to section 701.07 of the Revised 178  
Code, territory annexed into a municipal corporation pursuant to 179  
this section shall not at any time be excluded from the township 180  
under section 503.07 of the Revised Code and, thus, remains 181  
subject to the township's real property taxes. 182

(I) Any owner of land that remains within a township and 183  
that is adjacent to territory annexed pursuant to this section 184  
who is directly affected by the failure of the annexing 185  
municipal corporation to enforce compliance with any zoning 186  
ordinance it adopts under division (C) of this section requiring 187  
the owner of the annexed territory to provide a buffer zone, may 188  
commence in the court of common pleas a civil action against 189  
that owner to enforce compliance with that buffer requirement 190  
whenever the required buffer is not in place before any 191  
development of the annexed territory begins. 192

~~(J) Division (C) (18) of section 718.01 of the Revised Code 193  
applies to the compensation paid to persons performing personal 194  
services for a political subdivision on property owned by the 195  
political subdivision after that property is annexed to a 196  
municipal corporation under this section. 197~~

**Sec. 718.01.** Any term used in this chapter that is not 198  
otherwise defined in this chapter has the same meaning as when 199

used in a comparable context in laws of the United States 200  
relating to federal income taxation or in Title LVII of the 201  
Revised Code, unless a different meaning is clearly required. 202  
Except as provided in section 718.81 of the Revised Code, if a 203  
term used in this chapter that is not otherwise defined in this 204  
chapter is used in a comparable context in both the laws of the 205  
United States relating to federal income tax and in Title LVII 206  
of the Revised Code and the use is not consistent, then the use 207  
of the term in the laws of the United States relating to federal 208  
income tax shall control over the use of the term in Title LVII 209  
of the Revised Code. 210

Except as otherwise provided in section 718.81 of the 211  
Revised Code, as used in this chapter: 212

(A) (1) "Municipal taxable income" means the following: 213

(a) For a person other than an individual, income 214  
apportioned or situated to the municipal corporation under 215  
section 718.02 of the Revised Code, as applicable, reduced by 216  
any pre-2017 net operating loss carryforward available to the 217  
person for the municipal corporation. 218

(b) (i) For an individual who is a resident of a municipal 219  
corporation other than a qualified municipal corporation, income 220  
reduced by exempt income to the extent otherwise included in 221  
income, then reduced as provided in division (A) (2) of this 222  
section, and further reduced by any pre-2017 net operating loss 223  
carryforward available to the individual for the municipal 224  
corporation. 225

(ii) For an individual who is a resident of a qualified 226  
municipal corporation, Ohio adjusted gross income reduced by 227  
income exempted, and increased by deductions excluded, by the 228



qualified municipal corporation from the qualified municipal 229  
corporation's tax. ~~If a qualified municipal corporation, on or~~ 230  
~~before December 31, 2013, exempts income earned by individuals~~ 231  
~~who are not residents of the qualified municipal corporation and~~ 232  
~~net profit of persons that are not wholly located within the~~ 233  
~~qualified municipal corporation, such individual or person shall~~ 234  
~~have no municipal taxable income for the purposes of the tax~~ 235  
~~levied by the qualified municipal corporation and may be~~ 236  
~~exempted by the qualified municipal corporation from the~~ 237  
~~requirements of section 718.03 of the Revised Code.~~ 238

~~(c) For an individual who is a nonresident of a municipal~~ 239  
~~corporation, income reduced by exempt income to the extent~~ 240  
~~otherwise included in income and then, as applicable,~~ 241  
~~apportioned or situated to the municipal corporation under~~ 242  
~~section 718.02 of the Revised Code, then reduced as provided in~~ 243  
~~division (A) (2) of this section, and further reduced by any pre-~~ 244  
~~2017 net operating loss carryforward available to the individual~~ 245  
~~for the municipal corporation.~~ 246

(2) In computing the municipal taxable income of a 247  
taxpayer who is an individual, the taxpayer may subtract, as 248  
provided in division (A) (1) (b) (i) ~~or (c)~~ of this section, the 249  
amount of the individual's employee business expenses reported 250  
on the individual's form 2106 that the individual deducted for 251  
federal income tax purposes for the taxable year, subject to the 252  
limitation imposed by section 67 of the Internal Revenue Code. 253  
~~For the municipal corporation in which the taxpayer is a~~ 254  
~~resident, the taxpayer may deduct all such expenses allowed for~~ 255  
~~federal income tax purposes. For a municipal corporation in~~ 256  
~~which the taxpayer is not a resident, the taxpayer may deduct~~ 257  
~~such expenses only to the extent the expenses are related to the~~ 258  
~~taxpayer's performance of personal services in that nonresident~~ 259

<del>municipal corporation.</del>	260
(B) "Income" means the following:	261
(1) (a) For <del>residents</del> <u>individuals</u> , all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the <del>resident</del> <u>individual</u> , including the <del>resident's</del> <u>individual's</u> distributive share of the net profit of pass-through entities owned directly or indirectly by the <del>resident</del> <u>individual</u> and any net profit of the <del>resident</del> <u>individual</u> , except as provided in division (D) (5) of this section.	262 263 264 265 266 267 268 269
(b) For the purposes of division (B) (1) (a) of this section:	270 271
(i) Any net operating loss of the <del>resident</del> <u>individual</u> incurred in the taxable year and the <del>resident's</del> <u>individual's</u> distributive share of any net operating loss generated in the same taxable year and attributable to the <del>resident's</del> <u>individual's</u> ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the <del>resident</del> <u>individual</u> or the <del>resident's</del> <u>individual's</u> distributive share of any net profit attributable to the <del>resident's</del> <u>individual's</u> ownership interest in a pass-through entity until fully utilized, subject to division (B) (1) (d) of this section;	272 273 274 275 276 277 278 279 280 281 282 283
(ii) The <del>resident's</del> <u>individual's</u> distributive share of the net profit of each pass-through entity owned directly or indirectly by the <del>resident</del> <u>individual</u> shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce	284 285 286 287 288

the entity's net profit for the current taxable year.	289
(c) Division (B) (1) (b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C) (14) (b) or (c) of this section.	290 291 292 293 294 295
(d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.	296 297 298 299 300 301 302
<del>(2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.</del>	303 304 305 306 307 308 309 310
<del>(3)</del> For taxpayers that are not individuals, net profit of the taxpayer;	311 312
<del>(4)</del> <u>(3)</u> Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue	313 314 315 316 317

Code and claimed against such winnings.	318
(C) "Exempt income" means all of the following:	319
(1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;	320 321 322
(2) (a) Except as provided in division (C) (2) (b) of this section, intangible income;	323 324
(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.	325 326 327 328 329 330 331
(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C) (3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o) (2) of the Internal Revenue Code.	332 333 334 335 336 337 338 339 340 341 342 343
(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt	344 345 346

tangible or intangible property, or tax-exempt activities.	347
(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.	348 349 350 351 352 353 354 355
(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;	356 357 358
(7) Alimony and child support received;	359
(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;	360 361 362 363
(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C) (9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.	364 365 366 367
(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;	368 369 370 371 372 373
(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;	374 375

(12) Employee compensation that is not qualifying wages as 376  
defined in division (R) of this section; 377

(13) (a) Compensation for personal services paid to a 378  
~~person employed within the boundaries of a United States air~~ 379  
~~force base under the jurisdiction of the United States air force~~ 380  
~~that is used for the housing of members of the United States air~~ 381  
~~force and is a center for air force operations, unless the~~ 382  
~~person is subject to taxation because of residence or domicile.~~ 383  
~~If the compensation is subject to taxation because of residence~~ 384  
~~or domicile, tax on such income shall be payable only to the~~ 385  
~~municipal corporation of residence or domicile~~nonresident 386  
individual. 387

(b) The net profit received by a nonresident individual 388  
from a business or profession operated as a sole proprietorship. 389

(14) (a) Except as provided in division (C) (14) (b) or (c) 390  
of this section, an S corporation shareholder's distributive 391  
share of net profits of the S corporation, other than any part 392  
of the distributive share of net profits that represents wages 393  
as defined in section 3121(a) of the Internal Revenue Code or 394  
net earnings from self-employment as defined in section 1402(a) 395  
of the Internal Revenue Code. 396

(b) If, pursuant to division (H) of former section 718.01 397  
of the Revised Code as it existed before March 11, 2004, a 398  
majority of the electors of a municipal corporation voted in 399  
favor of the question at an election held on November 4, 2003, 400  
the municipal corporation may continue after 2002 to tax an S 401  
corporation shareholder's distributive share of net profits of 402  
an S corporation. 403

(c) If, on December 6, 2002, a municipal corporation was 404

imposing, assessing, and collecting a tax on an S corporation 405  
shareholder's distributive share of net profits of the S 406  
corporation to the extent the distributive share would be 407  
allocated or apportioned to this state under divisions (B) (1) 408  
and (2) of section 5733.05 of the Revised Code if the S 409  
corporation were a corporation subject to taxes imposed under 410  
Chapter 5733. of the Revised Code, the municipal corporation may 411  
continue to impose the tax on such distributive shares to the 412  
extent such shares would be so allocated or apportioned to this 413  
state only until December 31, 2004, unless a majority of the 414  
electors of the municipal corporation voting on the question of 415  
continuing to tax such shares after that date voted in favor of 416  
that question at an election held November 2, 2004. If a 417  
majority of those electors voted in favor of the question, the 418  
municipal corporation may continue after December 31, 2004, to 419  
impose the tax on such distributive shares only to the extent 420  
such shares would be so allocated or apportioned to this state. 421

(d) A municipal corporation shall be deemed to have 422  
elected to tax S corporation shareholders' distributive shares 423  
of net profits of the S corporation in the hands of the 424  
shareholders if a majority of the electors of a municipal 425  
corporation voted in favor of a question at an election held 426  
under division (C) (14) (b) or (c) of this section. The municipal 427  
corporation shall specify by resolution or ordinance that the 428  
tax applies to the distributive share of a shareholder of an S 429  
corporation in the hands of the shareholder of the S 430  
corporation. 431

(15) To the extent authorized under a resolution or 432  
ordinance adopted by a municipal corporation before January 1, 433  
2016, all or a portion of the income of individuals or a class 434  
of individuals under eighteen years of age. 435

~~(16) (a) Except as provided in divisions (C) (16) (b), (c), and (d) of this section, qualifying wages described in division (B) (1) or (E) of section 718.011 of the Revised Code to the extent the qualifying wages are not subject to withholding for the municipal corporation under either of those divisions.~~ 436  
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~~(b) The exemption provided in division (C) (16) (a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.~~ 441  
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~~(c) The exemption provided in division (C) (16) (a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D) (2) of section 718.011 of the Revised Code.~~ 445  
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~~(d) The exemption provided in division (C) (16) (a) of this section does not apply to qualifying wages if both of the following conditions apply:~~ 449  
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~~(i) For qualifying wages described in division (B) (1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;~~ 452  
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~~(ii) The employee receives a refund of the tax described in division (C) (16) (d) (i) of this section on the basis of the employee not performing services in that municipal corporation.~~ 461  
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~~(17) (a) Except as provided in division (C) (17) (b) or (c)~~ 464



~~of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.~~ 465  
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~~(b) The exemption provided in division (C) (17) (a) of this section does not apply under either of the following circumstances:~~ 469  
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~~(i) The individual's base of operation is located in the municipal corporation.~~ 472  
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~~(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C) (17) (b) (ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code.~~ 474  
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~~(c) Compensation to which division (C) (17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.~~ 482  
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~~(d) For purposes of division (C) (17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.~~ 487  
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~~(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the~~ 492  
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~~political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.~~

~~(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.~~

~~(20) All of the following:~~

~~(a) Income derived from disaster work conducted in this state by an out-of-state disaster business during a disaster response period pursuant to a qualifying solicitation received by the business;~~

~~(b) Income of a qualifying employee described in division (A) (14) (a) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;~~

~~(c) Income of a qualifying employee described in division~~

~~(A) (14) (b) of section 5703.94 of the Revised Code, to the extent~~ 523  
~~such income is derived from disaster work conducted in this~~ 524  
~~state by the employee during a disaster response period on~~ 525  
~~critical infrastructure owned or used by the employee's~~ 526  
~~employer.~~ 527

~~(21)~~ (17) Income the taxation of which is prohibited by 528  
the constitution or laws of the United States. 529

Any item of income that is exempt income of a pass-through 530  
entity under division (C) of this section is exempt income of 531  
each owner of the pass-through entity to the extent of that 532  
owner's distributive or proportionate share of that item of the 533  
entity's income. 534

(D) (1) "Net profit" for a person who is an individual 535  
means the individual's net profit required to be reported on 536  
schedule C, schedule E, or schedule F reduced by any net 537  
operating loss carried forward. For the purposes of division (D) 538  
(1) of this section, the net operating loss carried forward 539  
shall be calculated and deducted in the same manner as provided 540  
in division (D) (3) of this section. 541

(2) "Net profit" for a person other than an individual 542  
means adjusted federal taxable income reduced by any net 543  
operating loss incurred by the person in a taxable year 544  
beginning on or after January 1, 2017, subject to the 545  
limitations of division (D) (3) of this section. 546

(3) (a) The amount of such net operating loss shall be 547  
deducted from net profit to the extent necessary to reduce 548  
municipal taxable income to zero, with any remaining unused 549  
portion of the net operating loss carried forward to not more 550  
than five consecutive taxable years following the taxable year 551

in which the loss was incurred, but in no case for more years 552  
than necessary for the deduction to be fully utilized. 553

(b) No person shall use the deduction allowed by division 554  
(D) (3) of this section to offset qualifying wages. 555

(c) (i) For taxable years beginning in 2018, 2019, 2020, 556  
2021, or 2022, a person may not deduct, for purposes of an 557  
income tax levied by a municipal corporation that levies an 558  
income tax before January 1, 2016, more than fifty per cent of 559  
the amount of the deduction otherwise allowed by division (D) (3) 560  
of this section. 561

(ii) For taxable years beginning in 2023 or thereafter, a 562  
person may deduct, for purposes of an income tax levied by a 563  
municipal corporation that levies an income tax before January 564  
1, 2016, the full amount allowed by division (D) (3) of this 565  
section without regard to the limitation of division (D) (3) (b) 566  
(i) of this section. 567

(d) Any pre-2017 net operating loss carryforward deduction 568  
that is available may be utilized before a taxpayer may deduct 569  
any amount pursuant to division (D) (3) of this section. 570

(e) Nothing in division (D) (3) (c) (i) of this section 571  
precludes a person from carrying forward, for use with respect 572  
to any return filed for a taxable year beginning after 2018, any 573  
amount of net operating loss that was not fully utilized by 574  
operation of division (D) (3) (c) (i) of this section. To the 575  
extent that an amount of net operating loss that was not fully 576  
utilized in one or more taxable years by operation of division 577  
(D) (3) (c) (i) of this section is carried forward for use with 578  
respect to a return filed for a taxable year beginning in 2019, 579  
2020, 2021, or 2022, the limitation described in division (D) (3) 580

(c) (i) of this section shall apply to the amount carried 581  
forward. 582

(4) For the purposes of this chapter, and notwithstanding 583  
division (D) (2) of this section, net profit of a disregarded 584  
entity shall not be taxable as against that disregarded entity, 585  
but shall instead be included in the net profit of the owner of 586  
the disregarded entity. 587

(5) For the purposes of this chapter, and notwithstanding 588  
any other provision of this chapter, the net profit of a 589  
publicly traded partnership that makes the election described in 590  
division (D) (5) of this section shall be taxed as if the 591  
partnership were a C corporation, and shall not be treated as 592  
the net profit or income of any owner of the partnership. 593

A publicly traded partnership that is treated as a 594  
partnership for federal income tax purposes and that is subject 595  
to tax on its net profits in one or more municipal corporations 596  
in this state may elect to be treated as a C corporation for 597  
municipal income tax purposes. The publicly traded partnership 598  
shall make the election in every municipal corporation in which 599  
the partnership is subject to taxation on its net profits. The 600  
election shall be made on the annual tax return filed in each 601  
such municipal corporation. The publicly traded partnership 602  
shall not be required to file the election with any municipal 603  
corporation in which the partnership is not subject to taxation 604  
on its net profits, but division (D) (5) of this section applies 605  
to all municipal corporations in which an individual owner of 606  
the partnership resides. 607

(E) "Adjusted federal taxable income," for a person 608  
required to file as a C corporation, or for a person that has 609  
elected to be taxed as a C corporation under division (D) (5) of 610

this section, means a C corporation's federal taxable income 611  
before net operating losses and special deductions as determined 612  
under the Internal Revenue Code, adjusted as follows: 613

(1) Deduct intangible income to the extent included in 614  
federal taxable income. The deduction shall be allowed 615  
regardless of whether the intangible income relates to assets 616  
used in a trade or business or assets held for the production of 617  
income. 618

(2) Add an amount equal to five per cent of intangible 619  
income deducted under division (E) (1) of this section, but 620  
excluding that portion of intangible income directly related to 621  
the sale, exchange, or other disposition of property described 622  
in section 1221 of the Internal Revenue Code; 623

(3) Add any losses allowed as a deduction in the 624  
computation of federal taxable income if the losses directly 625  
relate to the sale, exchange, or other disposition of an asset 626  
described in section 1221 or 1231 of the Internal Revenue Code; 627

(4) (a) Except as provided in division (E) (4) (b) of this 628  
section, deduct income and gain included in federal taxable 629  
income to the extent the income and gain directly relate to the 630  
sale, exchange, or other disposition of an asset described in 631  
section 1221 or 1231 of the Internal Revenue Code; 632

(b) Division (E) (4) (a) of this section does not apply to 633  
the extent the income or gain is income or gain described in 634  
section 1245 or 1250 of the Internal Revenue Code. 635

(5) Add taxes on or measured by net income allowed as a 636  
deduction in the computation of federal taxable income; 637

(6) In the case of a real estate investment trust or 638  
regulated investment company, add all amounts with respect to 639

dividends to, distributions to, or amounts set aside for or 640  
credited to the benefit of investors and allowed as a deduction 641  
in the computation of federal taxable income; 642

(7) Deduct, to the extent not otherwise deducted or 643  
excluded in computing federal taxable income, any income derived 644  
from a transfer agreement or from the enterprise transferred 645  
under that agreement under section 4313.02 of the Revised Code; 646

(8) Deduct exempt income to the extent not otherwise 647  
deducted or excluded in computing adjusted federal taxable 648  
income. 649

(9) Deduct any net profit of a pass-through entity owned 650  
directly or indirectly by the taxpayer and included in the 651  
taxpayer's federal taxable income unless an affiliated group of 652  
corporations includes that net profit in the group's federal 653  
taxable income in accordance with division (E) (3) (b) of section 654  
718.06 of the Revised Code. 655

(10) Add any loss incurred by a pass-through entity owned 656  
directly or indirectly by the taxpayer and included in the 657  
taxpayer's federal taxable income unless an affiliated group of 658  
corporations includes that loss in the group's federal taxable 659  
income in accordance with division (E) (3) (b) of section 718.06 660  
of the Revised Code. 661

If the taxpayer is not a C corporation, is not a 662  
disregarded entity that has made the election described in 663  
division (L) (2) of this section, is not a publicly traded 664  
partnership that has made the election described in division (D) 665  
(5) of this section, and is not an individual, the taxpayer 666  
shall compute adjusted federal taxable income under this section 667  
as if the taxpayer were a C corporation, except guaranteed 668

payments and other similar amounts paid or accrued to a partner, 669  
former partner, shareholder, former shareholder, member, or 670  
former member shall not be allowed as a deductible expense 671  
unless such payments are in consideration for the use of capital 672  
and treated as payment of interest under section 469 of the 673  
Internal Revenue Code or United States treasury regulations. 674  
Amounts paid or accrued to a qualified self-employed retirement 675  
plan with respect to a partner, former partner, shareholder, 676  
former shareholder, member, or former member of the taxpayer, 677  
amounts paid or accrued to or for health insurance for a 678  
partner, former partner, shareholder, former shareholder, 679  
member, or former member, and amounts paid or accrued to or for 680  
life insurance for a partner, former partner, shareholder, 681  
former shareholder, member, or former member shall not be 682  
allowed as a deduction. 683

Nothing in division (E) of this section shall be construed 684  
as allowing the taxpayer to add or deduct any amount more than 685  
once or shall be construed as allowing any taxpayer to deduct 686  
any amount paid to or accrued for purposes of federal self- 687  
employment tax. 688

(F) "Schedule C" means internal revenue service schedule C 689  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 690  
Code. 691

(G) "Schedule E" means internal revenue service schedule E 692  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 693  
Code. 694

(H) "Schedule F" means internal revenue service schedule F 695  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 696  
Code. 697



(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	698 699
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	700 701 702
(K) "Nonresident" means an individual that is not a resident.	703 704
(L) (1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L) (2) (a) of this section, a disregarded entity.	705 706 707 708 709
(2) (a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	710 711 712 713 714 715
(i) The limited liability company's single member is also a limited liability company.	716 717
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	718 719 720
(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.	721 722 723 724
(iv) The limited liability company was not formed for the	725

purpose of evading or reducing Ohio municipal corporation income 726  
tax liability of the limited liability company or its single 727  
member. 728

(v) The Ohio municipal corporation that was the primary 729  
place of business of the sole member of the limited liability 730  
company consented to the election. 731

(b) For purposes of division (L) (2) (a) (v) of this section, 732  
a municipal corporation was the primary place of business of a 733  
limited liability company if, for the limited liability 734  
company's taxable year ending in 2003, its income tax liability 735  
was greater in that municipal corporation than in any other 736  
municipal corporation in Ohio, and that tax liability to that 737  
municipal corporation for its taxable year ending in 2003 was at 738  
least four hundred thousand dollars. 739

(M) "Person" includes individuals, firms, companies, joint 740  
stock companies, business trusts, estates, trusts, partnerships, 741  
limited liability partnerships, limited liability companies, 742  
associations, C corporations, S corporations, governmental 743  
entities, and any other entity. 744

(N) "Pass-through entity" means a partnership not treated 745  
as an association taxable as a C corporation for federal income 746  
tax purposes, a limited liability company not treated as an 747  
association taxable as a C corporation for federal income tax 748  
purposes, an S corporation, or any other class of entity from 749  
which the income or profits of the entity are given pass-through 750  
treatment for federal income tax purposes. "Pass-through entity" 751  
does not include a trust, estate, grantor of a grantor trust, or 752  
disregarded entity. 753

(O) "S corporation" means a person that has made an 754

election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year. (P) "Single member limited liability company" means a limited liability company that has one direct member. (Q) "Limited liability company" means a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of another state. (R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

- (1) Deduct the following amounts:
  - (a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.
  - (b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.
  - (c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v) (2) (C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.
  - (d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the

municipal corporation has, by resolution or ordinance adopted 783  
before January 1, 2016, exempted the amount from withholding and 784  
tax. 785

(e) Any amount included in wages that is exempt income. 786

(2) Add the following amounts: 787

(a) Any amount not included in wages solely because the 788  
employee was employed by the employer before April 1, 1986. 789

(b) Any amount not included in wages because the amount 790  
arises from the sale, exchange, or other disposition of a stock 791  
option, the exercise of a stock option, or the sale, exchange, 792  
or other disposition of stock purchased under a stock option and 793  
the municipal corporation has not, by resolution or ordinance, 794  
exempted the amount from withholding and tax adopted before 795  
January 1, 2016. Division (R) (2) (b) of this section applies only 796  
to those amounts constituting ordinary income. 797

(c) Any amount not included in wages if the amount is an 798  
amount described in section 401(k), 403(b), or 457 of the 799  
Internal Revenue Code. Division (R) (2) (c) of this section 800  
applies only to employee contributions and employee deferrals. 801

(d) Any amount that is supplemental unemployment 802  
compensation benefits described in section 3402(o) (2) of the 803  
Internal Revenue Code and not included in wages. 804

(e) Any amount received that is treated as self-employment 805  
income for federal tax purposes in accordance with section 806  
1402(a) (8) of the Internal Revenue Code. 807

(f) Any amount not included in wages if all of the 808  
following apply: 809

(i) For the taxable year the amount is employee 810

compensation that is earned outside of the United States and 811  
that either is included in the taxpayer's gross income for 812  
federal income tax purposes or would have been included in the 813  
taxpayer's gross income for such purposes if the taxpayer did 814  
not elect to exclude the income under section 911 of the 815  
Internal Revenue Code; 816

(ii) For no preceding taxable year did the amount 817  
constitute wages as defined in section 3121(a) of the Internal 818  
Revenue Code; 819

(iii) For no succeeding taxable year will the amount 820  
constitute wages; and 821

(iv) For any taxable year the amount has not otherwise 822  
been added to wages pursuant to either division (R) (2) of this 823  
section or section 718.03 of the Revised Code, as that section 824  
existed before the effective date of H.B. 5 of the 130th general 825  
assembly, March 23, 2015. 826

(S) "Intangible income" means income of any of the 827  
following types: income yield, interest, capital gains, 828  
dividends, or other income arising from the ownership, sale, 829  
exchange, or other disposition of intangible property including, 830  
but not limited to, investments, deposits, money, or credits as 831  
those terms are defined in Chapter 5701. of the Revised Code, 832  
and patents, copyrights, trademarks, tradenames, investments in 833  
real estate investment trusts, investments in regulated 834  
investment companies, and appreciation on deferred compensation. 835  
"Intangible income" does not include prizes, awards, or other 836  
income associated with any lottery winnings, gambling winnings, 837  
or other similar games of chance. 838

(T) "Taxable year" means the corresponding tax reporting 839

period as prescribed for the taxpayer under the Internal Revenue Code. 840  
841

(U) "Tax administrator" means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following: 842  
843  
844  
845

(1) A municipal corporation acting as the agent of another municipal corporation; 846  
847

(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis; 848  
849  
850  
851

(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency. 852  
853  
854  
855

"Tax administrator" does not include the tax commissioner. 856

(V) "Employer" means a person that is an employer for federal income tax purposes. 857  
858

(W) "Employee" means an individual who is an employee for federal income tax purposes. 859  
860

(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents. 861  
862  
863  
864  
865

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December. 866  
867

(Z) "Form 2106" means internal revenue service form 2106	868
filed by a taxpayer pursuant to the Internal Revenue Code.	869
(AA) "Municipal corporation" <del>includes</del> <u>does not include</u> a	870
joint economic development district or joint economic	871
development zone that levies an income tax under section	872
715.691, 715.70, 715.71, or 715.72 of the Revised Code.	873
(BB) "Disregarded entity" means a single member limited	874
liability company, a qualifying subchapter S subsidiary, or	875
another entity if the company, subsidiary, or entity is a	876
disregarded entity for federal income tax purposes.	877
(CC) "Generic form" means an electronic or paper form that	878
is not prescribed by a particular municipal corporation and that	879
is designed for reporting taxes withheld by an employer, agent	880
of an employer, or other payer, estimated municipal income	881
taxes, or annual municipal income tax liability or for filing a	882
refund claim.	883
(DD) "Tax return preparer" means any individual described	884
in section 7701(a)(36) of the Internal Revenue Code and 26	885
C.F.R. 301.7701-15.	886
(EE) "Ohio business gateway" means the online computer	887
network system, created under section 125.30 of the Revised	888
Code, that allows persons to electronically file business reply	889
forms with state agencies and includes any successor electronic	890
filing and payment system.	891
(FF) "Local board of tax review" and "board of tax review"	892
mean the entity created under section 718.11 of the Revised	893
Code.	894
(GG) "Net operating loss" means a loss incurred by a	895
person in the operation of a trade or business. "Net operating	896

loss" does not include unutilized losses resulting from basis 897  
limitations, at-risk limitations, or passive activity loss 898  
limitations. 899

(HH) "Casino operator" and "casino facility" have the same 900  
meanings as in section 3772.01 of the Revised Code. 901

(II) "Video lottery terminal" has the same meaning as in 902  
section 3770.21 of the Revised Code. 903

(JJ) "Video lottery terminal sales agent" means a lottery 904  
sales agent licensed under Chapter 3770. of the Revised Code to 905  
conduct video lottery terminals on behalf of the state pursuant 906  
to section 3770.21 of the Revised Code. 907

(KK) "Postal service" means the United States postal 908  
service. 909

(LL) "Certified mail," "express mail," "United States 910  
mail," "postal service," and similar terms include any delivery 911  
service authorized pursuant to section 5703.056 of the Revised 912  
Code. 913

(MM) "Postmark date," "date of postmark," and similar 914  
terms include the date recorded and marked in the manner 915  
described in division (B) (3) of section 5703.056 of the Revised 916  
Code. 917

(NN) "Related member" means a person that, with respect to 918  
the taxpayer during all or any portion of the taxable year, is 919  
either a related entity, a component member as defined in 920  
section 1563(b) of the Internal Revenue Code, or a person to or 921  
from whom there is attribution of stock ownership in accordance 922  
with section 1563(e) of the Internal Revenue Code except, for 923  
purposes of determining whether a person is a related member 924  
under this division, "twenty per cent" shall be substituted for 925



"5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.	926 927
(OO) "Related entity" means any of the following:	928
(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;	929 930 931 932 933 934
(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;	935 936 937 938 939 940
(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (OO) (4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;	941 942 943 944 945 946 947
(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (OO) (1) to (3) of this section have been met.	948 949 950 951
(PP) (1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax,	952 953 954

penalty, or interest, to the municipal corporation that 955  
commences the person's time limitation for making an appeal to 956  
the local board of tax review pursuant to section 718.11 of the 957  
Revised Code, and has "ASSESSMENT" written in all capital 958  
letters at the top of such finding. 959

(2) "Assessment" does not include an informal notice 960  
denying a request for refund issued under division (B)(3) of 961  
section 718.19 of the Revised Code, a billing statement 962  
notifying a taxpayer of current or past-due balances owed to the 963  
municipal corporation, a tax administrator's request for 964  
additional information, a notification to the taxpayer of 965  
mathematical errors, or a tax administrator's other written 966  
correspondence to a person or taxpayer that does meet the 967  
criteria prescribed by division (PP)(1) of this section. 968

(QQ) "Taxpayers' rights and responsibilities" means the 969  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 970  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 971  
Revised Code and the responsibilities of taxpayers to file, 972  
report, withhold, remit, and pay municipal income tax and 973  
otherwise comply with Chapter 718. of the Revised Code and 974  
resolutions, ordinances, and rules adopted by a municipal 975  
corporation for the imposition and administration of a municipal 976  
income tax. 977

(RR) "Qualified municipal corporation" means a municipal 978  
corporation that, by resolution or ordinance adopted on or 979  
before December 31, 2011, adopted Ohio adjusted gross income, as 980  
defined by section 5747.01 of the Revised Code, as the income 981  
subject to tax for the purposes of imposing a municipal income 982  
tax. 983

(SS) (1) "Pre-2017 net operating loss carryforward" means 984

any net operating loss incurred in a taxable year beginning 985  
before January 1, 2017, to the extent such loss was permitted, 986  
by a resolution or ordinance of the municipal corporation that 987  
was adopted by the municipal corporation before January 1, 2016, 988  
to be carried forward and utilized to offset income or net 989  
profit generated in such municipal corporation in future taxable 990  
years. 991

(2) For the purpose of calculating municipal taxable 992  
income, any pre-2017 net operating loss carryforward may be 993  
carried forward to any taxable year, including taxable years 994  
beginning in 2017 or thereafter, for the number of taxable years 995  
provided in the resolution or ordinance or until fully utilized, 996  
whichever is earlier. 997

(TT) "Small employer" means any employer that had total 998  
revenue of less than five hundred thousand dollars during the 999  
preceding taxable year. For purposes of this division, "total 1000  
revenue" means receipts of any type or kind, including, but not 1001  
limited to, sales receipts; payments; rents; profits; gains, 1002  
dividends, and other investment income; compensation; 1003  
commissions; premiums; money; property; grants; contributions; 1004  
donations; gifts; program service revenue; patient service 1005  
revenue; premiums; fees, including premium fees and service 1006  
fees; tuition payments; unrelated business revenue; 1007  
reimbursements; any type of payment from a governmental unit, 1008  
including grants and other allocations; and any other similar 1009  
receipts reported for federal income tax purposes or under 1010  
generally accepted accounting principles. "Small employer" does 1011  
not include the federal government; any state government, 1012  
including any state agency or instrumentality; any political 1013  
subdivision; or any entity treated as a government for financial 1014  
accounting and reporting purposes. 1015

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(WW) "Tax commissioner" means the tax commissioner appointed under section 121.03 of the Revised Code.

~~(XX) "Out of state disaster business," "qualifying solicitation," "qualifying employee," "disaster work," "critical infrastructure," and "disaster response period" have the same meanings as in section 5703.94 of the Revised Code.~~

~~(YY)~~ "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

~~(ZZ)~~ (YY) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Sec. 718.02. This section applies to the net profit of any 1045  
taxpayer engaged in a business or profession in a municipal 1046  
corporation that imposes an income tax in accordance with this 1047  
chapter, ~~unless the taxpayer is an individual who resides in the~~ 1048  
~~municipal corporation~~ net profit arises from a business or 1049  
profession operated as a sole proprietorship or the taxpayer is 1050  
an electric company, combined company, or telephone company that 1051  
is subject to and required to file reports under Chapter 5745. 1052  
of the Revised Code. 1053

(A) Except as otherwise provided in division (B) of this 1054  
section, net profit from a business or profession conducted both 1055  
within and without the boundaries of a municipal corporation 1056  
shall be considered as having a taxable situs in the municipal 1057  
corporation for purposes of municipal income taxation in the 1058  
same proportion as the average ratio of the following: 1059

(1) The average original cost of the real property and 1060  
tangible personal property owned or used by the taxpayer in the 1061  
business or profession in the municipal corporation during the 1062  
taxable period to the average original cost of all of the real 1063  
and tangible personal property owned or used by the taxpayer in 1064  
the business or profession during the same period, wherever 1065  
situated. 1066

As used in the preceding paragraph, tangible personal or 1067  
real property shall include property rented or leased by the 1068  
taxpayer and the value of such property shall be determined by 1069  
multiplying the annual rental thereon by eight; 1070

(2) Wages, salaries, and other compensation paid during 1071  
the taxable period to individuals employed in the business or 1072  
profession for services performed in the municipal corporation 1073  
to wages, salaries, and other compensation paid during the same 1074

period to individuals employed in the business or profession, 1075  
wherever the individual's services are performed, ~~excluding~~ 1076  
~~compensation from which taxes are not required to be withheld~~ 1077  
~~under section 718.011 of the Revised Code;~~ 1078

(3) Total gross receipts of the business or profession 1079  
from sales and rentals made and services performed during the 1080  
taxable period in the municipal corporation to total gross 1081  
receipts of the business or profession during the same period 1082  
from sales, rentals, and services, wherever made or performed. 1083

(B) (1) If the apportionment factors described in division 1084  
(A) of this section do not fairly represent the extent of a 1085  
taxpayer's business activity in a municipal corporation, the 1086  
taxpayer may request, or the tax administrator of the municipal 1087  
corporation may require, that the taxpayer use, with respect to 1088  
all or any portion of the income of the taxpayer, an alternative 1089  
apportionment method involving one or more of the following: 1090

(a) Separate accounting; 1091

(b) The exclusion of one or more of the factors; 1092

(c) The inclusion of one or more additional factors that 1093  
would provide for a more fair apportionment of the income of the 1094  
taxpayer to the municipal corporation; 1095

(d) A modification of one or more of the factors. 1096

(2) A taxpayer request to use an alternative apportionment 1097  
method shall be in writing and shall accompany a tax return, 1098  
timely filed appeal of an assessment, or timely filed amended 1099  
tax return. The taxpayer may use the requested alternative 1100  
method unless the tax administrator denies the request in an 1101  
assessment issued within the period prescribed by division (A) 1102  
of section 718.12 of the Revised Code. 1103

(3) A tax administrator may require a taxpayer to use an alternative apportionment method as described in division (B) (1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.12 of the Revised Code.

(4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a tax administrator or otherwise agreed upon by both the tax administrator and taxpayer before January 1, 2016.

(C) As used in division (A) (2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C) (1) (b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax administrator 1133  
determines that the employer directed the employee to perform 1134  
the services at the other location in lieu of a location 1135  
described in division (C) (1) or (2) of this section solely in 1136  
order to avoid or reduce the employer's municipal income tax 1137  
liability. If a tax administrator makes such a determination, 1138  
the employer may dispute the determination by establishing, by a 1139  
preponderance of the evidence, that the tax administrator's 1140  
determination was unreasonable. 1141

(D) For the purposes of division (A) (3) of this section, 1142  
receipts from sales and rentals made and services performed 1143  
shall be situated to a municipal corporation as follows: 1144

(1) Gross receipts from the sale of tangible personal 1145  
property shall be situated to the municipal corporation only if, 1146  
regardless of where title passes, the property meets either of 1147  
the following criteria: 1148

(a) The property is shipped to or delivered within the 1149  
municipal corporation from a stock of goods located within the 1150  
municipal corporation. 1151

(b) The property is delivered within the municipal 1152  
corporation from a location outside the municipal corporation, 1153  
provided the taxpayer is regularly engaged through its own 1154  
employees in the solicitation or promotion of sales within such 1155  
municipal corporation and the sales result from such 1156  
solicitation or promotion. 1157

(2) Gross receipts from the sale of services shall be 1158  
situated to the municipal corporation to the extent that such 1159  
services are performed in the municipal corporation. 1160

(3) To the extent included in income, gross receipts from 1161



the sale of real property located in the municipal corporation 1162  
shall be situated to the municipal corporation. 1163

(4) To the extent included in income, gross receipts from 1164  
rents and royalties from real property located in the municipal 1165  
corporation shall be situated to the municipal corporation. 1166

(5) Gross receipts from rents and royalties from tangible 1167  
personal property shall be situated to the municipal corporation 1168  
based upon the extent to which the tangible personal property is 1169  
used in the municipal corporation. 1170

~~(E) The net profit received by an individual taxpayer from 1171  
the rental of real estate owned directly by the individual or by 1172  
a disregarded entity owned by the individual shall be subject to 1173  
tax only by the municipal corporation in which the property 1174  
generating the net profit is located and the municipal 1175  
corporation in which the individual taxpayer that receives the 1176  
net profit resides. 1177~~

~~A municipal corporation shall allow such taxpayers to 1178  
elect to use separate accounting for the purpose of calculating 1179  
net profit situated under this division to the municipal 1180  
corporation in which the property is located. 1181~~

~~(F) (1) Except as provided in division (F) (2) of this 1182  
section, commissions received by a real estate agent or broker 1183  
relating to the sale, purchase, or lease of real estate shall be 1184  
situated to the municipal corporation in which the real estate is 1185  
located. Net profit reported by the real estate agent or broker 1186  
shall be allocated to a municipal corporation based upon the 1187  
ratio of the commissions the agent or broker received from the 1188  
sale, purchase, or lease of real estate located in the municipal 1189  
corporation to the commissions received from the sale, purchase, 1190~~

~~or lease of real estate everywhere in the taxable year.~~ 1191

~~(2) An individual who is a resident of a municipal corporation that imposes a municipal income tax shall report the individual's net profit from all real estate activity on the individual's annual tax return for that municipal corporation. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the municipal income tax ordinance, or rules of the municipal corporation of residence.~~ 1192  
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~~(G)~~ If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C) (12) and (R) (1) (d) of section 718.01 of the Revised Code by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation. 1201  
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This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section. 1216  
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~~(H)~~ (F) When calculating the ratios described in division (A) of this section for the purposes of that division or 1219  
1220

division (B) of this section, the owner of a disregarded entity 1221  
shall include in the owner's ratios the property, payroll, and 1222  
gross receipts of such disregarded entity. 1223

**Sec. 718.03.** (A) ~~(1)~~ Each employer, agent of an employer, 1224  
or other payer located or doing business in a municipal 1225  
corporation that imposes a tax on income in accordance with this 1226  
chapter shall withhold from each employee an amount equal to the 1227  
qualifying wages of the employee ~~earned by the employee in the~~ 1228  
~~municipal corporation~~ multiplied by the applicable income tax 1229  
rate of the municipal ~~corporation's income tax, except for~~ 1230  
~~qualifying wages for which withholding is not required under~~ 1231  
~~section 718.011 of the Revised Code or division (D) or (F) of~~ 1232  
~~this section~~ corporation in which the employee resides. An 1233  
employer, agent of an employer, or other payer shall deduct and 1234  
withhold the tax from qualifying wages on the date that the 1235  
employer, agent, or other payer directly, indirectly, or 1236  
constructively pays the qualifying wages to, or credits the 1237  
qualifying wages to the benefit of, the employee. 1238

~~(2) In addition to withholding the amounts required under~~ 1239  
~~division (A) (1) of this section, an employer, agent of an~~ 1240  
~~employer, or other payer may also deduct and withhold, on the~~ 1241  
~~request of an employee, taxes for the municipal corporation in~~ 1242  
~~which the employee is a resident.~~ 1243

(B) (1) Except as provided in division (B) (2) of this 1244  
section, an employer, agent of an employer, or other payer shall 1245  
remit to the tax administrator of a municipal corporation the 1246  
greater of the income taxes deducted and withheld or the income 1247  
taxes required to be deducted and withheld by the employer, 1248  
agent, or other payer according to the following schedule: 1249

(a) Taxes required to be deducted and withheld shall be 1250

remitted monthly to the tax administrator if the total taxes 1251  
deducted and withheld or required to be deducted and withheld by 1252  
the employer, agent, or other payer on behalf of the municipal 1253  
corporation in the preceding calendar year exceeded two thousand 1254  
three hundred ninety-nine dollars, or if the total amount of 1255  
taxes deducted and withheld or required to be deducted and 1256  
withheld on behalf of the municipal corporation in any month of 1257  
the preceding calendar quarter exceeded two hundred dollars. 1258  
Payments under division (B) (1) (a) of this section shall be made 1259  
to the tax administrator not later than fifteen days after the 1260  
last day of each month. 1261

(b) Any employer, agent of an employer, or other payer not 1262  
required to make payments under division (B) (1) (a) of this 1263  
section of taxes required to be deducted and withheld shall make 1264  
quarterly payments to the tax administrator not later than the 1265  
last day of the month following the last day of each calendar 1266  
quarter. 1267

(2) Notwithstanding division (B) (1) of this section, a 1268  
municipal corporation may require, by resolution, ordinance, or 1269  
rule, an employer, agent of an employer, or other payer to do 1270  
any of the following: 1271

(a) Remit taxes deducted and withheld semimonthly to the 1272  
tax administrator if the total taxes deducted and withheld or 1273  
required to be deducted and withheld on behalf of the municipal 1274  
corporation in the preceding calendar year exceeded eleven 1275  
thousand nine hundred ninety-nine dollars, or if the total 1276  
amount of taxes deducted and withheld or required to be deducted 1277  
and withheld on behalf of the municipal corporation in any month 1278  
of the preceding calendar year exceeded one thousand dollars. 1279  
The payment under division (B) (2) (a) of this section shall be 1280

made to the tax administrator not later than one of the 1281  
following: 1282

(i) If the taxes were deducted and withheld or required to 1283  
be deducted and withheld during the first fifteen days of a 1284  
month, the third banking day after the fifteenth day of that 1285  
month; 1286

(ii) If the taxes were deducted and withheld or required 1287  
to be deducted and withheld after the fifteenth day of a month 1288  
and before the first day of the immediately following month, the 1289  
third banking day after the last day of that month. 1290

(b) Make payment by electronic funds transfer to the tax 1291  
administrator of all taxes deducted and withheld on behalf of 1292  
the municipal corporation if the employer, agent of an employer, 1293  
or other payer is required to make payments electronically for 1294  
the purpose of paying federal taxes withheld on payments to 1295  
employees under section 6302 of the Internal Revenue Code, 26 1296  
C.F.R. 31.6302-1, or any other federal statute or regulation. 1297  
The payment of tax by electronic funds transfer under this 1298  
division does not affect an employer's, agent's, or other 1299  
payer's obligation to file any return as required under this 1300  
section. 1301

(C) An employer, agent of an employer, or other payer 1302  
shall make and file a return showing the amount of tax withheld 1303  
by the employer, agent, or other payer from the qualifying wages 1304  
of each employee and remitted to the tax administrator. Unless 1305  
the tax administrator requires all individual taxpayers to file 1306  
a tax return under section 718.05 of the Revised Code, a return 1307  
filed by an employer, agent, or other payer under this division 1308  
shall be accepted by a tax administrator and municipal 1309  
corporation as the return required of an employee whose sole 1310

income subject to the tax under this chapter is the qualifying 1311  
wages reported by the employee's employer, agent of an employer, 1312  
or other payer. 1313

(D) An employer, agent of an employer, or other payer is 1314  
not required to withhold municipal income tax with respect to an 1315  
individual's disqualifying disposition of an incentive stock 1316  
option if, at the time of the disqualifying disposition, the 1317  
individual is not an employee of either the corporation with 1318  
respect to whose stock the option has been issued or of such 1319  
corporation's successor entity. 1320

(E) (1) An employee is not relieved from liability for a 1321  
tax by the failure of the employer, agent of an employer, or 1322  
other payer to withhold the tax as required under this chapter 1323  
or by the employer's, agent's, or other payer's exemption from 1324  
the requirement to withhold the tax. 1325

(2) The failure of an employer, agent of an employer, or 1326  
other payer to remit to the municipal corporation the tax 1327  
withheld relieves the employee from liability for that tax 1328  
unless the employee colluded with the employer, agent, or other 1329  
payer in connection with the failure to remit the tax withheld. 1330

(F) Compensation deferred before June 26, 2003, is not 1331  
subject to any municipal corporation income tax or municipal 1332  
income tax withholding requirement to the extent the deferred 1333  
compensation does not constitute qualifying wages at the time 1334  
the deferred compensation is paid or distributed. 1335

(G) Each employer, agent of an employer, or other payer 1336  
required to withhold taxes is liable for the payment of that 1337  
amount required to be withheld, whether or not such taxes have 1338  
been withheld, and such amount shall be deemed to be held in 1339

trust for the municipal corporation until such time as the 1340  
withheld amount is remitted to the tax administrator. 1341

(H) On or before the last day of February of each year, an 1342  
employer shall file a withholding reconciliation return with the 1343  
tax administrator listing the names, addresses, and social 1344  
security numbers of all employees from whose qualifying wages 1345  
tax was withheld or should have been withheld for the municipal 1346  
corporation during the preceding calendar year, the amount of 1347  
tax withheld, if any, from each such employee, the total amount 1348  
of qualifying wages paid to such employee during the preceding 1349  
calendar year, ~~the name of every other municipal corporation for~~ 1350  
~~which tax was withheld or should have been withheld from such~~ 1351  
~~employee during the preceding calendar year,~~ any other 1352  
information required for federal income tax reporting purposes 1353  
on Internal Revenue Service form W-2 or its equivalent form with 1354  
respect to such employee, and other information as may be 1355  
required by the tax administrator. 1356

(I) The officer or the employee of the employer, agent of 1357  
an employer, or other payer with control or direct supervision 1358  
of or charged with the responsibility for withholding the tax or 1359  
filing the reports and making payments as required by this 1360  
section, shall be personally liable for a failure to file a 1361  
report or pay the tax due as required by this section. The 1362  
dissolution of an employer, agent of an employer, or other payer 1363  
does not discharge the officer's or employee's liability for a 1364  
failure of the employer, agent of an employer, or other payer to 1365  
file returns or pay any tax due. 1366

(J) An employer is required to deduct and withhold 1367  
municipal income tax on tips and gratuities received by the 1368  
employer's employees and constituting qualifying wages only to 1369

the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

~~(K) A tax administrator shall consider any tax withheld by an employer at the request of an employee when such tax is not otherwise required to be withheld by this chapter to be tax required to be withheld and remitted for the purposes of this section.~~

**Sec. 718.04.** (A) Notwithstanding division (A) of section 715.013 of the Revised Code, a municipal corporation may levy a tax on income and a withholding tax if such taxes are levied in accordance with the provisions and limitations specified in this chapter. On or after January 1, 2016, the ordinance or resolution levying such taxes, as adopted or amended by the legislative authority of the municipal corporation, shall include all of the following:

(1) A statement that the tax is an annual tax levied on the income of every ~~person individual~~ residing in ~~or earning or receiving~~ the municipal corporation and every person other than an individual that receives income in the municipal corporation and that the tax shall be measured by municipal taxable income;

(2) A statement that the municipal corporation is levying the tax in accordance with the limitations specified in this chapter and that the resolution or ordinance thereby incorporates the provisions of this chapter;

(3) The rate of the tax;



<del>(4) Whether, and the extent to which, a credit, as</del>	1399
<del>described in division (D) of this section, will be allowed</del>	1400
<del>against the tax;</del>	1401
<del>(5) The purpose or purposes of the tax;</del>	1402
<del>(6) (5) Any other provision necessary for the</del>	1403
administration of the tax, provided that the provision does not	1404
conflict with any provision of this chapter.	1405
(B) Any municipal corporation that, on or before March 23,	1406
2015, levies an income tax at a rate in excess of one per cent	1407
may continue to levy the tax at the rate specified in the	1408
original ordinance or resolution, provided that such rate	1409
continues in effect as specified in the original ordinance or	1410
resolution.	1411
(C) (1) No municipal corporation shall tax income at other	1412
than a uniform rate.	1413
(2) Except as provided in division (B) of this section, no	1414
municipal corporation shall levy a tax on income at a rate in	1415
excess of one per cent without having obtained the approval of	1416
the excess by a majority of the electors of the municipality	1417
voting on the question at a general, primary, or special	1418
election. The legislative authority of the municipal corporation	1419
shall file with the board of elections at least ninety days	1420
before the day of the election a copy of the ordinance together	1421
with a resolution specifying the date the election is to be held	1422
and directing the board of elections to conduct the election.	1423
The ballot shall be in the following form: "Shall the Ordinance	1424
providing for a... per cent levy on income for (Brief	1425
description of the purpose of the proposed levy) be passed?	1426

1427

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

In the event of an affirmative vote, the proceeds of the 1428  
levy may be used only for the specified purpose. 1429

~~(D) A municipal corporation may, by ordinance or 1430 or  
resolution, grant a credit to residents of the municipal 1431  
corporation for all or a portion of the taxes paid to any 1432  
municipal corporation, in this state or elsewhere, by the 1433  
resident or by a pass-through entity owned, directly or 1434  
indirectly, by a resident, on the resident's distributive or 1435  
proportionate share of the income of the pass-through entity. A 1436  
municipal corporation is not required to refund taxes not paid 1437  
to the municipal corporation. 1438~~

~~(E) Except as otherwise provided in this chapter, a 1439  
municipal corporation that levies an income tax in effect for 1440  
taxable years beginning before January 1, 2016, may continue to 1441  
administer and enforce the provisions of such tax for all 1442  
taxable years beginning before January 1, 2016, provided that 1443  
the provisions of such tax are consistent with this chapter as 1444  
it existed prior to March 23, 2015. 1445~~

~~(F) (E) Nothing in this chapter authorizes a municipal 1446  
corporation to levy a tax on income, or to administer or collect 1447  
such a tax or penalties or interest related to such a tax, 1448  
contrary to the provisions and limitations specified in this 1449  
chapter. No municipal corporation shall enforce an ordinance or 1450  
resolution that conflicts with the provisions of this chapter. 1451~~

~~(G) (1) (F) (1) Division (G) (F) of this section applies to 1452~~

a municipal corporation that, at the time of entering into a 1453  
written agreement under division ~~(G) (2)~~ (F) (2) of this section, 1454  
shares the same territory as a city, local, or exempted village 1455  
school district, to the extent that not more than thirty per 1456  
cent of the territory of the municipal corporation is located 1457  
outside the school district and a portion of the territory of 1458  
the school district that is not located within the municipal 1459  
corporation is located within another municipal corporation 1460  
having a population of four hundred thousand or more according 1461  
to the federal decennial census most recently completed before 1462  
the agreement is entered into under division ~~(G) (2)~~ (F) (2) of 1463  
this section. 1464

(2) The legislative authority of a municipal corporation 1465  
to which division ~~(G)~~ (F) of this section applies may propose to 1466  
the electors an income tax, one of the purposes of which shall 1467  
be to provide financial assistance to the school district 1468  
described in division ~~(G) (1)~~ (F) (1) of this section. Prior to 1469  
proposing the tax, the legislative authority shall negotiate and 1470  
enter into a written agreement with the board of education of 1471  
that school district specifying the tax rate; the percentage or 1472  
amount of tax revenue to be paid to the school district or the 1473  
method of establishing or determining that percentage or amount, 1474  
which may be subject to change periodically; the purpose for 1475  
which the school district will use the money; the first year the 1476  
tax will be levied; the date of the election on the question of 1477  
the tax; and the method and schedule by which, and the 1478  
conditions under which, the municipal corporation will make 1479  
payments to the school district. The tax shall otherwise comply 1480  
with the provisions and limitations specified in this chapter. 1481

**Sec. 718.05.** (A) An annual return with respect to the 1482  
income tax levied by a municipal corporation shall be completed 1483

and filed by every taxpayer for any taxable year for which the 1484  
taxpayer is liable for the tax. ~~If the total credit allowed~~ 1485  
~~against the tax as described in division (D) of section 718.04~~ 1486  
~~of the Revised Code for the year is equal to or exceeds the tax~~ 1487  
~~imposed by the municipal corporation, no return shall be~~ 1488  
~~required unless the municipal ordinance or resolution levying~~ 1489  
~~the tax requires the filing of a return in such circumstances.~~ 1490

(B) If an individual is deceased, any return or notice 1491  
required of that individual shall be completed and filed by that 1492  
decedent's executor, administrator, or other person charged with 1493  
the property of that decedent. 1494

(C) If an individual is unable to complete and file a 1495  
return or notice required by a municipal corporation in 1496  
accordance with this chapter, the return or notice required of 1497  
that individual shall be completed and filed by the individual's 1498  
duly authorized agent, guardian, conservator, fiduciary, or 1499  
other person charged with the care of the person or property of 1500  
that individual. 1501

(D) Returns or notices required of an estate or a trust 1502  
shall be completed and filed by the fiduciary of the estate or 1503  
trust. 1504

(E) No municipal corporation shall deny spouses the 1505  
ability to file a joint return. 1506

(F) (1) Each return required to be filed under this section 1507  
shall contain the signature of the taxpayer or the taxpayer's 1508  
duly authorized agent and of the person who prepared the return 1509  
for the taxpayer, and shall include the taxpayer's social 1510  
security number or taxpayer identification number. Each return 1511  
shall be verified by a declaration under penalty of perjury. 1512

(2) A tax administrator may require a taxpayer who is an individual to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040 or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the tax administrator unless the tax administrator requests such copies after the return has been filed.

(3) A tax administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available,

submit the documents electronically through the Ohio business gateway. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate tax administrator.

(4) After a taxpayer files a tax return, the tax administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the municipal corporation to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the tax administrator.

(G) (1) (a) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the tax administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of section 5747.08 of the Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less. ~~A municipal corporation shall not require a qualifying employee whose income consists exclusively of exempt income described in division (C) (20) (b) or (c) of section 718.01 of the Revised Code to file a return under this section.~~

(b) Except as otherwise provided in this chapter, each

annual net profit return required to be filed under this section 1574  
by a taxpayer that is not an individual shall be completed and 1575  
filed as required by the tax administrator on or before the 1576  
fifteenth day of the fourth month following the end of the 1577  
taxpayer's taxable year. The taxpayer shall complete and file 1578  
the return or notice on forms prescribed by the tax 1579  
administrator or on generic forms, together with remittance made 1580  
payable to the municipal corporation or tax administrator. No 1581  
remittance is required if the amount shown to be due is ten 1582  
dollars or less. 1583

(2) (a) Any taxpayer that has duly requested an automatic 1584  
six-month extension for filing the taxpayer's federal income tax 1585  
return shall automatically receive an extension for the filing 1586  
of a municipal income tax return. The extended due date of the 1587  
municipal income tax return shall be the fifteenth day of the 1588  
tenth month after the last day of the taxable year to which the 1589  
return relates. 1590

(b) A taxpayer that has not requested or received a six- 1591  
month extension for filing the taxpayer's federal income tax 1592  
return may request that the tax administrator grant the taxpayer 1593  
a six-month extension of the date for filing the taxpayer's 1594  
municipal income tax return. If the request is received by the 1595  
tax administrator on or before the date the municipal income tax 1596  
return is due, the tax administrator shall grant the taxpayer's 1597  
requested extension. 1598

(c) An extension of time to file under division (G) (2) of 1599  
this section is not an extension of the time to pay any tax due 1600  
unless the tax administrator grants an extension of that date. 1601

(3) If the tax commissioner extends for all taxpayers the 1602  
date for filing state income tax returns under division (G) of 1603

section 5747.08 of the Revised Code, a taxpayer shall 1604  
automatically receive an extension for the filing of a municipal 1605  
income tax return. The extended due date of the municipal income 1606  
tax return shall be the same as the extended due date of the 1607  
state income tax return. 1608

(4) If the tax administrator considers it necessary in 1609  
order to ensure the payment of the tax imposed by the municipal 1610  
corporation in accordance with this chapter, the tax 1611  
administrator may require taxpayers to file returns and make 1612  
payments otherwise than as provided in this section, including 1613  
taxpayers not otherwise required to file annual returns. 1614

(5) To the extent that any provision in this division 1615  
conflicts with any provision in section 718.052 of the Revised 1616  
Code, the provision in that section prevails. 1617

(H) (1) For taxable years beginning after 2015, a municipal 1618  
corporation shall not require a taxpayer to remit tax with 1619  
respect to net profits if the amount due is less than ten 1620  
dollars. 1621

(2) Except as provided in division (H) (3) of this section, 1622  
any taxpayer not required to remit tax to a municipal 1623  
corporation for a taxable year pursuant to division (H) (1) of 1624  
this section shall file with the municipal corporation an annual 1625  
net profit return under division (F) (3) of this section. 1626

~~(3) A municipal corporation shall not require a person to 1627  
file a net profit return under this section if the person's 1628  
income consists exclusively of exempt income described in 1629  
division (C) (20) (a) of section 718.01 of the Revised Code. 1630~~

(I) (1) If any report, claim, statement, or other document 1631  
required to be filed, or any payment required to be made, within 1632



a prescribed period or on or before a prescribed date under this 1633  
chapter is delivered after that period or that date by United 1634  
States mail to the tax administrator or other municipal official 1635  
with which the report, claim, statement, or other document is 1636  
required to be filed, or to which the payment is required to be 1637  
made, the date of the postmark stamped on the cover in which the 1638  
report, claim, statement, or other document, or payment is 1639  
mailed shall be deemed to be the date of delivery or the date of 1640  
payment. "The date of postmark" means, in the event there is 1641  
more than one date on the cover, the earliest date imprinted on 1642  
the cover by the postal service. 1643

(2) If a payment under this chapter is made by electronic 1644  
funds transfer, the payment shall be considered to be made on 1645  
the date of the timestamp assigned by the first electronic 1646  
system receiving that payment. 1647

(J) The amounts withheld by an employer, the agent of an 1648  
employer, or an other payer as described in section 718.03 of 1649  
the Revised Code shall be allowed to the recipient of the 1650  
compensation as credits against payment of the tax imposed on 1651  
the recipient by the municipal corporation, unless the amounts 1652  
withheld were not remitted to the municipal corporation and the 1653  
recipient colluded with the employer, agent, or other payer in 1654  
connection with the failure to remit the amounts withheld. 1655

(K) Each return required by a municipal corporation to be 1656  
filed in accordance with this section shall include a box that 1657  
the taxpayer may check to authorize another person, including a 1658  
tax return preparer who prepared the return, to communicate with 1659  
the tax administrator about matters pertaining to the return. 1660  
The return or instructions accompanying the return shall 1661  
indicate that by checking the box the taxpayer authorizes the 1662

tax administrator to contact the preparer or other person 1663  
concerning questions that arise during the examination or other 1664  
review of the return and authorizes the preparer or other person 1665  
only to provide the tax administrator with information that is 1666  
missing from the return, to contact the tax administrator for 1667  
information about the examination or other review of the return 1668  
or the status of the taxpayer's refund or payments, and to 1669  
respond to notices about mathematical errors, offsets, or return 1670  
preparation that the taxpayer has received from the tax 1671  
administrator and has shown to the preparer or other person. 1672

(L) The tax administrator of a municipal corporation shall 1673  
accept for filing a generic form of any income tax return, 1674  
report, or document required by the municipal corporation in 1675  
accordance with this chapter, provided that the generic form, 1676  
once completed and filed, contains all of the information 1677  
required by ordinance, resolution, or rules adopted by the 1678  
municipal corporation or tax administrator, and provided that 1679  
the taxpayer or tax return preparer filing the generic form 1680  
otherwise complies with the provisions of this chapter and of 1681  
the municipal corporation ordinance or resolution governing the 1682  
filing of returns, reports, or documents. 1683

(M) When income tax returns, reports, or other documents 1684  
require the signature of a tax return preparer, the tax 1685  
administrator shall accept a facsimile of such a signature in 1686  
lieu of a manual signature. 1687

(N) (1) As used in this division, "worksite location" ~~has~~ 1688  
~~the same meaning as in section 718.011 of the Revised Code~~ means 1689  
a construction site or other temporary worksite in this state at 1690  
which the employer provides services for more than twenty days 1691  
during the calendar year. "Worksite location" does not include 1692

the home of an employee. 1693

(2) A person may notify a tax administrator that the 1694  
person does not expect to be a taxpayer with respect to the 1695  
municipal corporation for a taxable year if both of the 1696  
following conditions apply: 1697

(a) The person was required to file a tax return with the 1698  
municipal corporation for the immediately preceding taxable year 1699  
because the person performed services at a worksite location 1700  
within that municipal corporation. 1701

(b) The person no longer provides services in the 1702  
municipal corporation and does not expect to be subject to the 1703  
municipal corporation's income tax for the taxable year. 1704

The person shall provide the notice in a signed affidavit 1705  
that briefly explains the person's circumstances, including the 1706  
location of the previous worksite location and the last date on 1707  
which the person performed services or made any sales within the 1708  
municipal corporation. The affidavit also shall include the 1709  
following statement: "The affiant has no plans to perform any 1710  
services within the municipal corporation, make any sales in the 1711  
municipal corporation, or otherwise become subject to the tax 1712  
levied by the municipal corporation during the taxable year. If 1713  
the affiant does become subject to the tax levied by the 1714  
municipal corporation for the taxable year, the affiant agrees 1715  
to be considered a taxpayer and to properly register as a 1716  
taxpayer with the municipal corporation if such a registration 1717  
is required by the municipal corporation's resolutions, 1718  
ordinances, or rules." The person shall sign the affidavit under 1719  
penalty of perjury. 1720

(c) If a person submits an affidavit described in division 1721

(N) (2) of this section, the tax administrator shall not require 1722  
the person to file any tax return for the taxable year unless 1723  
the tax administrator possesses information that conflicts with 1724  
the affidavit or if the circumstances described in the affidavit 1725  
change. Nothing in division (N) of this section prohibits the 1726  
tax administrator from performing an audit of the person. 1727

**Sec. 718.16.** A municipal corporation ~~shall~~may grant a 1728  
credit against its tax on income to a resident of the municipal 1729  
corporation who works in a joint economic development zone 1730  
created under section 715.691 or a joint economic development 1731  
district created under section 715.70, 715.71, or 715.72 of the 1732  
Revised Code ~~to the same extent that it grants a credit against~~ 1733  
~~its tax on income to its residents who are employed in another~~ 1734  
~~municipal corporation.~~ The credit may not exceed the amount of 1735  
income taxes the resident paid to the joint economic development 1736  
zone or joint economic development district during the taxable 1737  
year. 1738

**Sec. 718.82.** This section applies to any taxpayer that is 1739  
engaged in a business or profession in a municipal corporation 1740  
and that has made the election under section 718.80 of the 1741  
Revised Code. 1742

(A) Except as otherwise provided in division (B) of this 1743  
section, net profit from a business or profession conducted both 1744  
within and without the boundaries of a municipal corporation 1745  
shall be considered as having a taxable situs in the municipal 1746  
corporation for purposes of municipal income taxation in the 1747  
same proportion as the average ratio of the following: 1748

(1) The average original cost of the real property and 1749  
tangible personal property owned or used by the taxpayer in the 1750  
business or profession in the municipal corporation during the 1751

taxable period to the average original cost of all of the real 1752  
and tangible personal property owned or used by the taxpayer in 1753  
the business or profession during the same period, wherever 1754  
situated. 1755

As used in the preceding paragraph, tangible personal or 1756  
real property shall include property rented or leased by the 1757  
taxpayer and the value of such property shall be determined by 1758  
multiplying the annual rental thereon by eight; 1759

(2) Wages, salaries, and other compensation paid during 1760  
the taxable period to individuals employed in the business or 1761  
profession for services performed in the municipal corporation 1762  
to wages, salaries, and other compensation paid during the same 1763  
period to individuals employed in the business or profession, 1764  
wherever the individual's services are performed, ~~excluding~~ 1765  
~~compensation from which taxes are not required to be withheld~~ 1766  
~~under section 718.011 of the Revised Code;~~ 1767

(3) Total gross receipts of the business or profession 1768  
from sales and rentals made and services performed during the 1769  
taxable period in the municipal corporation to total gross 1770  
receipts of the business or profession during the same period 1771  
from sales, rentals, and services, wherever made or performed. 1772

(B) (1) If the apportionment factors described in division 1773  
(A) of this section do not fairly represent the extent of a 1774  
taxpayer's business activity in a municipal corporation, the 1775  
taxpayer may request, or the tax commissioner may require, that 1776  
the taxpayer use, with respect to all or any portion of the 1777  
income of the taxpayer, an alternative apportionment method 1778  
involving one or more of the following: 1779

(a) Separate accounting; 1780

(b) The exclusion of one or more of the factors;	1781
(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;	1782 1783 1784
(d) A modification of one or more of the factors.	1785
(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 718.90 of the Revised Code.	1786 1787 1788 1789 1790 1791 1792
(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B) (1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.90 of the Revised Code.	1793 1794 1795 1796 1797
(C) As used in division (A) (2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:	1798 1799 1800 1801
(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:	1802 1803
(a) The employer;	1804
(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;	1805 1806 1807
(c) A vendor, customer, client, or patient of a person	1808

described in division (C) (1) (b) of this section, or a related 1809  
member of such a vendor, customer, client, or patient. 1810

(2) Any location at which a trial, appeal, hearing, 1811  
investigation, inquiry, review, court-martial, or similar 1812  
administrative, judicial, or legislative matter or proceeding is 1813  
being conducted, provided that the compensation is paid for 1814  
services performed for, or on behalf of, the employer or that 1815  
the employee's presence at the location directly or indirectly 1816  
benefits the employer; 1817

(3) Any other location, if the tax commissioner determines 1818  
that the employer directed the employee to perform the services 1819  
at the other location in lieu of a location described in 1820  
division (C) (1) or (2) of this section solely in order to avoid 1821  
or reduce the employer's municipal income tax liability. If the 1822  
tax commissioner makes such a determination, the employer may 1823  
dispute the determination by establishing, by a preponderance of 1824  
the evidence, that the tax commissioner's determination was 1825  
unreasonable. 1826

(D) For the purposes of division (A) (3) of this section, 1827  
receipts from sales and rentals made and services performed 1828  
shall be situated to a municipal corporation as follows: 1829

(1) Gross receipts from the sale of tangible personal 1830  
property shall be situated to the municipal corporation only if, 1831  
regardless of where title passes, the property meets either of 1832  
the following criteria: 1833

(a) The property is shipped to or delivered within the 1834  
municipal corporation from a stock of goods located within the 1835  
municipal corporation. 1836

(b) The property is delivered within the municipal 1837

corporation from a location outside the municipal corporation, 1838  
provided the taxpayer is regularly engaged through its own 1839  
employees in the solicitation or promotion of sales within such 1840  
municipal corporation and the sales result from such 1841  
solicitation or promotion. 1842

(2) Gross receipts from the sale of services shall be 1843  
situated to the municipal corporation to the extent that such 1844  
services are performed in the municipal corporation. 1845

(3) To the extent included in income, gross receipts from 1846  
the sale of real property located in the municipal corporation 1847  
shall be situated to the municipal corporation. 1848

(4) To the extent included in income, gross receipts from 1849  
rents and royalties from real property located in the municipal 1850  
corporation shall be situated to the municipal corporation. 1851

(5) Gross receipts from rents and royalties from tangible 1852  
personal property shall be situated to the municipal corporation 1853  
based upon the extent to which the tangible personal property is 1854  
used in the municipal corporation. 1855

(E) Commissions received by a real estate agent or broker 1856  
relating to the sale, purchase, or lease of real estate shall be 1857  
situated to the municipal corporation in which the real estate is 1858  
located. Net profit reported by the real estate agent or broker 1859  
shall be allocated to a municipal corporation based upon the 1860  
ratio of the commissions the agent or broker received from the 1861  
sale, purchase, or lease of real estate located in the municipal 1862  
corporation to the commissions received from the sale, purchase, 1863  
or lease of real estate everywhere in the taxable year. 1864

(F) If, in computing a taxpayer's adjusted federal taxable 1865  
income, the taxpayer deducted any amount with respect to a stock 1866



option granted to an employee, and if the employee is not 1867  
required to include in the employee's income any such amount or 1868  
a portion thereof because it is exempted from taxation under 1869  
divisions (C) (12) and (R) (1) (d) of section 718.01 of the Revised 1870  
Code by a municipal corporation to which the taxpayer has 1871  
apportioned a portion of its net profit, the taxpayer shall add 1872  
the amount that is exempt from taxation to the taxpayer's net 1873  
profit that was apportioned to that municipal corporation. In no 1874  
case shall a taxpayer be required to add to its net profit that 1875  
was apportioned to that municipal corporation any amount other 1876  
than the amount upon which the employee would be required to pay 1877  
tax were the amount related to the stock option not exempted 1878  
from taxation. 1879

This division applies solely for the purpose of making an 1880  
adjustment to the amount of a taxpayer's net profit that was 1881  
apportioned to a municipal corporation under this section. 1882

(G) When calculating the ratios described in division (A) 1883  
of this section for the purposes of that division or division 1884  
(B) of this section, the owner of a disregarded entity shall 1885  
include in the owner's ratios the property, payroll, and gross 1886  
receipts of such disregarded entity. 1887

**Sec. 5703.94.** (A) As used in this section: 1888

(1) "Declared disaster" means an event for which a 1889  
disaster declaration has been issued. 1890

(2) "Disaster declaration" means a declaration issued by 1891  
the president of the United States or the governor of this state 1892  
that an emergency exists. 1893

(3) "Disaster response period" means the period that 1894  
begins on the tenth day preceding the day on which a disaster 1895

declaration is issued through the sixtieth day following the day 1896  
that the disaster declaration expires or is rescinded. 1897

(4) "Disaster work" means both of the following: 1898

(a) Repairing, renovating, installing, or constructing 1899  
critical infrastructure damaged or destroyed by the declared 1900  
disaster, or other business activities related to that critical 1901  
infrastructure; 1902

(b) Activities conducted in preparation for any activity 1903  
described in division (A) (4) (a) of this section. 1904

(5) "Critical infrastructure" means property and equipment 1905  
owned or used by a qualifying owner or user to provide service 1906  
to more than one customer, including related support facilities 1907  
such as buildings, offices, power lines, cable lines, poles, 1908  
communication lines, and structures. 1909

(6) "Qualifying owner or user" means a public utility, 1910  
commercial mobile radio service provider, cable service 1911  
provider, or video service provider. 1912

(7) "Public utility" has the same meaning as in section 1913  
4905.02 of the Revised Code, without regard to the exclusions 1914  
from that definition prescribed in divisions (A) (1) to (5) of 1915  
that section. 1916

(8) "Commercial mobile radio service provider" means a 1917  
person providing commercial mobile service as defined in 47 1918  
U.S.C. 332(d). 1919

(9) "Cable service provider" and "video service provider" 1920  
have the same meanings as in section 1332.21 of the Revised 1921  
Code. 1922

(10) "Out-of-state disaster business" means a person that 1923

does all of the following or to which apply all of the	1924
following:	1925
(a) Receives a qualifying solicitation;	1926
(b) Conducts disaster work in this state during a disaster	1927
response period;	1928
(c) Is not subject to taxation under Chapter 5747. or	1929
5751. of the Revised Code on any basis other than such disaster	1930
work during the calendar year preceding the year in which the	1931
disaster response period begins or is subject to such taxation	1932
during that year solely because the person is a related member	1933
of another person.	1934
(11) "Out-of-state employee" means an individual who	1935
performs no work in this state, except disaster work during a	1936
disaster response period, from the first day of the preceding	1937
calendar year to the date on which the disaster response period	1938
begins.	1939
(12) "Related member" has the same meaning as in section	1940
5733.042 of the Revised Code without regard to division (B) of	1941
that section.	1942
(13) "Qualifying solicitation" means a written	1943
solicitation or request from the state, a county, municipal	1944
corporation, or township, or a qualifying user or owner of	1945
critical infrastructure soliciting or requesting the assistance	1946
of a person to perform disaster work in this state.	1947
(14) "Qualifying employee" means one of the following:	1948
(a) An out-of-state employee performing disaster work in	1949
this state during a disaster response period whose employer	1950
receives a qualifying solicitation to perform such work;	1951

(b) An out-of-state employee performing disaster work in this state on critical infrastructure owned or used by the employee's employer during a disaster response period, provided that employer is a qualifying user or owner.

(B) An out-of-state disaster business or qualifying employee shall qualify for all of the following, as applicable:

(1) ~~The exemption authorized in division (C) (20) of section 718.01,~~ the exemption authorized in division (C) (10) of section 5741.02, the deduction authorized in division (A) (33) of section 5747.01, and the exclusion authorized in division (F) (2) (11) of section 5751.01 of the Revised Code;

(2) An exemption from any requirement to file a document or application with or to remit a fee to the secretary of state as a condition precedent to engaging in business in this state, in accordance with section 1701.041 of the Revised Code;

(3) An exemption from the requirements of Chapters 4121., 4123., and 4141. of the Revised Code, in accordance with division (A) (2) of section 4123.01 and section 4141.42 of the Revised Code;

(4) An exemption from the requirement to obtain a state or local occupational license or other authorization, in accordance with section 4799.04 of the Revised Code.

(C) (1) Upon the request of the tax commissioner, an out-of-state disaster business shall provide the following information to the commissioner:

(a) The name of the out-of-state disaster business and the address of its principal place of business;

(b) The business' federal tax identification number;

(c) A copy of the qualifying solicitation received by the business;	1980 1981
(d) The dates that the out-of-state disaster business and each of the business' out-of-state employees performing disaster work in this state during a disaster response period began performing disaster work in this state during that period;	1982 1983 1984 1985
(e) The name and social security number of each of the out-of-state disaster business' out-of-state employees performing disaster work in this state during a disaster response period;	1986 1987 1988 1989
(f) The name of any person of which the out-of-state disaster business is a related member, provided that person is subject to taxation under Chapter 5747. or 5751. of the Revised Code during the calendar year preceding the year in which the disaster response period begins;	1990 1991 1992 1993 1994
(g) Any other information required by the tax commissioner.	1995 1996
(2) Upon the request of the tax commissioner, the employer of a qualifying employee shall provide the following information to the commissioner:	1997 1998 1999
(a) The employer's name and the address of its principal place of business;	2000 2001
(b) The employer's federal tax identification number;	2002
(c) For the employer of a qualifying employee described in division (A) (14) (a) of this section, a copy of the qualifying solicitation received by the employer;	2003 2004 2005
(d) The date each of the employer's out-of-state employees performing disaster work in this state during a disaster	2006 2007

response period began performing disaster work in this state 2008  
during that period; 2009

(e) The name and social security number of each of the 2010  
employer's out-of-state employees performing disaster work in 2011  
this state during a disaster response period; 2012

(f) Any other information required by the tax 2013  
commissioner. 2014

(3) If the commissioner makes a request under division (C) 2015  
(1) or (2) of this section, the out-of-state disaster business 2016  
or employer shall submit information described in that division 2017  
to the commissioner not later than thirty days from the date the 2018  
disaster response period terminates or thirty days after the 2019  
business or employer receives the request, whichever is later. 2020

(D) The department of taxation may adopt rules necessary 2021  
to administer this section. 2022

**Section 2.** That existing sections 709.023, 718.01, 718.02, 2023  
718.03, 718.04, 718.05, 718.16, 718.82, and 5703.94 of the 2024  
Revised Code are hereby repealed. 2025

**Section 3.** That sections 718.011 and 718.50 of the Revised 2026  
Code are hereby repealed. 2027

**Section 4.** The amendment or repeal by this act of sections 2028  
709.023, 718.01, 718.011, 718.02, 718.03, 718.04, 718.05, 2029  
718.16, 718.50, 718.82, and 5703.94 of the Revised Code applies 2030  
to municipal taxable years beginning on or after January 1, 2031  
2020. 2032