As Introduced

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Representatives Lampton, Hall, T.

Cosponsors: Representatives Ray, Johnson, Williams, John, Synenberg, White, A., Rader, Brennan

A BILL

To amend section 5747.98 and to enact section 5747.74 of the Revised Code to create an income tax credit for employers that provide paid leave to organ donors.

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

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

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

(1) "Employee donor" means an employee who, while living, donates all or part of such person's liver, pancreas, kidney, intestine, lung, or bone marrow in accordance with the "National Organ Transplant Act," 42 U.S.C. 273, et seq.

(2) "Qualifying employer" means a taxpayer or a pass-through entity who is registered and authorized to use the e-verify federal employment verification program jointly administered by the United States department of homeland security and the social security administration under 8 U.S.C. 1324a, or any of its successor programs.

(3) "Donation leave benefits" means compensation paid to an employee donor while the employee is on leave for a period that is medically necessary for such employee to recover from the employee's living donation, provided that the compensation is equal to the compensation the employee would have received if the employee had worked for the qualifying employer in the employee's job for that period and is paid as part of a policy of the employer for living donation that does not deduct time from the employee's other paid leave time.

(B)(1) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability for a taxpayer who is a qualifying employer, or who owns a direct or indirect interest in a qualifying employer, that paid donation leave benefits to an employee donor. The total credit available with respect to an employee donor for each living donation shall equal the lesser of the amount of donation leave benefits paid to the employee or three hundred dollars for each day of donation leave benefits paid, provided that the credit shall not be allowed for more than thirty days of donation leave benefits paid.

In the case of a taxpayer who is a qualifying employer, the credit shall be claimed for the taxable year in which the donation leave benefits are paid. If a taxpayer holds a direct or indirect equity interest in a qualifying employer that paid donation leave benefits, the taxpayer shall claim the taxpayer's distributive or proportionate share of the credit for the taxpayer's taxable year that includes the last day of the entity's taxable year.

The total amount of donation leave benefits paid by a qualifying employer and eligible for the credit allowed under this section per taxable year shall not exceed fifty four thousand dollars.

(C) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. Any credit amount in excess of the aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credits preceding the credit in that order, may be carried forward for three taxable years, but the amount of the excess credit allowed in any such year shall be deducted from the balance carried forward to the next year.

(D) On or before the first day of September of the year following the effective date of the enactment of this section, and on the first day of each September thereafter, the tax commissioner shall issue a report regarding the credit authorized under this section to the chairpersons of the standing committees of the house of representatives and senate that deal primarily with taxation. The report shall include, for the preceding taxable year, the total number of taxpayers that claimed a credit under this section and the total value of all credits earned and all credits claimed.

(E) The tax commissioner may require a taxpayer to furnish any information necessary to support a claim for a credit under this section, including the taxpayer's living donation leave policy and pay stubs for the employee donor or a signed attestation from the employee donor providing the date of the donation and the period of time for which leave from work was prescribed as medically necessary. The commissioner may adopt any rules necessary to administer this section.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section

5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

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

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

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

The campaign contribution credit under section 5747.29 of the Revised Code;

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

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

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

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;

The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

The nonrefundable vocational job credit under section 5747.057 of the Revised Code;

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

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

The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;

The credit for organ donation leave benefits under section 5747.74 of the Revised Code;

The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;

The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;

The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;

The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

The small business investment credit under section 5747.81 of the Revised Code;

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

The opportunity zone investment credit under section

122.84 of the Revised Code;

The enterprise zone credits under section 5709.65 of the Revised Code;

The research and development credit under section 5747.331 of the Revised Code;

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

The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;

The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;

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

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

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

The refundable credit for film and theater capital improvement projects under section 5747.67 of the Revised Code;

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

The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

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

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

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

The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.

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

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

Section 3. The enactment by this act of section 5747.74 of the Revised Code applies to taxable years ending on or after the effective date of this section.