

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 190

Senators Blessing, Smith

To amend sections 122.175, 131.44, 131.51, 319.30,	1
319.301, 319.54, 321.24, 321.26, 323.08,	2
323.152, 323.155, 323.158, 351.01, 351.021,	3
353.06, 718.83, 1509.01, 1509.02, 1509.11,	4
1509.34, 1513.08, 1513.182, 3301.91, 3313.819,	5
3354.24, 3354.25, 4503.06, 4503.065, 5703.021,	6
5703.052, 5703.19, 5703.80, 5709.92, 5709.93,	7
5715.19, 5715.30, 5739.01, 5739.02, 5739.03,	8
5739.05, 5739.08, 5739.09, 5739.091, 5741.01,	9
5747.01, 5747.02, 5747.03, 5747.031, 5747.08,	10
5747.10, 5747.38, 5747.41, 5747.71, 5747.98,	11
5749.01, 5749.02, 5749.04, 5749.06, 5749.07,	12
5749.08, 5749.10, 5749.11, 5749.12, 5749.13,	13
5749.14, 5749.15, 5751.01, and 5751.20; to enact	14
section 5747.87; and to repeal sections 319.302,	15
1509.50, 5739.41, and 5751.40 of the Revised	16
Code and to amend Section 259.30 of H.B. 33 of	17
the 135th General Assembly to modify the law	18
governing property, income, sales and use,	19
severance, and lodging taxes; to provide	20
breakfast and lunch at no cost to public and	21
chartered nonpublic school students; to increase	22
the Local Government Fund; to modify funding for	23
the Low- and Moderate-income Housing Trust Fund;	24
and to name this act A Good Deal for Ohio.	25

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

Section 1. That sections 122.175, 131.44, 131.51, 319.30, 26
319.301, 319.54, 321.24, 321.26, 323.08, 323.152, 323.155, 27
323.158, 351.01, 351.021, 353.06, 718.83, 1509.01, 1509.02, 28
1509.11, 1509.34, 1513.08, 1513.182, 3301.91, 3313.819, 3354.24, 29
3354.25, 4503.06, 4503.065, 5703.021, 5703.052, 5703.19, 30
5703.80, 5709.92, 5709.93, 5715.19, 5715.30, 5739.01, 5739.02, 31
5739.03, 5739.05, 5739.08, 5739.09, 5739.091, 5741.01, 5747.01, 32
5747.02, 5747.03, 5747.031, 5747.08, 5747.10, 5747.38, 5747.41, 33
5747.71, 5747.98, 5749.01, 5749.02, 5749.04, 5749.06, 5749.07, 34
5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 5749.15, 35
5751.01, and 5751.20 be amended and section 5747.87 of the 36
Revised Code be enacted to read as follows: 37

Sec. 122.175. (A) As used in this section: 38

(1) "Capital investment project" means a plan of 39
investment at a project site for the acquisition, construction, 40
renovation, expansion, replacement, or repair of a computer data 41
center or of computer data center equipment, but does not 42
include any of the following: 43

(a) Project costs paid before a date determined by the tax 44
credit authority for each capital investment project; 45

(b) Payments made to a related member as defined in 46
section 5733.042 of the Revised Code or to a consolidated 47
elected taxpayer or a combined taxpayer as defined in section 48
5751.01 of the Revised Code. 49

(2) "Computer data center" means a facility used or to be 50
used primarily to house computer data center equipment used or 51

to be used in conducting one or more computer data center 52
businesses, as determined by the tax credit authority. 53

(3) "Computer data center business" means, as may be 54
further determined by the tax credit authority, a business that 55
provides electronic information services as defined in division 56
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 57
a facility to one or more such businesses. "Computer data center 58
business" does not include providing electronic publishing as 59
defined in that section. 60

(4) "Computer data center equipment" means tangible 61
personal property used or to be used for any of the following: 62

(a) To conduct a computer data center business, including 63
equipment cooling systems to manage the performance of computer 64
data center equipment; 65

(b) To generate, transform, transmit, distribute, or 66
manage electricity necessary to operate the tangible personal 67
property used or to be used in conducting a computer data center 68
business; 69

(c) As building and construction materials sold to 70
construction contractors for incorporation into a computer data 71
center. 72

(5) "Eligible computer data center" means a computer data 73
center that satisfies all of the following requirements: 74

(a) One or more taxpayers operating a computer data center 75
business at the project site will, in the aggregate, make 76
payments for a capital investment project of at least one 77
hundred million dollars at the project site during one of the 78
following cumulative periods: 79

(i) For projects beginning in 2013, six consecutive 80
calendar years; 81

(ii) For projects beginning in 2014, four consecutive 82
calendar years; 83

(iii) For projects beginning in or after 2015, three 84
consecutive calendar years. 85

(b) One or more taxpayers operating a computer data center 86
business at the project site will, in the aggregate, pay annual 87
compensation that is subject to the withholding obligation 88
imposed under section 5747.06 of the Revised Code of at least 89
one million five hundred thousand dollars to employees employed 90
at the project site for each year of the agreement beginning on 91
or after the first day of the twenty-fifth month after the 92
agreement was entered into under this section. 93

(6) "Person" has the same meaning as in section 5701.01 of 94
the Revised Code. 95

(7) "Project site," "related member," and "tax credit 96
authority" have the same meanings as in sections 122.17 and 97
122.171 of the Revised Code. 98

(8) "Taxpayer" means any person subject to the taxes 99
imposed under Chapters 5739. and 5741. of the Revised Code. 100

(B) The tax credit authority may completely or partially 101
exempt from the taxes levied under Chapters 5739. and 5741. of 102
the Revised Code the sale, storage, use, or other consumption of 103
computer data center equipment used or to be used at an eligible 104
computer data center. Any such exemption shall extend to charges 105
for the delivery, installation, or repair of the computer data 106
center equipment subject to the exemption under this section. 107
Notwithstanding any terms of any agreement entered into under 108

this section, no exemption under this section is allowed on and 109
after the first day of the first month beginning after the 110
effective date of this amendment. 111

(C) A taxpayer that proposes a capital improvement project 112
for an eligible computer data center in this state may apply to 113
the tax credit authority to enter into an agreement under this 114
section authorizing a complete or partial exemption from the 115
taxes imposed under Chapters 5739. and 5741. of the Revised Code 116
on computer data center equipment purchased by the applicant or 117
any other taxpayer that operates a computer data center business 118
at the project site and used or to be used at the eligible 119
computer data center. The director of development services shall 120
prescribe the form of the application. After receipt of an 121
application, the authority shall forward copies of the 122
application to the director of budget and management and the tax 123
commissioner, each of whom shall review the application to 124
determine the economic impact that the proposed eligible 125
computer data center would have on the state and any affected 126
political subdivisions and submit to the authority a summary of 127
their determinations. The authority shall also forward a copy of 128
the application to the director of development services who 129
shall review the application to determine the economic impact 130
that the proposed eligible computer data center would have on 131
the state and the affected political subdivisions and shall 132
submit a summary of their determinations and recommendations to 133
the authority. 134

(D) Upon review and consideration of such determinations 135
and recommendations, the tax credit authority may enter into an 136
agreement with the applicant and any other taxpayer that 137
operates a computer data center business at the project site for 138
a complete or partial exemption from the taxes imposed under 139

Chapters 5739. and 5741. of the Revised Code on computer data 140
center equipment used or to be used at an eligible computer data 141
center if the authority determines all of the following: 142

(1) The capital investment project for the eligible 143
computer data center will increase payroll and the amount of 144
income taxes to be withheld from employee compensation pursuant 145
to section 5747.06 of the Revised Code. 146

(2) The applicant is economically sound and has the 147
ability to complete or effect the completion of the proposed 148
capital investment project. 149

(3) The applicant intends to and has the ability to 150
maintain operations at the project site for the term of the 151
agreement. 152

(4) Receiving the exemption is a major factor in the 153
applicant's decision to begin, continue with, or complete the 154
capital investment project. 155

(E) An agreement entered into under this section shall 156
include all of the following: 157

(1) A detailed description of the capital investment 158
project that is the subject of the agreement, including the 159
amount of the investment, the period over which the investment 160
has been or is being made, the annual compensation to be paid by 161
each taxpayer subject to the agreement to its employees at the 162
project site, and the anticipated amount of income taxes to be 163
withheld from employee compensation pursuant to section 5747.06 164
of the Revised Code. 165

(2) The percentage of the exemption from the taxes imposed 166
under Chapters 5739. and 5741. of the Revised Code for the 167
computer data center equipment used or to be used at the 168

eligible computer data center, the length of time the computer 169
data center equipment will be exempted, and the first date on 170
which the exemption applies. 171

(3) A requirement that the computer data center remain an 172
eligible computer data center during the term of the agreement 173
and that the applicant maintain operations at the eligible 174
computer data center during that term. An applicant does not 175
violate the requirement described in division (E)(3) of this 176
section if the applicant ceases operations at the eligible 177
computer data center during the term of the agreement but 178
resumes those operations within eighteen months after the date 179
of cessation. The agreement shall provide that, in such a case, 180
the applicant and any other taxpayer that operates a computer 181
data center business at the project site shall not claim the tax 182
exemption authorized in the agreement for any purchase of 183
computer data center equipment made during the period in which 184
the applicant did not maintain operations at the eligible 185
computer data center. 186

(4) A requirement that, for each year of the term of the 187
agreement beginning on or after the first day of the twenty- 188
fifth month after the date the agreement was entered into, one 189
or more taxpayers operating a computer data center business at 190
the project site will, in the aggregate, pay annual compensation 191
that is subject to the withholding obligation imposed under 192
section 5747.06 of the Revised Code of at least one million five 193
hundred thousand dollars to employees at the eligible computer 194
data center. 195

(5) A requirement that each taxpayer subject to the 196
agreement annually report to the director of development 197
services employment, tax withholding, capital investment, and 198

other information required by the director to perform the 199
director's duties under this section. 200

(6) A requirement that the director of development 201
services annually review the annual reports of each taxpayer 202
subject to the agreement to verify the information reported 203
under division (E) (5) of this section and compliance with the 204
agreement. Upon verification, the director shall issue a 205
certificate to each such taxpayer stating that the information 206
has been verified and that the taxpayer remains eligible for the 207
exemption specified in the agreement. 208

(7) A provision providing that the taxpayers subject to 209
the agreement may not relocate a substantial number of 210
employment positions from elsewhere in this state to the project 211
site unless the director of development services determines that 212
the appropriate taxpayer notified the legislative authority of 213
the county, township, or municipal corporation from which the 214
employment positions would be relocated. For purposes of this 215
paragraph, the movement of an employment position from one 216
political subdivision to another political subdivision shall be 217
considered a relocation of an employment position unless the 218
movement is confined to the project site. The transfer of an 219
employment position from one political subdivision to another 220
political subdivision shall not be considered a relocation of an 221
employment position if the employment position in the first 222
political subdivision is replaced by another employment 223
position. 224

(8) A waiver by each taxpayer subject to the agreement of 225
any limitations periods relating to assessments or adjustments 226
resulting from the taxpayer's failure to comply with the 227
agreement. 228

(F) The term of an agreement under this section shall be 229
determined by the tax credit authority, and the amount of the 230
exemption shall not exceed one hundred per cent of such taxes 231
that would otherwise be owed in respect to the exempted computer 232
data center equipment. 233

(G) If any taxpayer subject to an agreement under this 234
section fails to meet or comply with any condition or 235
requirement set forth in the agreement, the tax credit authority 236
may amend the agreement to reduce the percentage of the 237
exemption or term during which the exemption applies to the 238
computer data center equipment used or to be used by the 239
noncompliant taxpayer at an eligible computer data center. The 240
reduction of the percentage or term may take effect in the 241
current calendar year. 242

(H) Financial statements and other information submitted 243
to the department of development services or the tax credit 244
authority by an applicant for or recipient of an exemption under 245
this section, and any information taken for any purpose from 246
such statements or information, are not public records subject 247
to section 149.43 of the Revised Code. However, the chairperson 248
of the authority may make use of the statements and other 249
information for purposes of issuing public reports or in 250
connection with court proceedings concerning tax exemption 251
agreements under this section. Upon the request of the tax 252
commissioner, the chairperson of the authority shall provide to 253
the tax commissioner any statement or other information 254
submitted by an applicant for or recipient of an exemption under 255
this section. The tax commissioner shall preserve the 256
confidentiality of the statement or other information. 257

(I) The tax commissioner shall issue a direct payment 258

permit under section 5739.031 of the Revised Code to each 259
taxpayer subject to an agreement under this section. Such direct 260
payment permit shall authorize the taxpayer to pay any sales and 261
use taxes due on purchases of computer data center equipment 262
used or to be used in an eligible computer data center and to 263
pay any sales and use taxes due on purchases of tangible 264
personal property or taxable services other than computer data 265
center equipment used or to be used in an eligible computer data 266
center directly to the tax commissioner. Each such taxpayer 267
shall pay pursuant to such direct payment permit all sales tax 268
levied on such purchases under sections 5739.02, 5739.021, 269
5739.023, and 5739.026 of the Revised Code and all use tax 270
levied on such purchases under sections 5741.02, 5741.021, 271
5741.022, and 5741.023 of the Revised Code, consistent with the 272
terms of the agreement entered into under this section. 273

During the term of an agreement under this section each 274
taxpayer subject to the agreement shall submit to the tax 275
commissioner a return that shows the amount of computer data 276
center equipment purchased for use at the eligible computer data 277
center, the amount of tangible personal property and taxable 278
services other than computer data center equipment purchased for 279
use at the eligible computer data center, the amount of tax 280
under Chapter 5739. or 5741. of the Revised Code that would be 281
due in the absence of the agreement under this section, the 282
exemption percentage for computer data center equipment 283
specified in the agreement, and the amount of tax due under 284
Chapter 5739. or 5741. of the Revised Code as a result of the 285
agreement under this section. Each such taxpayer shall pay the 286
tax shown on the return to be due in the manner and at the times 287
as may be further prescribed by the tax commissioner. Each such 288
taxpayer shall include a copy of the director of development 289

services' certificate of verification issued under division (E) 290
(6) of this section. Failure to submit a copy of the certificate 291
with the return does not invalidate the claim for exemption if 292
the taxpayer submits a copy of the certificate to the tax 293
commissioner within the time prescribed by section 5703.0510 of 294
the Revised Code. 295

(J) If the director of development services determines 296
that one or more taxpayers received an exemption from taxes due 297
on the purchase of computer data center equipment purchased for 298
use at a computer data center that no longer complies with the 299
requirement under division (E) (3) of this section, the director 300
shall notify the tax credit authority and, if applicable, the 301
taxpayer that applied to enter the agreement for the exemption 302
under division (C) of this section of the noncompliance. After 303
receiving such a notice, and after giving each taxpayer subject 304
to the agreement an opportunity to explain the noncompliance, 305
the authority may terminate the agreement and require each such 306
taxpayer to pay to the state all or a portion of the taxes that 307
would have been owed in regards to the exempt equipment in 308
previous years, all as determined under rules adopted pursuant 309
to division (K) of this section. In determining the portion of 310
the taxes that would have been owed on the previously exempted 311
equipment to be paid to this state by a taxpayer, the authority 312
shall consider the effect of market conditions on the eligible 313
computer data center, whether the taxpayer continues to maintain 314
other operations in this state, and, with respect to agreements 315
involving multiple taxpayers, the taxpayer's level of 316
responsibility for the noncompliance. After making the 317
determination, the authority shall certify to the tax 318
commissioner the amount to be paid by each taxpayer subject to 319
the agreement. The tax commissioner shall make an assessment for 320

that amount against each such taxpayer under Chapter 5739. or 321
5741. of the Revised Code. The time limitations on assessments 322
under those chapters do not apply to an assessment under this 323
division, but the tax commissioner shall make the assessment 324
within one year after the date the authority certifies to the 325
tax commissioner the amount to be paid by the taxpayer. 326

(K) The director of development services, after 327
consultation with the tax commissioner and in accordance with 328
Chapter 119. of the Revised Code, shall adopt rules necessary to 329
implement this section. The rules may provide for recipients of 330
tax exemptions under this section to be charged fees to cover 331
administrative costs incurred in the administration of this 332
section. The fees collected shall be credited to the tax 333
incentives operating fund created in section 122.174 of the 334
Revised Code. At the time the director gives public notice under 335
division (A) of section 119.03 of the Revised Code of the 336
adoption of the rules, the director shall submit copies of the 337
proposed rules to the chairpersons of the standing committees on 338
economic development in the senate and the house of 339
representatives. 340

(L) On or before the first day of August of each year, the 341
director of development services shall submit a report to the 342
governor, the president of the senate, and the speaker of the 343
house of representatives on the tax exemption authorized under 344
this section. The report shall include information on the number 345
of agreements that were entered into under this section during 346
the preceding calendar year, a description of the eligible 347
computer data center that is the subject of each such agreement, 348
and an update on the status of eligible computer data centers 349
under agreements entered into before the preceding calendar 350
year. 351

(M) A taxpayer may be made a party to an existing 352
agreement entered into under this section by the tax credit 353
authority and another taxpayer or group of taxpayers. In such a 354
case, the taxpayer shall be entitled to all benefits and bound 355
by all obligations contained in the agreement and all 356
requirements described in this section. When an agreement 357
includes multiple taxpayers, each taxpayer shall be entitled to 358
a direct payment permit as authorized in division (I) of this 359
section. 360

Sec. 131.44. (A) As used in this section: 361

(1) "Surplus revenue" means the excess, if any, of the 362
total fund balance over the required year-end balance. 363

(2) "Total fund balance" means the sum of the unencumbered 364
balance in the general revenue fund on the last day of the 365
preceding fiscal year plus the balance in the budget 366
stabilization fund. 367

(3) "Required year-end balance" means the sum of the 368
following: 369

(a) Ten per cent of the general revenue fund revenues for 370
the preceding fiscal year; 371

(b) "Ending fund balance," which means one-half of one per 372
cent of general revenue fund revenues for the preceding fiscal 373
year; 374

(c) "Carryover balance," which means, with respect to a 375
fiscal biennium, the excess, if any, of the estimated general 376
revenue fund appropriation and transfer requirement for the 377
second fiscal year of the biennium over the estimated general 378
revenue fund revenue for that fiscal year; 379

(d) "Capital appropriation reserve," which means the 380
amount, if any, of general revenue fund capital appropriations 381
made for the current biennium that the director of budget and 382
management has determined will be encumbered or disbursed. 383

(4) "Estimated general revenue fund appropriation and 384
transfer requirement" means the most recent adjusted 385
appropriations made by the general assembly from the general 386
revenue fund and includes both of the following: 387

(a) Appropriations made and transfers of appropriations 388
from the first fiscal year to the second fiscal year of the 389
biennium in provisions of acts of the general assembly signed by 390
the governor but not yet effective; 391

(b) Transfers of appropriations from the first fiscal year 392
to the second fiscal year of the biennium approved by the 393
controlling board. 394

(5) "Estimated general revenue fund revenue" means the 395
most recent such estimate available to the director of budget 396
and management. 397

~~(6) "Sales tax holiday" has the same meaning as in section 398
5739.01 of the Revised Code. 399~~

~~(B) (1) (B) Not later than the thirty-first day of July each 400
year, the director of budget and management shall determine the 401
surplus revenue that existed on the preceding thirtieth day of 402
June and transfer from the general revenue fund, to the extent 403
of the unobligated, unencumbered balance on the preceding 404
thirtieth day of June in excess of one-half of one per cent of 405
the general revenue fund revenues in the preceding fiscal year, 406
the following: 407~~

~~(a) First, an amount to the budget stabilization fund, any 408~~

equal to the amount necessary for the balance of the budget 409
stabilization fund to equal ten per cent of the general revenue 410
fund revenues of the preceding fiscal year;— 411

~~(b) Then, to the expanded sales tax holiday fund, which is 412
hereby created in the state treasury, an amount equal to the 413
surplus revenue. 414~~

~~(2) Not later than the thirty-first day of July of 2024— 415
and each year thereafter, if the balance in the expanded sales— 416
tax holiday fund is sixty million dollars or more, the director— 417
shall certify to the tax commissioner that a sales tax holiday— 418
shall be held in August of the following fiscal year. The— 419
commissioner, in consultation with the director and county— 420
commissioners association of Ohio, shall determine the number of 421
days for which the sales tax holiday will be held, which shall— 422
be at least three days, and which may include additional days if 423
the commissioner and director determine that the balance in the— 424
expanded sales tax holiday fund is sufficient to reimburse the— 425
general revenue fund, local government fund, public library— 426
fund, and permissive tax distribution fund for the revenue that— 427
would be forgone on four or more of the dates during the period— 428
specified in section 5739.41 of the Revised Code. In making the— 429
determination, the commissioner and director shall take into— 430
account estimated changes in consumer behavior during the time— 431
of and immediately preceding and following the sales tax— 432
holiday.— 433~~

~~(C) The director of budget and management shall transfer— 434
money in the expanded sales tax holiday fund to the general— 435
revenue fund, local government fund, public library fund, and— 436
permissive tax distribution fund as necessary to offset revenue— 437
reductions resulting from a sales tax holiday held under section 438~~

~~5739.41 of the Revised Code. The amount transferred to each such~~ 439
~~fund, and the amounts distributed to counties and transit~~ 440
~~authorities from the permissive tax distribution fund, shall be~~ 441
~~in the same proportions as the transfer and distribution of~~ 442
~~taxes actually collected under sections 5739.02, 5739.021,~~ 443
~~5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of~~ 444
~~the Revised Code in August of the fiscal year in which the sales~~ 445
~~tax holiday is held. If no sales tax holiday is held under~~ 446
~~section 5739.41 of the Revised Code in the current fiscal year,~~ 447
~~the director shall not transfer money from the sales tax holiday~~ 448
~~fund to the general revenue fund, local government fund, public~~ 449
~~library fund, or permissive tax distribution fund.~~ 450

Sec. 131.51. (A) On or before the seventh day of each 451
month, the director of budget and management shall credit to the 452
local government fund ~~one and seven-tenths~~ two per cent of the 453
total tax revenue credited to the general revenue fund during 454
the preceding month. In determining the total tax revenue 455
credited to the general revenue fund during the preceding month, 456
the director shall include amounts transferred from the fund 457
during the preceding month under this division and division (B) 458
of this section. Money shall be distributed from the local 459
government fund as required under sections 5747.50 and 5747.503 460
of the Revised Code during the same month in which it is 461
credited to the fund. 462

(B) On or before the seventh day of each month, the 463
director of budget and management shall credit to the public 464
library fund ~~one and seven-tenths~~ two per cent of the total tax 465
revenue credited to the general revenue fund during the 466
preceding month. In determining the total tax revenue credited 467
to the general revenue fund during the preceding month, the 468
director shall include amounts transferred from the fund during 469

the preceding month under this division and division (A) of this 470
section. Money shall be distributed from the public library fund 471
as required under section 5747.47 of the Revised Code during the 472
same month in which it is credited to the fund. 473

(C) The director of budget and management shall develop a 474
schedule identifying the specific tax revenue sources to be used 475
to make the monthly transfers required under divisions (A) and 476
(B) of this section. The director may, from time to time, revise 477
the schedule as the director considers necessary. 478

Sec. 319.30. (A) After receiving from officers and 479
authorities empowered to determine the rates or amounts of taxes 480
to be levied for the various purposes authorized by law, 481
statements of the rates and sums to be levied for the current 482
year, the county auditor shall proceed to determine the sums to 483
be levied upon each tract and lot of real property, adding, 484
except as provided under section 319.48 of the Revised Code for 485
tracts and lots on the real property tax suspension list, the 486
taxes of any previous year that have been omitted or that are 487
delinquent, including the penalties and interest thereon, and 488
upon the amount of public utility property listed on the general 489
tax list and duplicate in the county, in the name of each public 490
utility, which shall be assessed equally on all property subject 491
to such taxes, and entered in one or more columns, in such 492
manner and form as the tax commissioner prescribes. The auditor 493
shall enter as separate items any interest required to be so 494
entered under division (B) (1), (2), or (3) of section 323.121 of 495
the Revised Code. 496

(B) If a taxing authority or unit has not certified the 497
necessary levies to the county auditor by the time prescribed by 498
section 5705.34 of the Revised Code and an appeal of an action 499

of the budget commission with respect to the tax rate of that 500
authority or unit has been initiated under section 5705.341 or 501
5705.37 of the Revised Code but a final determination has not 502
been made, the county auditor, in order to avoid a delay in the 503
preparation of the tax list and duplicate, may proceed under 504
division (A) of this section, using in lieu of the rate of tax 505
to be levied for such authority or unit for any levy that has 506
not been so certified, the estimated rate certified to the 507
taxing authority or unit under section 5705.34 of the Revised 508
Code. If as a result of the appeal the tax rate certified to the 509
county auditor is not the same as the estimated rate used to 510
determine the sums to be levied, the auditor shall proceed in 511
the manner prescribed by this section and ~~sections~~ section 512
319.301 ~~and 319.302~~ of the Revised Code to determine the correct 513
amount of taxes to be levied, charged, and payable for the year. 514
If the correct amount of taxes charged and payable after the 515
determination is complete is greater than or less than the taxes 516
charged and payable as shown on the tax list and duplicate, a 517
clerical error shall be deemed to have occurred in the 518
preparation of the tax list and duplicate, and the auditor shall 519
proceed in the manner prescribed by section 319.35 of the 520
Revised Code. 521

(C) Notwithstanding section 2723.01 of the Revised Code, 522
when any taxing district or the county auditor or county 523
treasurer is involved in litigation, no court shall, with 524
respect to such litigation, enjoin the collection of any taxes 525
on real property, except assessments, for the current tax year, 526
on or after the fifteenth day of November of that year. Any such 527
injunction issued prior to that date shall expire on the 528
fifteenth day of November of that year, and the county auditor 529
and county treasurer shall proceed to levy and collect taxes for 530

that year as required by law, in the following manner: 531

(1) Each tax that is a subject of the litigation and that 532
was approved and authorized by the county budget commission 533
pursuant to section 5705.31 of the Revised Code shall be levied 534
by the county auditor at the rate approved and authorized by the 535
budget commission. 536

(2) With respect to any other matter that was the subject 537
of any order, determination, or certification required by law to 538
be made by the tax commissioner, or is the subject of any rule, 539
opinion, order, or instruction issued by the commissioner 540
pursuant to section 5715.28, 5715.29, or 5715.30 of the Revised 541
Code, the county auditor shall proceed in accordance with such 542
authority. 543

The court shall attempt to decide the litigation prior to 544
the first day of May, so that, absent an appeal, the county 545
auditor may adjust the amount of taxes to be collected at the 546
second-half collection in accordance with the order of the 547
court. In such a case the adjustment shall be treated as the 548
correction of a clerical error pursuant to section 319.35 of the 549
Revised Code. 550

Sec. 319.301. (A) The reductions required by division (D) 551
of this section do not apply to any of the following: 552

(1) Taxes levied at whatever rate is required to produce a 553
specified amount of tax money, including a tax levied under 554
section 5705.199 or 5748.09 of the Revised Code, or an amount to 555
pay debt charges; 556

(2) Taxes levied within the one per cent limitation 557
imposed by Section 2 of Article XII, Ohio Constitution; 558

(3) Taxes provided for by the charter of a municipal 559

corporation. 560

(B) As used in this section: 561

(1) "Real property" includes real property owned by a 562
railroad. 563

(2) "Carryover property" means all real property on the 564
current year's tax list except: 565

(a) Land and improvements that were not taxed by the 566
district in both the preceding year and the current year; 567

(b) Land and improvements that were not in the same class 568
in both the preceding year and the current year. 569

(3) "Effective tax rate" means with respect to each class 570
of property: 571

(a) The sum of the total taxes that would have been 572
charged and payable for current expenses against real property 573
in that class if each of the district's taxes were reduced for 574
the current year under division (D) (1) of this section without 575
regard to the application of division (E) (3) of this section 576
divided by 577

(b) The taxable value of all real property in that class. 578

(4) "Taxes charged and payable" means the taxes charged 579
and payable prior to any reduction required by section ~~319.302~~ 580
323.152 of the Revised Code. 581

(C) The tax commissioner shall make the determinations 582
required by this section each year, without regard to whether a 583
taxing district has territory in a county to which section 584
5715.24 of the Revised Code applies for that year. Separate 585
determinations shall be made for each of the two classes 586

established pursuant to section 5713.041 of the Revised Code. 587

(D) With respect to each tax authorized to be levied by 588
each taxing district, the tax commissioner, annually, shall do 589
both of the following: 590

(1) Determine by what percentage, if any, the sums levied 591
by such tax against the carryover property in each class would 592
have to be reduced for the tax to levy the same number of 593
dollars against such property in that class in the current year 594
as were charged against such property by such tax in the 595
preceding year subsequent to the reduction made under this 596
section but before ~~the any~~ reduction made under section ~~319.302-~~ 597
323.152 of the Revised Code. In the case of a tax levied for the 598
first time that is not a renewal of an existing tax, the 599
commissioner shall determine by what percentage the sums that 600
would otherwise be levied by such tax against carryover property 601
in each class would have to be reduced to equal the amount that 602
would have been levied if the full rate thereof had been imposed 603
against the total taxable value of such property in the 604
preceding tax year. A tax or portion of a tax that is designated 605
a replacement levy under section 5705.192 of the Revised Code is 606
not a renewal of an existing tax for purposes of this division. 607

(2) Certify each percentage determined in division (D) (1) 608
of this section, as adjusted under division (E) of this section, 609
and the class of property to which that percentage applies to 610
the auditor of each county in which the district has territory. 611
The auditor, after complying with section 319.30 of the Revised 612
Code, shall reduce the sum to be levied by such tax against each 613
parcel of real property in the district by the percentage so 614
certified for its class. Certification shall be made by the 615
first day of September except in the case of a tax levied for 616

the first time, in which case certification shall be made within 617
fifteen days of the date the county auditor submits the 618
information necessary to make the required determination. 619

(E) (1) As used in division (E) (2) of this section, "pre- 620
1982 joint vocational taxes" means, with respect to a class of 621
property, the difference between the following amounts: 622

(a) The taxes charged and payable in tax year 1981 against 623
the property in that class for the current expenses of the joint 624
vocational school district of which the school district is a 625
part after making all reductions under this section; 626

(b) Two-tenths of one per cent of the taxable value of all 627
real property in that class. 628

If the amount in division (E) (1) (b) of this section 629
exceeds the amount in division (E) (1) (a) of this section, the 630
pre-1982 joint vocational taxes shall be zero. 631

As used in divisions (E) (2) and (3) of this section, 632
"taxes charged and payable" has the same meaning as in division 633
(B) (4) of this section and excludes any tax charged and payable 634
in 1985 or thereafter under sections 5705.194 to 5705.197 or 635
section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised 636
Code. 637

(2) If in the case of a school district other than a joint 638
vocational or cooperative education school district any 639
percentage required to be used in division (D) (2) of this 640
section for either class of property could cause the total taxes 641
charged and payable for current expenses to be less than two per 642
cent of the taxable value of all real property in that class 643
that is subject to taxation by the district, the commissioner 644
shall determine what percentages would cause the district's 645

total taxes charged and payable for current expenses against 646
that class, after all reductions that would otherwise be made 647
under this section, to equal, when combined with the pre-1982 648
joint vocational taxes against that class, the lesser of the 649
following: 650

(a) The sum of the rates at which those taxes are 651
authorized to be levied; 652

(b) Two per cent of the taxable value of the property in 653
that class. The auditor shall use such percentages in making the 654
reduction required by this section for that class. 655

(3) If in the case of a joint vocational school district 656
any percentage required to be used in division (D) (2) of this 657
section for either class of property could cause the total taxes 658
charged and payable for current expenses for that class to be 659
less than two-tenths of one per cent of the taxable value of 660
that class, the commissioner shall determine what percentages 661
would cause the district's total taxes charged and payable for 662
current expenses for that class, after all reductions that would 663
otherwise be made under this section, to equal that amount. The 664
auditor shall use such percentages in making the reductions 665
required by this section for that class. 666

(F) No reduction shall be made under this section in the 667
rate at which any tax is levied. 668

(G) The commissioner may order a county auditor to furnish 669
any information the commissioner needs to make the 670
determinations required under division (D) or (E) of this 671
section, and the auditor shall supply the information in the 672
form and by the date specified in the order. If the auditor 673
fails to comply with an order issued under this division, except 674

for good cause as determined by the commissioner, the 675
commissioner shall withhold from such county or taxing district 676
therein fifty per cent of state revenues to local governments 677
pursuant to section 5747.50 of the Revised Code or shall direct 678
the department of education and workforce to withhold therefrom 679
fifty per cent of state revenues to school districts pursuant to 680
Chapter 3317. of the Revised Code. The commissioner shall 681
withhold the distribution of such revenues until the county 682
auditor has complied with this division, and the department 683
shall withhold the distribution of such revenues until the 684
commissioner has notified the department that the county auditor 685
has complied with this division. 686

(H) If the commissioner is unable to certify a tax 687
reduction factor for either class of property in a taxing 688
district located in more than one county by the last day of 689
November because information required under division (G) of this 690
section is unavailable, the commissioner may compute and certify 691
an estimated tax reduction factor for that district for that 692
class. The estimated factor shall be based upon an estimate of 693
the unavailable information. Upon receipt of the actual 694
information for a taxing district that received an estimated tax 695
reduction factor, the commissioner shall compute the actual tax 696
reduction factor and use that factor to compute the taxes that 697
should have been charged and payable against each parcel of 698
property for the year for which the estimated reduction factor 699
was used. The amount by which the estimated factor resulted in 700
an overpayment or underpayment in taxes on any parcel shall be 701
added to or subtracted from the amount due on that parcel in the 702
ensuing tax year. 703

A percentage or a tax reduction factor determined or 704
computed by the commissioner under this section shall be used 705

solely for the purpose of reducing the sums to be levied by the 706
tax to which it applies for the year for which it was determined 707
or computed. It shall not be used in making any tax computations 708
for any ensuing tax year. 709

(I) In making the determinations under division (D) (1) of 710
this section, the tax commissioner shall take account of changes 711
in the taxable value of carryover property resulting from 712
complaints filed under section 5715.19 of the Revised Code for 713
determinations made for the tax year in which such changes are 714
reported to the commissioner. Such changes shall be reported to 715
the commissioner on the first abstract of real property filed 716
with the commissioner under section 5715.23 of the Revised Code 717
following the date on which the complaint is finally determined 718
by the board of revision or by a court or other authority with 719
jurisdiction on appeal. The tax commissioner shall account for 720
such changes in making the determinations only for the tax year 721
in which the change in valuation is reported. Such a valuation 722
change shall not be used to recompute the percentages determined 723
under division (D) (1) of this section for any prior tax year. 724

(J) Except as otherwise provided in sections 323.152, 725
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 726
amount of the taxes remaining after any reduction under this 727
section shall be the real and public utility property taxes 728
charged and payable on each parcel of real property and the 729
manufactured home tax charged and payable on each manufactured 730
or mobile home, and shall be the amounts certified to the county 731
treasurer for collection. 732

Sec. 319.54. (A) On all moneys collected by the county 733
treasurer on any tax duplicate of the county, other than estate 734
tax duplicates, on all property tax relief reimbursements paid 735

to the county under sections 323.156 and 4503.068 ~~and divisions~~ 736
~~(F) and (I) of section 321.24~~ of the Revised Code, and on all 737
moneys received as advance payments of personal property and 738
classified property taxes, the county auditor, on settlement 739
with the treasurer and tax commissioner, on or before the date 740
prescribed by law for such settlement or any lawful extension of 741
such date, shall be allowed as compensation for the county 742
auditor's services the following percentages: 743

(1) On the first one hundred thousand dollars, two and 744
one-half per cent; 745

(2) On the next two million dollars, eight thousand three 746
hundred eighteen ten-thousandths of one per cent; 747

(3) On the next two million dollars, six thousand six 748
hundred fifty-five ten-thousandths of one per cent; 749

(4) On all further sums, one thousand six hundred sixty- 750
three ten-thousandths of one per cent. 751

If any settlement is not made on or before the date 752
prescribed by law for such settlement or any lawful extension of 753
such date, the aggregate compensation allowed to the auditor 754
shall be reduced one per cent for each day such settlement is 755
delayed after the prescribed date. No penalty shall apply if the 756
auditor and treasurer grant all requests for advances up to 757
ninety per cent of the settlement pursuant to section 321.34 of 758
the Revised Code. The compensation allowed in accordance with 759
this section on settlements made before the dates prescribed by 760
law, or the reduced compensation allowed in accordance with this 761
section on settlements made after the date prescribed by law or 762
any lawful extension of such date, shall be apportioned ratably 763
by the auditor and deducted from the shares or portions of the 764

revenue payable to the state as well as to the county, 765
townships, municipal corporations, and school districts. 766

(B) For the purpose of reimbursing county auditors for the 767
expenses associated with the increased number of applications 768
for reductions in real property taxes under sections 323.152 and 769
4503.065 of the Revised Code that result from the amendment of 770
those sections by Am. Sub. H.B. 119 of the 127th general 771
assembly, there shall be paid from the state's general revenue 772
fund to the county treasury, to the credit of the real estate 773
assessment fund created by section 325.31 of the Revised Code, 774
an amount equal to one per cent of the total annual amount of 775
property tax relief reimbursement paid to that county under 776
sections 323.156 and 4503.068 of the Revised Code for the 777
preceding tax year. Payments made under this division shall be 778
made at the same times and in the same manner as payments made 779
under section 323.156 of the Revised Code. 780

(C) From all moneys collected by the county treasurer on 781
any tax duplicate of the county, other than estate tax 782
duplicates, on all property tax relief reimbursements paid to 783
the county under sections 323.156 and 4503.068 ~~and divisions (F)~~ 784
~~and (I) of section 321.24~~ of the Revised Code, and on all moneys 785
received as advance payments of personal property and classified 786
property taxes, there shall be paid into the county treasury to 787
the credit of the real estate assessment fund created by section 788
325.31 of the Revised Code, an amount to be determined by the 789
county auditor, which shall not exceed the percentages 790
prescribed in divisions (C)(1) and (2) of this section. 791

(1) For payments made after June 30, 2007, and before 792
2011, the following percentages: 793

(a) On the first five hundred thousand dollars, four per 794

cent; 795

(b) On the next five million dollars, two per cent; 796

(c) On the next five million dollars, one per cent; 797

(d) On all further sums not exceeding one hundred fifty 798
million dollars, three-quarters of one per cent; 799

(e) On amounts exceeding one hundred fifty million 800
dollars, five hundred eighty-five thousandths of one per cent. 801

(2) For payments made in or after 2011, the following 802
percentages: 803

(a) On the first five hundred thousand dollars, four per 804
cent; 805

(b) On the next ten million dollars, two per cent; 806

(c) On amounts exceeding ten million five hundred thousand 807
dollars, three-fourths of one per cent. 808

Such compensation shall be apportioned ratably by the 809
auditor and deducted from the shares or portions of the revenue 810
payable to the state as well as to the county, townships, 811
municipal corporations, and school districts. 812

(D) Each county auditor shall receive four per cent of the 813
amount of tax collected and paid into the county treasury, on 814
property omitted and placed by the county auditor on the tax 815
duplicate. 816

(E) On all estate tax moneys collected by the county 817
treasurer, the county auditor, on settlement annually with the 818
tax commissioner, shall be allowed, as compensation for the 819
auditor's services under Chapter 5731. of the Revised Code, two 820
per cent of the amount collected and reported that year in 821

excess of refunds distributed, for the use of the general fund 822
of the county. 823

(F) On all cigarette license moneys collected by the 824
county treasurer, the county auditor, on settlement semiannually 825
with the treasurer, shall be allowed as compensation for the 826
auditor's services in the issuing of such licenses one-half of 827
one per cent of such moneys, to be apportioned ratably and 828
deducted from the shares of the revenue payable to the county 829
and subdivisions, for the use of the general fund of the county. 830

(G) The county auditor shall charge and receive fees as 831
follows: 832

(1) For deeds of land sold for taxes to be paid by the 833
purchaser, five dollars; 834

(2) For the transfer or entry of land, lot, or part of 835
lot, or the transfer or entry on or after January 1, 2000, of a 836
used manufactured home or mobile home as defined in section 837
5739.0210 of the Revised Code, fifty cents for each transfer or 838
entry, to be paid by the person requiring it; 839

(3) For receiving statements of value and administering 840
section 319.202 of the Revised Code, one dollar, or ten cents 841
for each one hundred dollars or fraction of one hundred dollars, 842
whichever is greater, of the value of the real property 843
transferred or, for sales occurring on or after January 1, 2000, 844
the value of the used manufactured home or used mobile home, as 845
defined in section 5739.0210 of the Revised Code, transferred, 846
except no fee shall be charged when the transfer is made: 847

(a) To or from the United States, this state, or any 848
instrumentality, agency, or political subdivision of the United 849
States or this state; 850

(b) Solely in order to provide or release security for a 851
debt or obligation; 852

(c) To confirm or correct a deed previously executed and 853
recorded, or when a current owner is changing the current owner 854
name listed on any record made available to the general public 855
on the internet, or a publicly accessible database, and the 856
general tax list of real and public utility property, and the 857
general duplicate of real and public utility property, to the 858
initials of the current owner as prescribed in division (C) (1) 859
of section 319.28 of the Revised Code; 860

(d) To evidence a gift, in trust or otherwise and whether 861
revocable or irrevocable, between husband and wife, or parent 862
and child or the spouse of either; 863

(e) On sale for delinquent taxes or assessments; 864

(f) Pursuant to court order, to the extent that such 865
transfer is not the result of a sale effected or completed 866
pursuant to such order; 867

(g) Pursuant to a reorganization of corporations or 868
unincorporated associations or pursuant to the dissolution of a 869
corporation, to the extent that the corporation conveys the 870
property to a stockholder as a distribution in kind of the 871
corporation's assets in exchange for the stockholder's shares in 872
the dissolved corporation; 873

(h) By a subsidiary corporation to its parent corporation 874
for no consideration, nominal consideration, or in sole 875
consideration of the cancellation or surrender of the 876
subsidiary's stock; 877

(i) By lease, whether or not it extends to mineral or 878
mineral rights, unless the lease is for a term of years 879

renewable forever; 880

(j) When the value of the real property or the 881
manufactured or mobile home or the value of the interest that is 882
conveyed does not exceed one hundred dollars; 883

(k) Of an occupied residential property, including a 884
manufactured or mobile home, being transferred to the builder of 885
a new residence or to the dealer of a new manufactured or mobile 886
home when the former residence is traded as part of the 887
consideration for the new residence or new manufactured or 888
mobile home; 889

(l) To a grantee other than a dealer in real property or 890
in manufactured or mobile homes, solely for the purpose of, and 891
as a step in, the prompt sale of the real property or 892
manufactured or mobile home to others; 893

(m) To or from a person when no money or other valuable 894
and tangible consideration readily convertible into money is 895
paid or to be paid for the real estate or manufactured or mobile 896
home and the transaction is not a gift; 897

(n) Pursuant to division (B) of section 317.22 of the 898
Revised Code, or section 2113.61 of the Revised Code, between 899
spouses or to a surviving spouse pursuant to section 5302.17 of 900
the Revised Code as it existed prior to April 4, 1985, between 901
persons pursuant to section 5302.17 or 5302.18 of the Revised 902
Code on or after April 4, 1985, to a person who is a surviving, 903
survivorship tenant pursuant to section 5302.17 of the Revised 904
Code on or after April 4, 1985, or pursuant to section 5309.45 905
of the Revised Code; 906

(o) To a trustee acting on behalf of minor children of the 907
deceased; 908

(p) Of an easement or right-of-way when the value of the 909
interest conveyed does not exceed one thousand dollars; 910

(q) Of property sold to a surviving spouse pursuant to 911
section 2106.16 of the Revised Code; 912

(r) To or from an organization exempt from federal income 913
taxation under section 501(c)(3) of the "Internal Revenue Code 914
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided 915
such transfer is without consideration and is in furtherance of 916
the charitable or public purposes of such organization; 917

(s) Among the heirs at law or devisees, including a 918
surviving spouse, of a common decedent, when no consideration in 919
money is paid or to be paid for the real property or 920
manufactured or mobile home; 921

(t) To a trustee of a trust, when the grantor of the trust 922
has reserved an unlimited power to revoke the trust; 923

(u) To the grantor of a trust by a trustee of the trust, 924
when the transfer is made to the grantor pursuant to the 925
exercise of the grantor's power to revoke the trust or to 926
withdraw trust assets; 927

(v) To the beneficiaries of a trust if the fee was paid on 928
the transfer from the grantor of the trust to the trustee or if 929
the transfer is made pursuant to trust provisions which became 930
irrevocable at the death of the grantor; 931

(w) To a corporation for incorporation into a sports 932
facility constructed pursuant to section 307.696 of the Revised 933
Code; 934

(x) Between persons pursuant to section 5302.18 of the 935
Revised Code; 936

(y) From a county land reutilization corporation organized 937
under Chapter 1724. of the Revised Code, or its wholly owned 938
subsidiary, to a third party. 939

(4) For the cost of publishing the delinquent manufactured 940
home tax list, the delinquent tax list, and the delinquent 941
vacant land tax list, a flat fee, as determined by the county 942
auditor, to be charged to the owner of a home on the delinquent 943
manufactured home tax list or the property owner of land on the 944
delinquent tax list or the delinquent vacant land tax list. 945

The auditor shall compute and collect the fee. The auditor 946
shall maintain a numbered receipt system, as prescribed by the 947
tax commissioner, and use such receipt system to provide a 948
receipt to each person paying a fee. The auditor shall deposit 949
the receipts of the fees on conveyances in the county treasury 950
daily to the credit of the general fund of the county, except 951
that fees charged and received under division (G)(3) of this 952
section for a transfer of real property to a county land 953
reutilization corporation shall be credited to the county land 954
reutilization corporation fund established under section 321.263 955
of the Revised Code. 956

The real property transfer fee provided for in division 957
(G)(3) of this section shall be applicable to any conveyance of 958
real property presented to the auditor on or after January 1, 959
1968, regardless of its time of execution or delivery. 960

The transfer fee for a used manufactured home or used 961
mobile home shall be computed by and paid to the county auditor 962
of the county in which the home is located immediately prior to 963
the transfer. 964

Sec. 321.24. (A) On or before the fifteenth day of 965

February, in each year, the county treasurer shall settle with 966
the county auditor for all taxes and assessments that the 967
treasurer has collected on the general duplicate of real and 968
public utility property at the time of making the settlement. If 969
the county treasurer has made or will make advance payments to 970
the several taxing districts of current year unpaid taxes under 971
section 321.341 of the Revised Code before collecting them, the 972
county treasurer shall take the advance payments into account 973
for purposes of the settlement with the county auditor under 974
this division. 975

(B) On or before the thirtieth day of June, in each year, 976
the treasurer shall settle with the auditor for all advance 977
payments of general personal and classified property taxes that 978
the treasurer has received at the time of making the settlement. 979

(C) On or before the tenth day of August, in each year, 980
the treasurer shall settle with the auditor for all taxes and 981
assessments that the treasurer has collected on the general 982
duplicates of real and public utility property at the time of 983
making such settlement, not included in the preceding February 984
settlement. If the county treasurer has made or will make 985
advance payments to the several taxing districts of the current 986
year delinquent taxes under section 321.341 of the Revised Code 987
before collecting them, the county treasurer shall take the 988
advance payments into account for purposes of the settlement 989
with the county auditor under this division. 990

(D) On or before the thirty-first day of October, in each 991
year, the treasurer shall settle with the auditor for all taxes 992
that the treasurer has collected on the general personal and 993
classified property duplicates, and for all advance payments of 994
general personal and classified property taxes, not included in 995

the preceding June settlement, that the treasurer has received 996
at the time of making such settlement. 997

(E) In the event the time for the payment of taxes is 998
extended, pursuant to section 323.17 of the Revised Code, the 999
date on or before which settlement for the taxes so extended 1000
must be made, as herein prescribed, shall be deemed to be 1001
extended for a like period of time. At each such settlement, the 1002
auditor shall allow to the treasurer, on the moneys received or 1003
collected and accounted for by the treasurer, the treasurer's 1004
fees, at the rate or percentage allowed by law, at a full 1005
settlement of the treasurer. 1006

~~(F) Within thirty days after the day of each settlement of 1007
taxes required under divisions (A) and (C) of this section, the 1008
treasurer shall certify to the tax commissioner any adjustments 1009
that have been made to the amount certified previously pursuant 1010
to section 319.302 of the Revised Code and that the settlement 1011
has been completed. Upon receipt of such certification, the 1012
commissioner shall provide for payment to the county treasurer 1013
from the general revenue fund of an amount equal to one-half of 1014
the amount certified by the treasurer in the preceding tax year 1015
under section 319.302 of the Revised Code, less the sum of (1) 1016
one-half of the amount computed for all taxing districts in that 1017
county for the current fiscal year under section 5703.80 of the 1018
Revised Code for crediting to the property tax administration 1019
fund and (2) any reduction required by the commissioner under 1020
division (D) of section 718.83 of the Revised Code. Such payment 1021
shall be credited upon receipt to the county's undivided income- 1022
tax fund. The county auditor shall distribute the amount among 1023
the various taxing districts in the county as if it had been 1024
levied, collected, and settled as real property taxes. The 1025
amount distributed to each taxing district shall be reduced by 1026~~

~~the total of the amounts computed for the district under section 5703.80 of the Revised Code, but the reduction shall not exceed the amount that otherwise would be distributed to the taxing district under this division. The amount distributed to a taxing district shall account for any reduction required by the commissioner under division (D) of section 718.83 of the Revised Code. The tax commissioner shall make available to taxing districts such information as is sufficient for a taxing district to be able to determine the amount of the reduction in its distribution under this section.~~

~~(G)(1)~~ (F)(1) Within thirty days after the day of the settlement required in division (D) of this section, the county treasurer shall notify the tax commissioner that the settlement has been completed. Upon receipt of that notification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified under former section 319.311 of the Revised Code and paid in the state's fiscal year 2003 multiplied by the percentage specified in division ~~(G)(2)~~ (F)(2) of this section. The payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall distribute the amount thereof among the various taxing districts of the county as if it had been levied, collected, and settled as personal property taxes. The amount received by a taxing district under this division shall be apportioned among its funds in the same proportion as the current year's personal property taxes are apportioned.

(2) Payments required under division ~~(G)(1)~~ (F)(1) of this section shall be made at the following percentages of the amount certified under former section 319.311 of the Revised Code and paid under division ~~(G)(1)~~ (F)(1) of this section in the state's

fiscal year 2003: 1058

(a) In fiscal year 2004, ninety per cent; 1059

(b) In fiscal year 2005, eighty per cent; 1060

(c) In fiscal year 2006, sixty-four per cent; 1061

(d) In fiscal year 2007, forty per cent; 1062

(e) In fiscal year 2008, thirty-two per cent; 1063

(f) In fiscal year 2009, sixteen per cent. 1064

After fiscal year 2009, no payments shall be made under 1065
division ~~(G) (1)~~ (F) (1) of this section. 1066

~~(H) (1)~~ (G) (1) On or before the fifteenth day of April each 1067
year, the county treasurer shall settle with the county auditor 1068
for all manufactured home taxes that the county treasurer has 1069
collected on the manufactured home tax duplicate at the time of 1070
making the settlement. 1071

(2) On or before the fifteenth day of September each year, 1072
the county treasurer shall settle with the county auditor for 1073
all remaining manufactured home taxes that the county treasurer 1074
has collected on the manufactured home tax duplicate at the time 1075
of making the settlement. 1076

(3) If the time for payment of such taxes is extended 1077
under section 4503.06 of the Revised Code, the time for making 1078
the settlement as prescribed by divisions ~~(H) (1)~~ (G) (1) and (2) 1079
of this section is extended for a like period of time. 1080

~~(I) On or before the second Monday in September of each~~ 1081
~~year, the county treasurer shall certify to the tax commissioner~~ 1082
~~the total amount by which the manufactured home taxes levied in~~ 1083
~~that year were reduced pursuant to section 319.302 of the~~ 1084

~~Revised Code. Within ninety days after the receipt of such~~ 1085
~~certification, the commissioner shall provide for payment to the~~ 1086
~~county treasurer from the general revenue fund of an amount~~ 1087
~~equal to the amount certified by the treasurer. Such payment~~ 1088
~~shall be credited upon receipt to the county's undivided income~~ 1089
~~tax fund. The county auditor shall distribute the amount among~~ 1090
~~the various taxing districts in the county as if it had been~~ 1091
~~levied, collected, and settled as manufactured home taxes.~~ 1092

Sec. 321.26. (A) The county treasurer, on settlement with 1093
the county auditor, on or before the date prescribed for such 1094
settlement or any lawful extension of such date, shall be 1095
allowed as fees on all qualifying collections the following 1096
percentages: 1097

(1) For settlement dates or any lawful extension of such 1098
dates occurring before January 1, 2018: 1099

(a) On the first one hundred thousand dollars, two and 1100
nine thousand nine hundred forty-seven ten-thousandths of one 1101
per cent; 1102

(b) On the next two million dollars, nine thousand nine 1103
hundred eighty-two ten-thousandths of one per cent; 1104

(c) On the next two million dollars, seven thousand nine 1105
hundred eighty-six ten-thousandths of one per cent; 1106

(d) On all further sums, one thousand nine hundred ninety- 1107
six ten-thousandths of one per cent. 1108

(2) For settlement dates or any lawful extension of such 1109
dates occurring on or after January 1, 2018: 1110

(a) On the first five million dollars or an amount as 1111
adjusted pursuant to division (B) of this section, nine thousand 1112

four hundred ninety-five ten-thousandths of one per cent; 1113

(b) On all further sums, one thousand nine hundred ninety- 1114
six ten-thousandths of one per cent. 1115

If qualifying collections for a year are less than five 1116
million dollars or the amount as adjusted under division (B) of 1117
this section, the fee shall equal the product of five million 1118
dollars or that adjusted amount, as applicable, multiplied by 1119
nine thousand four hundred ninety-five ten-thousandths of one 1120
per cent. 1121

(B) In January of each year, beginning in 2019, if the sum 1122
of qualifying charges for all counties in the preceding year 1123
exceeded the sum of qualifying charges for all counties in the 1124
second preceding year, the tax commissioner shall multiply the 1125
percentage by which that sum increased, rounded to the nearest 1126
one-tenth of one per cent, by the dollar amount described in 1127
division (A) (2) (a) of this section that is applicable to the 1128
preceding year. 1129

For settlement dates or any lawful extension of such dates 1130
occurring in 2019 or any year thereafter, the tax commissioner 1131
shall adjust the dollar amount described in division (A) (2) (a) 1132
of this section applicable to the preceding year by adding the 1133
resulting product to that dollar amount and rounding the 1134
resulting sum to the nearest ten thousand dollars. That adjusted 1135
amount shall apply to each year beginning in the calendar year 1136
in which the commissioner makes such an adjustment and to each 1137
ensuing calendar year until a calendar year in which the 1138
commissioner makes a new adjustment under this division. 1139

The tax commissioner shall not make an adjustment under 1140
this division for a year in which the qualifying charges in the 1141

preceding year did not exceed the qualifying charges in the 1142
second preceding year, the rounded percentage calculated under 1143
this division does not exceed zero per cent, or the rounded 1144
resulting sum equals zero. 1145

On or before the first day of February of each year, the 1146
tax commissioner shall certify to each county auditor and county 1147
treasurer the dollar amount under division (A) (2) (a) of this 1148
section applicable to settlement dates or any lawful extension 1149
of such dates occurring in that year. 1150

(C) In the event any settlement prescribed by law is not 1151
made on or before the date prescribed by law for such 1152
settlement, on or before the dates prescribed by any lawful 1153
extension thereof, the aggregate compensation allowed to the 1154
county treasurer shall be reduced one per cent for each day such 1155
settlement is delayed after the prescribed date. No penalty 1156
shall apply in the event the auditor and treasurer grant all 1157
requests for advances up to ninety per cent of the settlement 1158
pursuant to section 321.34 of the Revised Code. The compensation 1159
allowed in accordance with this section on settlements made on 1160
or before the dates prescribed by law, or the reduced 1161
compensation allowed in accordance with this section on 1162
settlements made after the date prescribed by law or any lawful 1163
extension of such date, shall be apportioned ratably by the 1164
auditor and deducted from the shares or portion of the revenue 1165
payable to the state as well as to the county, township, 1166
corporations, and school districts. On all other moneys 1167
collected by the treasurer as fees or as advance payments, 1168
except moneys received from the treasurer of state, the 1169
treasurer's predecessors in office, the treasurer's legal 1170
representatives, or the sureties of such predecessors, and 1171
except moneys received from the proceeds of the bonds of the 1172

county or of any municipal corporation, five-tenths per cent, to 1173
be paid upon the warrant of the auditor out of the general fund 1174
of the county. 1175

(D) As used in this section: 1176

(1) "Qualifying collections" means moneys collected by a 1177
county treasurer on any tax duplicates, other than the 1178
inheritance tax duplicate, and property tax relief 1179
reimbursements paid to the county under sections 323.156 and 1180
4503.068 ~~and divisions (F) and (I) of section 321.24~~ of the 1181
Revised Code. 1182

(2) "Qualifying charges" means taxes charged and payable 1183
against real and public utility property for the current tax 1184
year after making the reduction required by section 319.301 of 1185
the Revised Code. 1186

Sec. 323.08. (A) After certifying the tax list and 1187
duplicate pursuant to section 319.28 of the Revised Code, the 1188
county auditor shall deliver a list of the tax rates, tax 1189
reduction factors, and effective tax rates assessed and applied 1190
against each of the two classes of property of the county to the 1191
county treasurer, who shall immediately cause a schedule of such 1192
tax rates and effective rates to be published using at least one 1193
of the following methods: 1194

(1) In the print or digital edition of a newspaper of 1195
general circulation in the county; 1196

(2) On the official public notice web site established 1197
under section 125.182 of the Revised Code; 1198

(3) On the web site and social media account of the 1199
county. 1200

Alternatively, in lieu of such publication, the county treasurer may insert a copy of such schedule with each tax bill mailed. Such schedule shall specify particularly the rates and effective rates of taxation levied for all purposes on the tax list and duplicate for the support of the various taxing units within the county, expressed in dollars and cents for each one thousand dollars of valuation. The effective tax rates shall be printed in boldface type.

(B) The county treasurer shall publish notice of the date of the last date for payment of each installment of taxes once a week for two successive weeks before such date using at least one of the following methods:

(1) In the print or digital edition of a newspaper of general circulation within the county;

(2) On the official public notice web site established under section 125.182 of the Revised Code;

(3) On the web site and social media account of the county.

The notice shall contain notice that any taxes paid after such date will accrue a penalty and interest and that failure to receive a tax bill will not avoid such penalty and interest. The notice shall contain a telephone number that may be called by taxpayers who have not received tax bills.

(C) As used in this section and section 323.131 of the Revised Code, "effective tax rate" means the effective rate after making the reduction required by section 319.301, but before making the reduction required by section ~~319.302~~ 323.152 of the Revised Code.

Sec. 323.152. In addition to the reduction in taxes

required under section ~~319.302~~ 319.301 of the Revised Code, 1230
taxes shall be reduced as provided in divisions (A) and (B) of 1231
this section. 1232

(A) (1) (a) Division (A) (1) of this section applies to any 1233
of the following persons: 1234

(i) A person who is permanently and totally disabled; 1235

(ii) A person who is sixty-five years of age or older; 1236

(iii) A person who is the surviving spouse of a deceased 1237
person who was permanently and totally disabled or sixty-five 1238
years of age or older and who applied and qualified for a 1239
reduction in taxes under this division in the year of death, 1240
provided the surviving spouse is at least fifty-nine but not 1241
sixty-five or more years of age on the date the deceased spouse 1242
dies. 1243

(b) Real property taxes on a homestead owned and occupied, 1244
or a homestead in a housing cooperative occupied, by a person to 1245
whom division (A) (1) of this section applies shall be reduced 1246
for each year for which an application for the reduction has 1247
been approved. The reduction shall equal one of the following 1248
amounts, as applicable to the person: 1249

(i) If the person received a reduction under division (A) 1250
(1) of this section for tax year 2006, the greater of the 1251
reduction for that tax year or the amount computed under 1252
division (A) (1) (c) of this section; 1253

(ii) If the person received, for any homestead, a 1254
reduction under division (A) (1) of this section for tax year 1255
2013 or under division (A) of section 4503.065 of the Revised 1256
Code for tax year 2014 or the person is the surviving spouse of 1257
such a person and the surviving spouse is at least fifty-nine 1258

years of age on the date the deceased spouse dies, the amount 1259
computed under division (A) (1) (c) of this section. 1260

(iii) If the person is not described in division (A) (1) (b) 1261
(i) or (ii) of this section and the person's total income does 1262
not exceed thirty thousand dollars, as adjusted under division 1263
(A) (1) (d) of this section, the amount computed under division 1264
(A) (1) (c) of this section. 1265

(c) The amount of the reduction under division (A) (1) (c) 1266
of this section equals the product of the following: 1267

(i) Twenty-five thousand dollars of the true value of the 1268
property in money, as adjusted under division (A) (1) (d) of this 1269
section; 1270

(ii) The assessment percentage established by the tax 1271
commissioner under division (B) of section 5715.01 of the 1272
Revised Code, not to exceed thirty-five per cent; 1273

(iii) The effective tax rate used to calculate the taxes 1274
charged against the property for the current year, where 1275
"effective tax rate" is defined as in section 323.08 of the 1276
Revised Code; 1277

(iv) The quantity equal to one minus the sum of the 1278
percentage reductions in taxes received by the property for the 1279
current tax year under ~~section 319.302 of the Revised Code and~~ 1280
division (B) of this ~~section 323.152 of the Revised Code.~~ 1281

(d) The tax commissioner shall adjust the total income 1282
threshold described in division (A) (1) (b) (iii) and the reduction 1283
amounts described in divisions (A) (1) (c) (i), (A) (2), and (A) (3) 1284
of this section by completing the following calculations in 1285
September of each year: 1286

(i) Determine the percentage increase in the gross 1287
domestic product deflator determined by the bureau of economic 1288
analysis of the United States department of commerce from the 1289
first day of January of the preceding calendar year to the last 1290
day of December of the preceding calendar year; 1291

(ii) Multiply that percentage increase by the total income 1292
threshold or reduction amount for the current tax year, as 1293
applicable; 1294

(iii) Add the resulting product to the total income 1295
threshold or the reduction amount, as applicable, for the 1296
current tax year; 1297

(iv) Round the resulting sum to the nearest multiple of 1298
one hundred dollars. 1299

The commissioner shall certify the amount resulting from 1300
each adjustment to each county auditor not later than the first 1301
day of December each year. The certified total income threshold 1302
amount applies to the following tax year for persons described 1303
in division (A) (1) (b) (iii) of this section. The certified 1304
reduction amount applies to the following tax year. The 1305
commissioner shall not make the applicable adjustment in any 1306
calendar year in which the amount resulting from the adjustment 1307
would be less than the total income threshold or the reduction 1308
amount for the current tax year. 1309

(2) (a) Real property taxes on a homestead owned and 1310
occupied, or a homestead in a housing cooperative occupied, by a 1311
disabled veteran shall be reduced for each year for which an 1312
application for the reduction has been approved. The reduction 1313
shall equal the product obtained by multiplying fifty thousand 1314
dollars of the true value of the property in money, as adjusted 1315

under division (A) (1) (d) of this section, by the amounts 1316
described in divisions (A) (1) (c) (ii) to (iv) of this section. 1317
The reduction is in lieu of any reduction under section 323.158 1318
of the Revised Code or division (A) (1), (2) (b), or (3) of this 1319
section. The reduction applies to only one homestead owned and 1320
occupied by a disabled veteran. 1321

(b) Real property taxes on a homestead owned and occupied, 1322
or a homestead in a housing cooperative occupied, by the 1323
surviving spouse of a disabled veteran shall be reduced for each 1324
year an application for exemption is approved. The reduction 1325
shall equal to the amount of the reduction authorized under 1326
division (A) (2) (a) of this section. 1327

The reduction is in lieu of any reduction under section 1328
323.158 of the Revised Code or division (A) (1), (2) (a), or (3) 1329
of this section. The reduction applies to only one homestead 1330
owned and occupied by the surviving spouse of a disabled 1331
veteran. A homestead qualifies for a reduction in taxes under 1332
division (A) (2) (b) of this section beginning in one of the 1333
following tax years: 1334

(i) For a surviving spouse described in division (L) (1) of 1335
section 323.151 of the Revised Code, the year the disabled 1336
veteran dies; 1337

(ii) For a surviving spouse described in division (L) (2) 1338
of section 323.151 of the Revised Code, the first year on the 1339
first day of January of which the total disability rating 1340
described in division (F) of that section has been received for 1341
the deceased spouse. 1342

In either case, the reduction shall continue through the 1343
tax year in which the surviving spouse dies or remarries. 1344

(3) Real property taxes on a homestead owned and occupied, 1345
or a homestead in a housing cooperative occupied, by the 1346
surviving spouse of a public service officer killed in the line 1347
of duty shall be reduced for each year for which an application 1348
for the reduction has been approved. The reduction shall equal 1349
the product obtained by multiplying fifty thousand dollars of 1350
the true value of the property in money, as adjusted under 1351
division (A)(1)(d) of this section, by the amounts described in 1352
divisions (A)(1)(c)(ii) to (iv) of this section. The reduction 1353
is in lieu of any reduction under section 323.158 of the Revised 1354
Code or division (A)(1) or (2) of this section. The reduction 1355
applies to only one homestead owned and occupied by such a 1356
surviving spouse. A homestead qualifies for a reduction in taxes 1357
under division (A)(3) of this section for the tax year in which 1358
the public service officer dies through the tax year in which 1359
the surviving spouse dies or remarries. 1360

(B) To provide a partial exemption, real property taxes on 1361
any homestead, and manufactured home taxes on any manufactured 1362
or mobile home on which a manufactured home tax is assessed 1363
pursuant to division (D)(2) of section 4503.06 of the Revised 1364
Code, shall be reduced for each year for which an application 1365
for the reduction has been approved. The amount of the reduction 1366
shall equal ~~two~~ twelve and one-half per cent of the amount of 1367
taxes to be levied by qualifying levies on the homestead or the 1368
manufactured or mobile home after applying section 319.301 of 1369
the Revised Code. For the purposes of this division, ~~"qualifying~~ 1370
~~levy" has the same meaning as in section 319.302 of the Revised~~ 1371
~~Code:~~ 1372

(1) "Qualifying levy" means a levy approved at an election 1373
held before September 29, 2013; a levy within the ten-mill 1374
limitation; a levy provided for by the charter of a municipal 1375

corporation that was levied on the tax list for tax year 2013; a 1376
subsequent renewal of any such levy; or a subsequent substitute 1377
for such a levy under section 5705.199 of the Revised Code. 1378

(2) "Qualifying levy" does not include any replacement 1379
imposed under section 5705.192 of the Revised Code of any levy 1380
described in division (B)(1) of this section. 1381

(C) The reductions granted by this section do not apply to 1382
special assessments or respread of assessments levied against 1383
the homestead, and if there is a transfer of ownership 1384
subsequent to the filing of an application for a reduction in 1385
taxes, such reductions are not forfeited for such year by virtue 1386
of such transfer. 1387

(D) The reductions in taxable value referred to in this 1388
section shall be applied solely as a factor for the purpose of 1389
computing the reduction of taxes under this section and shall 1390
not affect the total value of property in any subdivision or 1391
taxing district as listed and assessed for taxation on the tax 1392
lists and duplicates, or any direct or indirect limitations on 1393
indebtedness of a subdivision or taxing district. If after 1394
application of sections 5705.31 and 5705.32 of the Revised Code, 1395
including the allocation of all levies within the ten-mill 1396
limitation to debt charges to the extent therein provided, there 1397
would be insufficient funds for payment of debt charges not 1398
provided for by levies in excess of the ten-mill limitation, the 1399
reduction of taxes provided for in sections 323.151 to 323.159 1400
of the Revised Code shall be proportionately adjusted to the 1401
extent necessary to provide such funds from levies within the 1402
ten-mill limitation. 1403

(E) No reduction shall be made on the taxes due on the 1404
homestead of any person convicted of violating division (D) or 1405

(E) of section 323.153 of the Revised Code for a period of three 1406
years following the conviction. 1407

Sec. 323.155. The tax bill prescribed under section 1408
323.131 of the Revised Code shall indicate the net amount of 1409
taxes due following the reductions in taxes under sections 1410
319.301, ~~319.302~~, 323.152, and 323.16 of the Revised Code. 1411

Any reduction in taxes under section 323.152 of the 1412
Revised Code shall be disregarded as income or resources in 1413
determining eligibility for any program or calculating any 1414
payment under Title LI of the Revised Code. 1415

Sec. 323.158. (A) As used in this section, "qualifying 1416
county" means a county to which both of the following apply: 1417

(1) At least one major league professional athletic team 1418
plays its home schedule in the county for the season beginning 1419
in 1996; 1420

(2) The majority of the electors of the county, voting at 1421
an election held in 1996, approved a referendum on a resolution 1422
of the board of county commissioners levying a sales and use tax 1423
under sections 5739.026 and 5741.023 of the Revised Code. 1424

(B) On or before December 31, 1996, the board of county 1425
commissioners of a qualifying county may adopt a resolution 1426
under this section. The resolution shall grant a partial real 1427
property tax exemption to each homestead in the county that also 1428
receives the tax reduction under division (B) of section 323.152 1429
of the Revised Code. The partial exemption shall take the form 1430
of the reduction by a specified percentage each year of the real 1431
property taxes on the homestead. The resolution shall specify 1432
the percentage, which may be any amount. The board may include 1433
in the resolution a condition that the partial exemption will 1434

apply only upon the receipt by the county of additional revenue 1435
from a source specified in the resolution. The resolution shall 1436
specify the tax year in which the partial exemption first 1437
applies, which may be the tax year in which the resolution takes 1438
effect as long as the resolution takes effect before the county 1439
auditor certifies the tax duplicate of real and public utility 1440
property for that tax year to the county treasurer. Upon 1441
adopting the resolution, the board shall certify copies of it to 1442
the county auditor and the tax commissioner. 1443

(C) After complying with sections 319.301, ~~319.302~~, and 1444
323.152 of the Revised Code, the county auditor shall reduce the 1445
remaining sum to be levied against a homestead by the percentage 1446
called for in the resolution adopted under division (B) of this 1447
section. The auditor shall certify the amount of taxes remaining 1448
after the reduction to the county treasurer for collection as 1449
the real property taxes charged and payable on the homestead. 1450

(D) For each tax year, the county auditor shall certify to 1451
the board of county commissioners the total amount by which real 1452
property taxes were reduced under this section. At the time of 1453
each semi-annual settlement of real property taxes between the 1454
county auditor and county treasurer, the board of county 1455
commissioners shall pay to the auditor one-half of that total 1456
amount. Upon receipt of the payment, the county auditor shall 1457
distribute it among the various taxing districts in the county 1458
as if it had been levied, collected, and settled as real 1459
property taxes. The board of county commissioners shall make the 1460
payment from the county general fund or from any other county 1461
revenue that may be used for that purpose. In making the 1462
payment, the board may use revenue from taxes levied by the 1463
county to provide additional general revenue under sections 1464
5739.021 and 5741.021 of the Revised Code or to provide 1465

additional revenue for the county general fund under sections 1466
5739.026 and 5741.023 of the Revised Code. 1467

(E) The partial exemption under this section shall not 1468
directly or indirectly affect the determination of the principal 1469
amount of notes that may be issued in anticipation of a tax levy 1470
or the amount of securities that may be issued for any permanent 1471
improvements authorized in conjunction with a tax levy. 1472

(F) At any time, the board of county commissioners may 1473
adopt a resolution amending or repealing the partial exemption 1474
granted under this section. Upon adopting a resolution amending 1475
or repealing the partial exemption, the board shall certify 1476
copies of it to the county auditor and the tax commissioner. The 1477
resolution shall specify the tax year in which the amendment or 1478
repeal first applies, which may be the tax year in which the 1479
resolution takes effect as long as the resolution takes effect 1480
before the county auditor certifies the tax duplicate of real 1481
and public utility property for that tax year to the county 1482
treasurer. 1483

(G) If a person files a late application for a tax 1484
reduction under division (B) of section 323.152 of the Revised 1485
Code for the preceding year, and is granted the reduction, the 1486
person also shall receive the reduction under this section for 1487
the preceding year. The county auditor shall credit the amount 1488
of the reduction against the person's current year taxes, and 1489
shall include the amount of the reduction in the amount 1490
certified to the board of county commissioners under division 1491
(D) of this section. 1492

Sec. 351.01. As used in this chapter: 1493

(A) "Convention facilities authority" means a body 1494

corporate and politic created pursuant to section 351.02 of the 1495
Revised Code. 1496

(B) "Governmental agency" means a department, division, or 1497
other unit of the state government or of a municipal 1498
corporation, county, township, or other political subdivision of 1499
the state; any state university or college, as defined in 1500
section 3345.12 of the Revised Code, community college, state 1501
community college, university branch, or technical college; any 1502
other public corporation or agency having the power to acquire, 1503
construct, or operate facilities; the United States or any 1504
agency thereof; and any agency, commission, or authority 1505
established pursuant to an interstate compact or agreement. 1506

(C) "Person" means any individual, firm, partnership, 1507
association, or corporation, or any combination of them. 1508

(D) "Facility" or "facilities" means any convention, 1509
entertainment, or sports facility, or combination of them, 1510
located within the territory of the convention facilities 1511
authority, together with all hotels, parking facilities, 1512
walkways, and other auxiliary facilities, real and personal 1513
property, property rights, easements and interests that may be 1514
appropriate for, or used in connection with, the operation of 1515
the facility. 1516

(E) "Cost" means the cost of acquisition of all land, 1517
rights-of-way, property rights, easements, franchise rights, and 1518
interests required for such acquisition; the cost of demolishing 1519
or removing any buildings or structures on land so acquired, 1520
including the cost of acquiring any lands to which such 1521
buildings or structures may be moved; the cost of acquiring or 1522
constructing and equipping a principal office of the convention 1523
facilities authority; the cost of diverting highways, 1524

interchange of highways, access roads to private property, 1525
including the cost of land or easements for such access roads; 1526
the cost of public utility and common carrier relocation or 1527
duplication; the cost of all machinery, furnishings, and 1528
equipment; financing charges; interest prior to and during 1529
construction and for no more than eighteen months after 1530
completion of construction; expenses of research and development 1531
with respect to facilities; legal expenses; expenses of 1532
obtaining plans, specifications, engineering surveys, studies, 1533
and estimates of cost and revenues; working capital; expenses 1534
necessary or incident to determining the feasibility or 1535
practicability of acquiring or constructing such facility; 1536
administrative expense; and such other expenses as may be 1537
necessary or incident to the acquisition or construction of the 1538
facility, the financing of such acquisition or construction, 1539
including the amount authorized in the resolution of the 1540
convention facilities authority providing for the issuance of 1541
convention facilities authority revenue bonds to be paid into 1542
any special funds from the proceeds of such bonds, the cost of 1543
issuing the bonds, and the financing of the placing of such 1544
facility in operation. Any obligation, cost, or expense incurred 1545
by any governmental agency or person for surveys, borings, 1546
preparation of plans and specifications, and other engineering 1547
services, or any other cost described above, in connection with 1548
the acquisition or construction of a facility may be regarded as 1549
part of the cost of such facility and may be reimbursed out of 1550
the proceeds of convention facilities authority revenue bonds as 1551
authorized by this chapter. 1552

(F) "Owner" includes a person having any title or interest 1553
in any property, rights, easements, or interests authorized to 1554
be acquired by Chapter 351. of the Revised Code. 1555

(G) "Revenues" means all rentals and other charges 1556
received by the convention facilities authority for the use or 1557
services of any facility, the sale of any merchandise, or the 1558
operation of any concessions; any gift or grant received with 1559
respect to any facility, any moneys received with respect to the 1560
lease, sublease, sale, including installment sale or conditional 1561
sale, or other disposition of a facility or part thereof; moneys 1562
received in repayment of and for interest on any loans made by 1563
the authority to a person or governmental agency, whether from 1564
the United States or any department, administration, or agency 1565
thereof, or otherwise; proceeds of convention facilities 1566
authority revenue bonds to the extent the use thereof for 1567
payment of principal or of premium, if any, or interest on the 1568
bonds is authorized by the authority; proceeds from any 1569
insurance, appropriation, or guaranty pertaining to a facility 1570
or property mortgaged to secure bonds or pertaining to the 1571
financing of the facility; income and profit from the investment 1572
of the proceeds of convention facilities authority revenue bonds 1573
or of any revenues; contributions of the proceeds of a tax 1574
levied pursuant to division (C) of section 5739.09 of the 1575
Revised Code; and moneys transmitted to the authority pursuant 1576
to division (B) of section 5739.211 and division (B) of section 1577
5741.031 of the Revised Code. 1578

(H) "Public roads" includes all public highways, roads, 1579
and streets in the state, whether maintained by the state, 1580
county, city, township, or other political subdivision. 1581

(I) "Construction," unless the context indicates a 1582
different meaning or intent, includes, but is not limited to, 1583
reconstruction, enlargement, improvement, or providing fixtures, 1584
furnishings, and equipment. 1585

(J) "Convention facilities authority revenue bonds" or 1586
"revenue bonds," unless the context indicates a different 1587
meaning or intent, includes convention facilities authority 1588
revenue notes, convention facilities authority revenue renewal 1589
notes, and convention facilities authority revenue refunding 1590
bonds. 1591

(K) "Convention facilities authority tax anticipation 1592
bonds" or "tax anticipation bonds," unless the context indicates 1593
a different meaning, includes convention facilities authority 1594
tax anticipation bonds, tax anticipation notes, tax anticipation 1595
renewal notes, and tax anticipation refunding bonds. 1596

(L) "Bonds and notes" means convention facilities 1597
authority revenue bonds and convention facilities authority tax 1598
anticipation bonds. 1599

(M) "Territory of the authority" means all of the area of 1600
the county creating the convention facilities authority. 1601

(N) "Excise taxes" means any of the taxes levied pursuant 1602
to division (B) or (C) of section 351.021 of the Revised Code. 1603
"Excise taxes" does not include taxes levied pursuant to section 1604
4301.424, 5743.026, or 5743.324 of the Revised Code. 1605

(O) "Transaction" means the charge by a hotel or short- 1606
term rental property for each occupancy by transient guests of a 1607
room or suite of rooms used in a hotel or short-term rental 1608
property as a single unit for any period of twenty-four hours or 1609
less. 1610

(P) ~~"Hotel"~~ "Hotel," "short-term rental property," and 1611
"transient guests" have the same meanings as in section 5739.01 1612
of the Revised Code. 1613

(Q) "Sports facility" means a facility intended to house 1614

major league professional athletic teams. 1615

(R) "Constructing" or "construction" includes providing 1616
fixtures, furnishings, and equipment. 1617

Sec. 351.021. (A) The resolution of the county 1618
commissioners creating a convention facilities authority, or any 1619
amendment or supplement to that resolution, may authorize the 1620
authority to levy one or both of the excise taxes authorized by 1621
division (B) of this section to pay the cost of one or more 1622
facilities; to pay principal, interest, and premium on 1623
convention facilities authority tax anticipation bonds issued to 1624
pay those costs; to pay the operating costs of the authority; to 1625
pay operating and maintenance costs of those facilities; and to 1626
pay the costs of administering the excise tax. 1627

(B) The board of directors of a convention facilities 1628
authority that has been authorized pursuant to resolution 1629
adopted, amended, or supplemented by the board of county 1630
commissioners pursuant to division (A) of this section may levy, 1631
by resolution adopted on or before December 31, 1988, either or 1632
both of the following: 1633

(1) Within the territory of the authority, an additional 1634
excise tax not to exceed four per cent on each transaction. The 1635
excise tax authorized by division (B)(1) of this section shall 1636
be in addition to any excise tax levied pursuant to section 1637
5739.08 or 5739.09 of the Revised Code, or division (B)(2) of 1638
this section. 1639

(2) Within that portion of any municipal corporation that 1640
is located within the territory of the authority or within the 1641
boundaries of any township that is located within the territory 1642
of the authority, which municipal corporation or township is 1643

levying any portion of the excise tax authorized by division (A) 1644
of section 5739.08 of the Revised Code, and with the approval, 1645
by ordinance or resolution, of the legislative authority of that 1646
municipal corporation or township, an additional excise tax not 1647
to exceed nine-tenths of one per cent on each transaction. The 1648
excise tax authorized by division (B) (2) of this section may be 1649
levied only if, on the effective date of the levy specified in 1650
the resolution making the levy, the amount being levied pursuant 1651
to division (A) of section 5739.08 of the Revised Code by each 1652
municipal corporation or township in which the tax authorized by 1653
division (B) (2) of this section will be levied, when added to 1654
the amount levied under division (B) (2) of this section, does 1655
not exceed three per cent on each transaction. The excise tax 1656
authorized by division (B) (2) of this section shall be in 1657
addition to any excise tax that is levied pursuant to section 1658
5739.08 or 5739.09 of the Revised Code, or division (B) (1) of 1659
this section. 1660

(C) (1) The board of directors of a convention facilities 1661
authority that is located in an eligible Appalachian county; 1662
that has been authorized pursuant to resolution adopted, 1663
amended, or supplemented by the board of county commissioners 1664
pursuant to division (A) of this section; and that is not 1665
levying a tax under division (B) (1) or (2) of this section may 1666
levy within the territory of the authority, by resolution 1667
adopted on or before December 31, 2005, an additional excise tax 1668
not to exceed three per cent on each transaction. The excise tax 1669
authorized under division (C) (1) of this section shall be in 1670
addition to any excise tax levied pursuant to section 5739.08 or 1671
5739.09 of the Revised Code. 1672

As used in division (C) (1) of this section, "eligible 1673
Appalachian county" means a county in this state designated as 1674

being in the "Appalachian region" under the "Appalachian 1675
Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 1676
403, and having a population less than eighty thousand according 1677
to the most recent federal decennial census. 1678

(2) Division (C) (2) of this section applies only to a 1679
convention facilities authority located in a county with a 1680
population, according to the 2000 federal decennial census, of 1681
at least one hundred thirty-five thousand and not more than one 1682
hundred fifty thousand and containing entirely within its 1683
boundaries the territory of a municipal corporation with a 1684
population according to that census of more than fifty thousand. 1685
The board of directors of such a convention facilities 1686
authority, by resolution adopted on or before November 1, 2009, 1687
may levy within the territory of the authority an excise tax on 1688
transactions by which lodging by a hotel or short-term rental 1689
property is or is to be furnished to transient guests at a rate 1690
not to exceed three per cent on such transactions for the same 1691
purposes for which a tax may be levied under division (B) of 1692
this section. The resolution may be adopted only if the board of 1693
county commissioners of the county, by resolution, authorizes 1694
the levy of the tax. The resolution of the board of county 1695
commissioners is subject to referendum as prescribed by sections 1696
305.31 to 305.41 of the Revised Code. If, pursuant to those 1697
procedures, a referendum is to be held, the board's resolution 1698
does not take effect until approved by a majority of electors 1699
voting on the question. The convention facilities authority may 1700
adopt the resolution authorized by division (C) (2) of this 1701
section before the election, but the authority's resolution 1702
shall not take effect if the board of commissioners' resolution 1703
is not approved at the election. A tax levied under division (C) 1704
(2) of this section is in addition to any tax levied under 1705

section 5739.09 of the Revised Code. 1706

The board of directors of a convention facilities 1707
authority that levies an excise tax under division (C) (2) of 1708
this section may, by resolution adopted by a majority of the 1709
members of the board on or before November 1, 2021, amend the 1710
resolution levying the tax to increase the rate of the tax by 1711
not more than an additional one per cent on each transaction. 1712
The resolution shall provide that all revenue from the increase 1713
in rate shall be used for the same purposes for which a tax may 1714
be levied under division (B) of this section. The resolution may 1715
be adopted only if the board of county commissioners of the 1716
county, by resolution, authorizes the rate increase. 1717

(3) The board of directors of a convention facilities 1718
authority created between July 1, 2019, and December 31, 2019, 1719
by resolution adopted on or before December 30, 2020, may levy 1720
within the territory of the authority an excise tax on 1721
transactions by which lodging by a hotel or short-term rental 1722
property is or is to be furnished to transient guests at a rate 1723
not to exceed three per cent on such transactions for the 1724
purposes described in division (A) of this section. This tax 1725
shall be in addition to any excise tax levied pursuant to this 1726
section or section 5739.08 or 5739.09 of the Revised Code. The 1727
resolution levying the tax shall not take effect sooner than 1728
ninety days after the convention facilities authority is 1729
created. 1730

(D) The authority shall provide for the administration and 1731
allocation of an excise tax levied pursuant to division (B) or 1732
(C) of this section. All receipts arising from those excise 1733
taxes shall be expended for the purposes provided in, and in 1734
accordance with this section and section 351.141 of the Revised 1735

Code. An excise tax levied under division (B) or (C) of this 1736
section shall remain in effect at the rate at which it is levied 1737
for at least the duration of the period for which the receipts 1738
from the tax have been anticipated and pledged pursuant to 1739
section 351.141 of the Revised Code. 1740

(E) Except as provided in division (B) (2) of this section, 1741
the levy of an excise tax on each transaction pursuant to 1742
sections 5739.08 and 5739.09 of the Revised Code does not 1743
prevent a convention facilities authority from levying an excise 1744
tax pursuant to division (B) or (C) of this section. 1745

(F) A convention facilities authority located in a county 1746
with a population greater than eighty thousand but less than 1747
ninety thousand according to the 2010 federal decennial census 1748
that levies a tax under division (B) of this section may amend 1749
the resolution levying the tax to allocate a portion of the 1750
revenue from the tax for support of tourism-related sites or 1751
facilities and programs operated by the county or a municipal 1752
corporation within the county in which the authority is located 1753
or for the purpose of leasing lands for county fairs, erecting 1754
buildings for county fair purposes, making improvements on a 1755
county fairground, or for any purpose connected with the use of 1756
a county fairground or with the management thereof by the county 1757
in which the authority is located. The revenue allocated by the 1758
authority for such purposes in a calendar year shall not exceed 1759
twenty-five per cent of the total revenue from the tax in the 1760
preceding calendar year. Revenue allocated for such purposes 1761
that is not fully used by the end of the calendar year may be 1762
carried forward for use in subsequent calendar years. Any amount 1763
carried forward does not count toward the limitation on the 1764
amount that may be allocated for such purposes in succeeding 1765
calendar years. 1766

Sec. 353.06. As used in this section, ~~"hotel"~~ "hotel," 1767
"short-term rental property," and "transient guests" have the 1768
same meanings as in section 5739.01 of the Revised Code. 1769

A resolution creating a lake facilities authority under 1770
section 353.02 of the Revised Code, or any amendments or 1771
supplements thereto, may authorize the authority to levy an 1772
excise tax on transactions by which lodging in a hotel or short- 1773
term rental property is or is to be furnished to transient 1774
guests to pay any costs authorized under this chapter; to pay 1775
principal, interest, and premium on lake facilities authority 1776
tax anticipation bonds issued to pay those costs; to pay the 1777
operating costs of the authority; and to pay the costs of 1778
administering the tax. 1779

Upon the affirmative vote of at least a majority of the 1780
qualified electors in a primary or general election within the 1781
impacted lake district voting at an election held for the 1782
purpose of authorizing the tax, the board of directors of a lake 1783
facilities authority authorized to levy a tax under this section 1784
may, by resolution, levy an additional excise tax within the 1785
territory of the impacted lake district on all transactions by 1786
which lodging in a hotel or short-term rental property is or is 1787
to be furnished to transient guests. The rate of the tax, when 1788
added to the aggregate rate of excise taxes levied in the 1789
impacted lake district pursuant to section 351.021, 5739.08, or 1790
5739.09 of the Revised Code, shall not cause the total aggregate 1791
rate to exceed five per cent on any such transaction. 1792

The lake facilities authority shall provide for the 1793
administration and allocation of a tax levied pursuant to this 1794
section. All receipts arising from the tax shall be expended for 1795
the purposes provided in, and in accordance with, this section. 1796

An excise tax levied under this section shall remain in effect 1797
at the rate at which it is levied for at least the duration of 1798
the period for which the receipts from the tax have been 1799
anticipated and pledged pursuant to section 353.08 of the 1800
Revised Code. 1801

The form of the ballot in an election held on the question 1802
of levying a tax proposed pursuant to this section shall be as 1803
follows or in any other form acceptable to the secretary of 1804
state: 1805

"An excise tax on all transactions by which lodging in a 1806
hotel is or is to be furnished to transient guests within the 1807
territory of the (name of impacted lake district) _____ 1808
for the purpose of _____ at a rate of _____ for 1809
_____ (number of years the tax is to be levied). 1810
1811

	For the Excise Tax
	Against the Excise Tax

"

Sec. 718.83. (A) On or before the last day of each month, 1812
the tax commissioner shall certify to the director of budget and 1813
management the amount to be paid to each municipal corporation, 1814
based on amounts reported on annual returns and declarations of 1815
estimated tax under sections 718.85 and 718.88 of the Revised 1816
Code, less any amounts previously distributed and net of any 1817
audit adjustments made or refunds granted by the commissioner, 1818
for the calendar month preceding the month in which the 1819
certification is made. Not later than the fifth day of each 1820
month, the director shall provide for payment of the amount 1821
certified to each municipal corporation from the municipal net 1822
profit tax fund, plus a pro rata share of any investment 1823

earnings accruing to the fund since the previous payment under 1824
this section, and minus any reduction required by the 1825
commissioner under division (D) of this section. Each municipal 1826
corporation's share of such earnings shall equal the proportion 1827
that the municipal corporation's certified tax payment is of the 1828
total taxes certified to all municipal corporations in that 1829
quarter. All investment earnings on money in the municipal net 1830
profit tax fund shall be credited to that fund. 1831

(B) If the tax commissioner determines that the amount of 1832
tax paid by a taxpayer and distributed to a municipal 1833
corporation under this section for a taxable year exceeds the 1834
amount payable to that municipal corporation under sections 1835
718.80 to 718.95 of the Revised Code after accounting for 1836
amounts remitted with the annual return and as estimated taxes, 1837
the commissioner shall proceed according to section 5703.77 of 1838
the Revised Code. 1839

(C) If the amount of a municipal corporation's net 1840
distribution computed by the commissioner under division (A) of 1841
this section is less than zero, the commissioner may notify the 1842
municipal corporation of the deficiency. Within thirty days 1843
after receiving such a notice, the municipal corporation shall 1844
pay an amount equal to the deficiency to the treasurer of state. 1845
The treasurer of state shall credit any payment received under 1846
this division to the municipal net profit tax fund. 1847

(D) If a municipal corporation fails to make a timely 1848
payment required under division (C) of this section, the 1849
commissioner may recover the deficiency using any or all of the 1850
following options: 1851

(1) Deduct the amount of the deficiency from the next 1852
distribution to that municipal corporation under division (A) of 1853

this section or, if the amount of the deficiency exceeds the 1854
amount of such distribution, withhold such distributions 1855
entirely until the withheld amount equals the amount of the 1856
municipal corporation's deficiency; 1857

(2) Deduct the amount of the deficiency from the next 1858
payment to that municipal corporation under division (A) of 1859
section 5745.05 of the Revised Code or, if the amount of the 1860
deficiency exceeds the amount of such distribution, withhold 1861
such distributions entirely until the withheld amount equals the 1862
amount of the municipal corporation's deficiency;— 1863

~~(3) Deduct the amount of the deficiency from the municipal 1864
corporation's share of the next payment made by the commissioner 1865
under division (F) of section 321.24 of the Revised Code or, if 1866
the amount of the deficiency exceeds the amount of the municipal 1867
corporation's share of such payment, withhold the municipal 1868
corporation's share of the payments entirely until the withheld 1869
amount equals the amount of the municipal corporation's 1870
deficiency. 1871~~

(E) The total amount of payments and distributions 1872
withheld from a municipal corporation under division (D) of this 1873
section shall not exceed the unpaid portion of the municipal 1874
corporation's net distribution deficiency. All amounts withheld 1875
under division (D) of this section shall be credited to the 1876
municipal net profit tax fund. 1877

(F) The commissioner may adopt rules necessary to 1878
administer this section. 1879

Sec. 1509.01. As used in this chapter: 1880

(A) "Well" means any borehole, whether drilled or bored, 1881
within the state for production, extraction, or injection of any 1882

gas or liquid mineral, excluding potable water to be used as 1883
such, but including natural or artificial brines and oil field 1884
waters. "Well" includes a stratigraphic well. 1885

(B) "Oil" means crude petroleum oil and all other 1886
hydrocarbons, regardless of gravity, that are produced in liquid 1887
form by ordinary production methods, but does not include 1888
hydrocarbons that were originally in a gaseous phase in the 1889
reservoir. 1890

(C) "Gas" means all natural gas and all other fluid 1891
hydrocarbons that are not oil, including condensate. 1892

(D) "Condensate" means liquid hydrocarbons separated at or 1893
near the well pad or along the gas production or gathering 1894
system ~~prior to~~ or by gas processing. 1895

(E) "Pool" means an underground reservoir containing a 1896
common accumulation of oil or gas, or both, but does not include 1897
a gas storage reservoir. Each zone of a geological structure 1898
that is completely separated from any other zone in the same 1899
structure may contain a separate pool. 1900

(F) "Field" means the general area underlaid by one or 1901
more pools. 1902

(G) "Drilling unit" means the minimum acreage on which one 1903
well may be drilled, but does not apply to a well for injecting 1904
gas into or removing gas from a gas storage reservoir and does 1905
not apply to a stratigraphic well. 1906

(H) "Waste" includes all of the following: 1907

(1) Physical waste, as that term generally is understood 1908
in the oil and gas industry; 1909

(2) Inefficient, excessive, or improper use, or the 1910

unnecessary dissipation, of reservoir energy; 1911

(3) Inefficient storing of oil or gas; 1912

(4) Locating, drilling, equipping, operating, or producing 1913
an oil or gas well in a manner that reduces or tends to reduce 1914
the quantity of oil or gas ultimately recoverable under prudent 1915
and proper operations from the pool into which it is drilled or 1916
that causes or tends to cause unnecessary or excessive surface 1917
loss or destruction of oil or gas; 1918

(5) Other underground or surface waste in the production 1919
or storage of oil, gas, or condensate, however caused. 1920

(I) "Correlative rights" means the reasonable opportunity 1921
to every person entitled thereto to recover and receive the oil 1922
and gas in and under the person's tract or tracts, or the 1923
equivalent thereof, without having to drill unnecessary wells or 1924
incur other unnecessary expense. 1925

(J) "Tract" means a single, individual parcel of land or a 1926
portion of a single, individual parcel of land. 1927

(K) "Owner," unless referring to a mine, means the person 1928
who has the right to drill on a tract or drilling unit, to drill 1929
into and produce from a pool, and to appropriate the oil or gas 1930
produced therefrom either for the person or for others, except 1931
that a person ceases to be an owner with respect to a well when 1932
the well has been plugged in accordance with applicable rules 1933
adopted and orders issued under this chapter. "Owner" does not 1934
include a person who obtains a lease of the mineral rights for 1935
oil and gas on a parcel of land if the person does not attempt 1936
to produce or produce oil or gas from a well or obtain a permit 1937
under this chapter for a well or if the entire interest of a 1938
well is transferred to the person in accordance with division 1939

(B) of section 1509.31 of the Revised Code. 1940

(L) "Royalty interest" means the fee holder's share in the 1941
production from a well, except a stratigraphic well. 1942

(M) "Discovery well" means the first well, except a 1943
stratigraphic well, capable of producing oil or gas in 1944
commercial quantities from a pool. 1945

(N) "Prepared clay" means a clay that is plastic and is 1946
thoroughly saturated with fresh water to a weight and 1947
consistency great enough to settle through saltwater in the well 1948
in which it is to be used, except as otherwise approved by the 1949
chief of the division of oil and gas resources management. 1950

(O) "Rock sediment" means the combined cutting and residue 1951
from drilling sedimentary rocks and formation. 1952

(P) "Excavations and workings," "mine," and "pillar" have 1953
the same meanings as in section 1561.01 of the Revised Code. 1954

(Q) "Coal bearing township" means a township designated as 1955
such by the chief of the division of mineral resources 1956
management under section 1561.06 of the Revised Code. 1957

(R) "Gas storage reservoir" means a continuous area of a 1958
subterranean porous sand or rock stratum or strata into which 1959
gas is or may be injected for the purpose of storing it therein 1960
and removing it therefrom and includes a gas storage reservoir 1961
as defined in section 1571.01 of the Revised Code. 1962

(S) "Safe Drinking Water Act" means the "Safe Drinking 1963
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended 1964
by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 1965
42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1966
1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking 1967

Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 1968
300(f), and regulations adopted under those acts. 1969

(T) "Person" includes any political subdivision, 1970
department, agency, or instrumentality of this state; the United 1971
States and any department, agency, or instrumentality thereof; 1972
any legal entity defined as a person under section 1.59 of the 1973
Revised Code; and any other form of business organization or 1974
entity recognized by the laws of this state. 1975

(U) "Brine" means all saline geological formation water 1976
resulting from, obtained from, or produced in connection with 1977
exploration, drilling, well stimulation, production of oil or 1978
gas, or plugging of a well. 1979

(V) "Waters of the state" means all streams, lakes, ponds, 1980
marshes, watercourses, waterways, springs, irrigation systems, 1981
drainage systems, and other bodies of water, surface or 1982
underground, natural or artificial, that are situated wholly or 1983
partially within this state or within its jurisdiction, except 1984
those private waters that do not combine or effect a junction 1985
with natural surface or underground waters. 1986

(W) "Exempt Mississippian well" means a well that meets 1987
all of the following criteria: 1988

(1) Was drilled and completed before January 1, 1980; 1989

(2) Is located in an unglaciated part of the state; 1990

(3) Was completed in a reservoir no deeper than the 1991
Mississippian Big Injun sandstone in areas underlain by 1992
Pennsylvanian or Permian stratigraphy, or the Mississippian 1993
Berea sandstone in areas directly underlain by Permian 1994
stratigraphy; 1995

(4) Is used primarily to provide oil or gas for domestic use.	1996 1997
(X) "Exempt domestic well" means a well that meets all of the following criteria:	1998 1999
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	2000 2001
(2) Is used primarily to provide gas for the owner's domestic use;	2002 2003
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	2004 2005 2006 2007
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	2008 2009 2010 2011 2012
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	2013 2014 2015 2016 2017 2018
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	2019 2020 2021
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other	2022 2023

structures that may be used in or associated with the 2024
exploration and production of oil, gas, or other mineral 2025
resources that are regulated under this chapter, including 2026
operations and activities associated with site preparation, site 2027
construction, access road construction, well drilling, well 2028
completion, well stimulation, well site activities, reclamation, 2029
and plugging. "Production operation" also includes all of the 2030
following: 2031

(1) The piping, equipment, and facilities used for the 2032
production and preparation of hydrocarbon gas or liquids for 2033
transportation or delivery; 2034

(2) The processes of extraction and recovery, lifting, 2035
stabilization, treatment, separation, production processing, 2036
storage, waste disposal, and measurement of hydrocarbon gas and 2037
liquids, including related equipment and facilities; 2038

(3) The processes and related equipment and facilities 2039
associated with production compression, gas lift, gas injection, 2040
fuel gas supply, well drilling, well stimulation, and well 2041
completion activities, including dikes, pits, and earthen and 2042
other impoundments used for the temporary storage of fluids and 2043
waste substances associated with well drilling, well 2044
stimulation, and well completion activities; 2045

(4) Equipment and facilities at a wellpad or other 2046
location that are used for the transportation, handling, 2047
recycling, temporary storage, management, processing, or 2048
treatment of any equipment, material, and by-products or other 2049
substances from an operation at a wellpad that may be used or 2050
reused at the same or another operation at a wellpad or that 2051
will be disposed of in accordance with applicable laws and rules 2052
adopted under them. 2053

(BB) "Annular overpressurization" means the accumulation 2054
of fluids within an annulus with sufficient pressure to allow 2055
migration of annular fluids into underground sources of drinking 2056
water. 2057

(CC) "Orphaned well" means a well that has not been 2058
properly plugged or its land surface restored in accordance with 2059
this chapter and the rules adopted under it to which either of 2060
the following apply: 2061

(1) The owner of the well is unknown, deceased, or cannot 2062
be located and the well is abandoned. 2063

(2) The owner of the well has abandoned the well and there 2064
is no money available to plug the well in accordance with this 2065
chapter and the rules adopted under it. 2066

(DD) "Temporarily inactive well" means a well that has 2067
been granted temporary inactive status under section 1509.062 of 2068
the Revised Code. 2069

(EE) "Material and substantial violation" means any of the 2070
following: 2071

(1) Failure to obtain a permit to drill, reopen, convert, 2072
plugback, or plug a well under this chapter; 2073

(2) Failure to obtain, maintain, update, or submit proof 2074
of insurance coverage that is required under this chapter; 2075

(3) Failure to obtain, maintain, update, or submit proof 2076
of a surety bond that is required under this chapter; 2077

(4) Failure to restore a disturbed land surface as 2078
required by section 1509.072 of the Revised Code; 2079

(5) Failure to reimburse the oil and gas well fund 2080

pursuant to a final order issued under section 1509.071 of the Revised Code;

(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;

(7) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.

(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.

(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated. "Horizontal well" does not include a stratigraphic well.

(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.

(II) "Stratigraphic well" means a borehole that is drilled within the state on a tract solely to conduct research or testing of the subsurface geology, including porosity and permeability. "Stratigraphic well" does not include geotechnical or soil borings or a borehole drilled for seismic shot or mining of industrial minerals or coal.

Sec. 1509.02. There is hereby created in the department of natural resources the division of oil and gas resources management, which shall be administered by the chief of the division of oil and gas resources management. The division has sole and exclusive authority to regulate the permitting, location, and spacing of oil and gas wells and production operations within the state, excepting only those activities

regulated under federal laws for which oversight has been 2110
delegated to the environmental protection agency and activities 2111
regulated under sections 6111.02 to 6111.028 of the Revised 2112
Code. The regulation of oil and gas activities is a matter of 2113
general statewide interest that requires uniform statewide 2114
regulation, and this chapter and rules adopted under it 2115
constitute a comprehensive plan with respect to all aspects of 2116
the locating, drilling, well stimulation, completing, and 2117
operating of oil and gas wells within this state, including site 2118
construction and restoration, permitting related to those 2119
activities, and the disposal of wastes from those wells. In 2120
order to assist the division in the furtherance of its sole and 2121
exclusive authority as established in this section, the chief 2122
may enter into cooperative agreements with other state agencies 2123
for advice and consultation, including visitations at the 2124
surface location of a well on behalf of the division. Such 2125
cooperative agreements do not confer on other state agencies any 2126
authority to administer or enforce this chapter and rules 2127
adopted under it. In addition, such cooperative agreements shall 2128
not be construed to dilute or diminish the division's sole and 2129
exclusive authority as established in this section. Nothing in 2130
this section affects the authority granted to the director of 2131
transportation and local authorities in section 723.01 or 2132
4513.34 of the Revised Code, provided that the authority granted 2133
under those sections shall not be exercised in a manner that 2134
discriminates against, unfairly impedes, or obstructs oil and 2135
gas activities and operations regulated under this chapter. 2136

The chief shall not hold any other public office, nor 2137
shall the chief be engaged in any occupation or business that 2138
might interfere with or be inconsistent with the duties as 2139
chief. 2140

Money collected by the chief pursuant to sections 1509.06, 2141
1509.061, 1509.062, 1509.071, 1509.11, 1509.13, 1509.22, 2142
1509.222, 1509.28, and 1509.34, ~~1509.50, and 5749.02~~ of the 2143
Revised Code, all civil penalties paid under section 1509.33 of 2144
the Revised Code, and, notwithstanding any section of the 2145
Revised Code relating to the distribution or crediting of fines 2146
for violations of the Revised Code, all fines imposed under 2147
divisions (A) and (B) of section 1509.99 of the Revised Code and 2148
fines imposed under divisions (C) and (D) of section 1509.99 of 2149
the Revised Code for all violations prosecuted by the attorney 2150
general and for violations prosecuted by prosecuting attorneys 2151
that do not involve the transportation of brine by vehicle shall 2152
be deposited into the state treasury to the credit of the oil 2153
and gas well fund, which is hereby created. Fines imposed under 2154
divisions (C) and (D) of section 1509.99 of the Revised Code for 2155
violations prosecuted by prosecuting attorneys that involve the 2156
transportation of brine by vehicle and penalties associated with 2157
a compliance agreement entered into pursuant to this chapter 2158
shall be paid to the county treasury of the county where the 2159
violation occurred. 2160

The fund shall be used solely and exclusively for the 2161
purposes enumerated in division (B) of section 1509.071 of the 2162
Revised Code, for the expenses of the division associated with 2163
the administration of this chapter and Chapter 1571. of the 2164
Revised Code and rules adopted under them, and for expenses that 2165
are critical and necessary for the protection of human health 2166
and safety and the environment related to oil and gas production 2167
in this state. The expenses of the division in excess of the 2168
moneys available in the fund shall be paid from general revenue 2169
fund appropriations to the department. 2170

Sec. 1509.11. ~~(A)(1)~~ (A)(1)(a) The owner of any well, 2171

except a horizontal well, that is producing or capable of 2172
producing oil or gas shall file with the chief of the division 2173
of oil and gas resources management, on or before the thirty- 2174
first day of March, a statement of production of oil, gas, and 2175
brine for the last preceding calendar year in such form as the 2176
chief may prescribe. An owner that has more than one hundred 2177
such wells in this state shall submit electronically the 2178
statement of production in a format that is approved by the 2179
chief. 2180

(b) The owner of an exempt domestic well designated as an 2181
exempt domestic well on or after June 30, 2010, shall remit a 2182
fee of sixty dollars for each such well to the director of the 2183
department of natural resources or the director's designee on or 2184
before the thirty-first day of March of each year, together with 2185
the annual statement filed in accordance with division (A) (1) (a) 2186
of this section or with another form prescribed by the director 2187
for that purpose. Fees collected under this division shall be 2188
credited to the oil and gas well fund. 2189

(2) The owner of any horizontal well that is producing or 2190
capable of producing oil or gas shall file with the chief, on 2191
the forty-fifth day following the close of each calendar 2192
quarter, a statement of production of oil, gas, and brine for 2193
the preceding calendar quarter in a form that the chief 2194
prescribes. An owner that has more than one hundred horizontal 2195
wells in this state shall submit electronically the statement of 2196
production in a format that is approved by the chief. 2197

(B) The chief shall not disclose information received from 2198
the department of taxation under section 5703.21 of the Revised 2199
Code until the statement of production required by division (A) 2200
of this section and related to that information is filed with 2201

the chief. 2202

Sec. 1509.34. (A) (1) If an owner fails to pay the fees 2203
imposed by this chapter, or if the chief of the division of oil 2204
and gas resources management incurs costs under division (F) of 2205
section 1509.071 of the Revised Code to correct conditions 2206
associated with the owner's well that the chief reasonably has 2207
determined are causing imminent health or safety risks, the 2208
division of oil and gas resources management shall have a 2209
priority lien against that owner's interest in the applicable 2210
well in front of all other creditors for the amount of any such 2211
unpaid fees and costs incurred. The chief shall file a statement 2212
in the office of the county recorder of the county in which the 2213
applicable well is located of the amount of the unpaid fees and 2214
costs incurred as described in this division. The statement 2215
shall constitute a lien on the owner's interest in the well as 2216
of the date of the filing. The lien shall remain in force so 2217
long as any portion of the lien remains unpaid or until the 2218
chief issues a certificate of release of the lien. If the chief 2219
issues a certificate of release of the lien, the chief shall 2220
file the certificate of release in the office of the applicable 2221
county recorder. 2222

(2) A lien imposed under division (A) (1) of this section 2223
shall be in addition to any lien imposed by the attorney general 2224
for failure to pay the assessment imposed by former section 2225
1509.50 of the Revised Code or the tax levied under ~~division~~ 2226
divisions (A) (5) ~~or (6)~~ to (8) of section 5749.02 of the Revised 2227
Code, as applicable. 2228

(3) If the attorney general cannot collect from a severer 2229
or an owner for an outstanding balance of amounts due under 2230
former section 1509.50 of the Revised Code or of unpaid taxes 2231

levied under ~~division~~ divisions (A) (5) ~~or (6)~~ to (8) of section 2232
5749.02 of the Revised Code, as applicable, the tax commissioner 2233
may request the chief to impose a priority lien against the 2234
owner's interest in the applicable well. Such a lien has 2235
priority in front of all other creditors. 2236

(B) The chief promptly shall issue a certificate of 2237
release of a lien under either of the following circumstances: 2238

(1) Upon the repayment in full of the amount of unpaid 2239
fees imposed by this chapter or costs incurred by the chief 2240
under division (F) of section 1509.071 of the Revised Code to 2241
correct conditions associated with the owner's well that the 2242
chief reasonably has determined are causing imminent health or 2243
safety risks; 2244

(2) Any other circumstance that the chief determines to be 2245
in the best interests of the state. 2246

(C) The chief may modify the amount of a lien under this 2247
section. If the chief modifies a lien, the chief shall file a 2248
statement in the office of the county recorder of the applicable 2249
county of the new amount of the lien. 2250

(D) An owner regarding which the division has recorded a 2251
lien against the owner's interest in a well in accordance with 2252
this section shall not transfer a well, lease, or mineral rights 2253
to another owner or person until the chief issues a certificate 2254
of release for each lien against the owner's interest in the 2255
well. 2256

(E) All money from the collection of liens under this 2257
section shall be deposited in the state treasury to the credit 2258
of the oil and gas well fund created in section 1509.02 of the 2259
Revised Code. 2260

(F) As used in this section, "former section 1509.50 of 2261
the Revised Code" means section 1509.50 of the Revised Code as 2262
it existed before its repeal by this act. 2263

Sec. 1513.08. (A) After a coal mining and reclamation 2264
permit application has been approved, the applicant shall file 2265
with the chief of the division of mineral resources management, 2266
on a form prescribed and furnished by the chief, the performance 2267
security required under this section that shall be payable to 2268
the state and conditioned on the faithful performance of all the 2269
requirements of this chapter and rules adopted under it and the 2270
terms and conditions of the permit. 2271

(B) Using the information contained in the permit 2272
application; the requirements contained in the approved permit 2273
and reclamation plan; and, after considering the topography, 2274
geology, hydrology, and revegetation potential of the area of 2275
the approved permit, the probable difficulty of reclamation; the 2276
chief shall determine the estimated cost of reclamation under 2277
the initial term of the permit if the reclamation has to be 2278
performed by the division of mineral resources management in the 2279
event of forfeiture of the performance security by the 2280
applicant. The chief shall send either written notice by 2281
certified mail or electronic notice with acknowledgment of 2282
receipt of the amount of the estimated cost of reclamation to 2283
the applicant. The applicant shall send either written notice or 2284
electronic notice with acknowledgment of receipt to the chief 2285
indicating the method by which the applicant will provide the 2286
performance security pursuant to division (C) of this section. 2287

(C) The applicant shall provide the performance security 2288
in an amount using one of the following: 2289

(1) If the applicant elects to provide performance 2290

security without reliance on the reclamation forfeiture fund 2291
created in section 1513.18 of the Revised Code, the amount of 2292
the estimated cost of reclamation as determined by the chief 2293
under division (B) of this section for the increments of land on 2294
which the operator will conduct a coal mining and reclamation 2295
operation under the initial term of the permit as indicated in 2296
the application; 2297

(2) If the applicant elects to provide performance 2298
security together with reliance on the reclamation forfeiture 2299
fund through payment of the additional tax on the severance of 2300
coal that is levied under division ~~(A)(8)~~ (A)(10) of section 2301
5749.02 of the Revised Code, an amount of twenty-five hundred 2302
dollars per acre of land on which the operator will conduct coal 2303
mining and reclamation under the initial term of the permit as 2304
indicated in the application. In order for an applicant to be 2305
eligible to provide performance security in accordance with 2306
division (C)(2) of this section, the applicant, an owner and 2307
controller of the applicant, or an affiliate of the applicant 2308
shall have held a permit issued under this chapter for any coal 2309
mining and reclamation operation for a period of not less than 2310
five years. 2311

If a permit is transferred, assigned, or sold, the 2312
transferee is not eligible to provide performance security under 2313
division (C)(2) of this section if the transferee has not held a 2314
permit issued under this chapter for any coal mining and 2315
reclamation operation for a period of not less than five years. 2316
This restriction applies even if the status or name of the 2317
permittee otherwise remains the same after the transfer, 2318
assignment, or sale. 2319

In the event of forfeiture of performance security that 2320

was provided in accordance with division (C) (2) of this section, 2321
the difference between the amount of that performance security 2322
and the estimated cost of reclamation as determined by the chief 2323
under division (B) of this section shall be obtained from money 2324
in the reclamation forfeiture fund as needed to complete the 2325
reclamation. 2326

The performance security provided under division (C) of 2327
this section for the entire area to be mined under one permit 2328
issued under this chapter shall not be less than ten thousand 2329
dollars. 2330

The performance security shall cover areas of land 2331
affected by mining within or immediately adjacent to the 2332
permitted area, so long as the total number of acres does not 2333
exceed the number of acres for which the performance security is 2334
provided. However, the authority for the performance security to 2335
cover areas of land immediately adjacent to the permitted area 2336
does not authorize a permittee to mine areas outside an approved 2337
permit area. As succeeding increments of coal mining and 2338
reclamation operations are to be initiated and conducted within 2339
the permit area, the permittee shall file with the chief 2340
additional performance security to cover the increments in 2341
accordance with this section. If a permittee intends to mine 2342
areas outside the approved permit area, the permittee shall 2343
provide additional performance security in accordance with this 2344
section to cover the areas to be mined. 2345

If an applicant or permittee is not eligible to provide 2346
performance security in accordance with division (C) (2) of this 2347
section, the applicant or permittee shall provide performance 2348
security in accordance with division (C) (1) of this section in 2349
the full amount of the estimated cost of reclamation as 2350

determined by the chief for a permitted coal preparation plant 2351
or coal refuse disposal area that is not located within a 2352
permitted area of a mine. If an applicant for a permit for a 2353
coal preparation plant or coal refuse disposal area or a 2354
permittee of a permitted coal preparation plant or coal refuse 2355
disposal area that is not located within a permitted area of a 2356
mine has held a permit issued under this chapter for any coal 2357
mining and reclamation operation for a period of five years or 2358
more, the applicant or permittee may provide performance 2359
security for the coal preparation plant or coal refuse disposal 2360
area either in accordance with division (C) (1) of this section 2361
in the full amount of the estimated cost of reclamation as 2362
determined by the chief or in accordance with division (C) (2) of 2363
this section in an amount of twenty-five hundred dollars per 2364
acre of land with reliance on the reclamation forfeiture fund. 2365
If a permittee has previously provided performance security 2366
under division (C) (1) of this section for a coal preparation 2367
plant or coal refuse disposal area that is not located within a 2368
permitted area of a mine and elects to provide performance 2369
security in accordance with division (C) (2) of this section, the 2370
permittee shall submit written notice to the chief indicating 2371
that the permittee elects to provide performance security in 2372
accordance with division (C) (2) of this section. Upon receipt of 2373
such a written notice, the chief shall release to the permittee 2374
the amount of the performance security previously provided under 2375
division (C) (1) of this section that exceeds the amount of 2376
performance security that is required to be provided under 2377
division (C) (2) of this section. 2378

(D) A permittee's liability under the performance security 2379
shall be limited to the obligations established under the 2380
permit, which include completion of the reclamation plan in 2381

order to make the land capable of supporting the postmining land 2382
use that was approved in the permit. The period of liability 2383
under the performance security shall be for the duration of the 2384
coal mining and reclamation operation and for a period 2385
coincident with the operator's responsibility for revegetation 2386
requirements under section 1513.16 of the Revised Code. 2387

(E) The amount of the estimated cost of reclamation 2388
determined under division (B) of this section and the amount of 2389
a permittee's performance security provided in accordance with 2390
division (C) (1) of this section shall be adjusted by the chief 2391
as the land that is affected by mining increases or decreases or 2392
if the cost of reclamation increases or decreases. If the 2393
performance security was provided in accordance with division 2394
(C) (2) of this section and the chief has issued a cessation 2395
order under division (D) (2) of section 1513.02 of the Revised 2396
Code for failure to abate a violation of the contemporaneous 2397
reclamation requirement under division (A) (15) of section 2398
1513.16 of the Revised Code, the chief may require the permittee 2399
to increase the amount of performance security from twenty-five 2400
hundred dollars per acre of land to five thousand dollars per 2401
acre of land. 2402

The chief shall notify the permittee, each surety, and any 2403
person who has a property interest in the performance security 2404
and who has requested to be notified of any proposed adjustment 2405
to the performance security. The permittee may request an 2406
informal conference with the chief concerning the proposed 2407
adjustment, and the chief shall provide such an informal 2408
conference. 2409

If the chief increases the amount of performance security 2410
under this division, the permittee shall provide additional 2411

performance security in an amount determined by the chief. If 2412
the chief decreases the amount of performance security under 2413
this division, the chief shall determine the amount of the 2414
reduction of the performance security and send either written 2415
notice or electronic notice with acknowledgment of receipt of 2416
the amount of reduction to the permittee. The permittee may 2417
reduce the amount of the performance security in the amount 2418
determined by the chief. 2419

(F) A permittee may request a reduction in the amount of 2420
the performance security by submitting to the chief 2421
documentation proving that the amount of the performance 2422
security provided by the permittee exceeds the estimated cost of 2423
reclamation if the reclamation would have to be performed by the 2424
division in the event of forfeiture of the performance security. 2425
The chief shall examine the documentation and determine whether 2426
the permittee's performance security exceeds the estimated cost 2427
of reclamation. If the chief determines that the performance 2428
security exceeds that estimated cost, the chief shall determine 2429
the amount of the reduction of the performance security and send 2430
either written notice or electronic notice with acknowledgment 2431
of receipt of the amount to the permittee. The permittee may 2432
reduce the amount of the performance security in the amount 2433
determined by the chief. Adjustments in the amount of 2434
performance security under this division shall not be considered 2435
release of performance security and are not subject to section 2436
1513.16 of the Revised Code. 2437

(G) If the performance security is a bond, it shall be 2438
executed by the operator and a corporate surety licensed to do 2439
business in this state. If the performance security is a cash 2440
deposit or negotiable certificates of deposit of a bank or 2441
savings and loan association, the bank or savings and loan 2442

association shall be licensed and operating in this state. The 2443
cash deposit or market value of the securities shall be equal to 2444
or greater than the amount of the performance security required 2445
under this section. The chief shall review any documents 2446
pertaining to the performance security and approve or disapprove 2447
the documents. The chief shall notify the applicant of the 2448
chief's determination. 2449

(H) If the performance security is a bond, the chief may 2450
accept the bond of the applicant itself without separate surety 2451
when the applicant demonstrates to the satisfaction of the chief 2452
the existence of a suitable agent to receive service of process 2453
and a history of financial solvency and continuous operation 2454
sufficient for authorization to self-insure or bond the amount. 2455

(I) Performance security provided under this section may 2456
be held in trust, provided that the state is the primary 2457
beneficiary of the trust and the custodian of the performance 2458
security held in trust is a bank, trust company, or other 2459
financial institution that is licensed and operating in this 2460
state. The chief shall review the trust document and approve or 2461
disapprove the document. The chief shall notify the applicant of 2462
the chief's determination. 2463

(J) If a surety, bank, savings and loan association, trust 2464
company, or other financial institution that holds the 2465
performance security required under this section becomes 2466
insolvent, the permittee shall notify the chief of the 2467
insolvency, and the chief shall order the permittee to submit a 2468
plan for replacement performance security within thirty days 2469
after receipt of notice from the chief. If the permittee 2470
provided performance security in accordance with division (C) (1) 2471
of this section, the permittee shall provide the replacement 2472

performance security within ninety days after receipt of notice 2473
from the chief. If the permittee provided performance security 2474
in accordance with division (C) (2) of this section, the 2475
permittee shall provide the replacement performance security 2476
within one year after receipt of notice from the chief, and, for 2477
a period of one year after the permittee's receipt of notice 2478
from the chief or until the permittee provides the replacement 2479
performance security, whichever occurs first, money in the 2480
reclamation forfeiture fund shall be the permittee's replacement 2481
performance security in an amount not to exceed the estimated 2482
cost of reclamation as determined by the chief. 2483

(K) If a permittee provided performance security in 2484
accordance with division (C) (1) of this section, the permittee's 2485
responsibility for repairing material damage and replacement of 2486
water supply resulting from subsidence shall be satisfied by 2487
either of the following: 2488

(1) The purchase prior to mining of a noncancelable 2489
premium-prepaid liability insurance policy in lieu of the 2490
permittee's performance security for subsidence damage. The 2491
insurance policy shall contain terms and conditions that 2492
specifically provide coverage for repairing material damage and 2493
replacement of water supply resulting from subsidence. 2494

(2) The provision of additional performance security in 2495
the amount of the estimated cost to the division of mineral 2496
resources management to repair material damage and replace water 2497
supplies resulting from subsidence until the repair or 2498
replacement is completed. However, if such repair or replacement 2499
is completed, or compensation for structures that have been 2500
damaged by subsidence is provided, by the permittee within 2501
ninety days of the occurrence of the subsidence, additional 2502

performance security is not required. In addition, the chief may 2503
extend the ninety-day period for a period not to exceed one year 2504
if the chief determines that the permittee has demonstrated in 2505
writing that subsidence is not complete and that probable 2506
subsidence-related damage likely will occur and, as a result, 2507
the completion of repairs of subsidence-related material damage 2508
to lands or protected structures or the replacement of water 2509
supply within ninety days of the occurrence of the subsidence 2510
would be unreasonable. 2511

(L) If the performance security provided in accordance 2512
with this section exceeds the estimated cost of reclamation, the 2513
chief may authorize the amount of the performance security that 2514
exceeds the estimated cost of reclamation together with any 2515
interest or other earnings on the performance security to be 2516
paid to the permittee. 2517

(M) A permittee that held a valid coal mining and 2518
reclamation permit immediately prior to April 6, 2007, shall 2519
provide, not later than a date established by the chief, 2520
performance security in accordance with division (C) (1) or (2) 2521
of this section, rather than in accordance with the law as it 2522
existed prior to that date, by filing it with the chief on a 2523
form that the chief prescribes and furnishes. Accordingly, for 2524
purposes of this section, "applicant" is deemed to include such 2525
a permittee. 2526

(N) As used in this section: 2527

(1) "Affiliate of the applicant" means an entity that has 2528
a parent entity in common with the applicant. 2529

(2) "Owner and controller of the applicant" means a person 2530
that has any relationship with the applicant that gives the 2531

person authority to determine directly or indirectly the manner 2532
in which the applicant conducts coal mining operations. 2533

Sec. 1513.182. (A) There is hereby created the reclamation 2534
forfeiture fund advisory board consisting of the director of 2535
natural resources, the director of insurance, and seven members 2536
appointed by the governor with the advice and consent of the 2537
senate. Of the governor's appointments, one shall be a certified 2538
public accountant, one shall be a registered professional 2539
engineer with experience in reclamation of mined land, two shall 2540
represent agriculture, agronomy, or forestry, one shall be a 2541
representative of operators of coal mining operations that have 2542
valid permits issued under this chapter and that have provided 2543
performance security under division (C)(1) of section 1513.08 of 2544
the Revised Code, one shall be a representative of operators of 2545
coal mining operations that have valid permits issued under this 2546
chapter and that have provided performance security under 2547
division (C)(2) of section 1513.08 of the Revised Code, and one 2548
shall be a representative of the public. 2549

Of the original members appointed by the governor, two 2550
shall serve an initial term of two years, three an initial term 2551
of three years, and two an initial term of four years. 2552
Thereafter, terms of appointed members shall be for four years, 2553
with each term ending on the same date as the original date of 2554
appointment. An appointed member shall hold office from the date 2555
of appointment until the end of the term for which the member 2556
was appointed. Vacancies shall be filled in the same manner as 2557
original appointments. A member appointed to fill a vacancy 2558
occurring prior to the expiration of the term for which the 2559
member's predecessor was appointed shall hold office for the 2560
remainder of that term. A member shall continue in office 2561
subsequent to the expiration date of the member's term until the 2562

member's successor takes office or until a period of sixty days 2563
has elapsed, whichever occurs first. The governor may remove an 2564
appointed member of the board for misfeasance, nonfeasance, or 2565
malfeasance. 2566

The directors of natural resources and insurance shall not 2567
receive compensation for serving on the board, but shall be 2568
reimbursed for the actual and necessary expenses incurred in the 2569
performance of their duties as members of the board. The members 2570
appointed by the governor shall receive per diem compensation 2571
fixed pursuant to division (J) of section 124.15 of the Revised 2572
Code and reimbursement for the actual and necessary expenses 2573
incurred in the performance of their duties. 2574

(B) The board annually shall elect from among its members 2575
a chairperson, a vice-chairperson, and a secretary to record the 2576
board's meetings. 2577

(C) The board shall hold meetings as often as necessary as 2578
the chairperson or a majority of the members determines. 2579

(D) The board shall establish procedures for conducting 2580
meetings and for the election of its chairperson, vice- 2581
chairperson, and secretary. 2582

(E) The board shall do all of the following: 2583

(1) Review the deposits into and expenditures from the 2584
reclamation forfeiture fund created in section 1513.18 of the 2585
Revised Code; 2586

(2) Retain periodically a qualified actuary to perform an 2587
actuarial study of the reclamation forfeiture fund; 2588

(3) Based on an actuarial study and as determined 2589
necessary by the board, adopt rules in accordance with Chapter 2590

119. of the Revised Code to adjust the rate of the tax levied 2591
under division ~~(A) (8)~~ (A) (10) of section 5749.02 of the Revised 2592
Code and the balance of the reclamation forfeiture fund that 2593
pertains to that rate; 2594

(4) Evaluate any rules, procedures, and methods for 2595
estimating the cost of reclamation for purposes of determining 2596
the amount of performance security that is required under 2597
section 1513.08 of the Revised Code; the collection of forfeited 2598
performance security; payments to the reclamation forfeiture 2599
fund; reclamation of sites for which operators have forfeited 2600
the performance security; and the compliance of operators with 2601
their reclamation plans; 2602

(5) Provide a forum for discussion of issues related to 2603
the reclamation forfeiture fund and the performance security 2604
that is required under section 1513.08 of the Revised Code; 2605

(6) Submit a report biennially to the governor that 2606
describes the financial status of the reclamation forfeiture 2607
fund and the adequacy of the amount of money in the fund to 2608
accomplish the purposes of the fund and that may discuss any 2609
matter related to the performance security that is required 2610
under section 1513.08 of the Revised Code; 2611

(7) Make recommendations to the governor, if necessary, of 2612
alternative methods of providing money for or using money in the 2613
reclamation forfeiture fund and issues related to the 2614
reclamation of land or water resources that have been adversely 2615
affected by past coal mining for which the performance security 2616
was forfeited; 2617

(8) Adopt rules in accordance with Chapter 119. of the 2618
Revised Code that are necessary to administer this section. 2619

Sec. 3301.91. (A) As used in this section: 2620

(1) "National school breakfast program" means the federal 2621
school breakfast program created under 42 U.S.C. 1773. 2622

(2) "National school lunch program" means the federal 2623
school lunch program created under 42 U.S.C. 1751. 2624

(3) "Public school" means a school building operated by a 2625
school district, a community school established under Chapter 2626
3314. of the Revised Code, a STEM school established under 2627
Chapter 3326. of the Revised Code, a building operated by an 2628
educational service center, a special education program operated 2629
by the county board of developmental disabilities under section 2630
3323.09 of the Revised Code, or a facility offering juvenile day 2631
treatment services. 2632

(B) The department of education and workforce shall 2633
reimburse each public and chartered nonpublic school that 2634
participates in the national school breakfast program, from 2635
funds appropriated by the general assembly for that purpose, an 2636
amount equal to the sum of the following: 2637

(1) The difference between the federal free reimbursement 2638
rate and the federal reimbursement for a reduced-price breakfast 2639
for each student eligible for a reduced-price breakfast and 2640
receiving breakfast; 2641

(2) The difference between the federal free reimbursement 2642
rate and the federal reimbursement for a paid breakfast for each 2643
student receiving breakfast who does not qualify for free or 2644
reduced-price breakfast. 2645

(C) The department shall reimburse each public school and 2646
chartered nonpublic school that participates in the national 2647
school lunch program, from funds appropriated by the general 2648

assembly for that purpose, an amount equal to the sum of the 2649
following: 2650

(1) The difference between the federal free reimbursement 2651
rate and the federal reimbursement for a reduced-price lunch for 2652
each student eligible for a reduced-price lunch and receiving 2653
lunch; 2654

(2) The difference between the federal free reimbursement 2655
rate and the federal reimbursement for a paid lunch for each 2656
student receiving lunch who does not qualify for free or 2657
reduced-price lunch. 2658

Sec. 3313.819. (A) As used in this section, "national 2659
school breakfast program," "national school lunch program," and 2660
"public school" all have the same meanings as in section 3301.91 2661
of the Revised Code. 2662

(B) A public or chartered nonpublic school that 2663
participates in the national school breakfast program shall 2664
provide each student ~~eligible for a reduced-price breakfast a~~ 2665
breakfast at no cost to the student. 2666

A public or chartered nonpublic school that participates 2667
in the national school lunch program shall provide each student 2668
~~eligible for a reduced-price lunch a~~ lunch at no cost to the 2669
student. 2670

Sec. 3354.24. (A) The provisions of this section prevail 2671
over conflicting provisions of this chapter; however, except as 2672
otherwise provided in this section, the eastern gateway 2673
community college district and its board of trustees shall 2674
comply with the provisions of this chapter. 2675

(B) The territory of Columbiana, Mahoning, and Trumbull 2676
counties is hereby added to the territory of the community 2677

college district of Jefferson county, creating a new community 2678
college district to replace the former community college 2679
district of Jefferson county. The district created under this 2680
section shall be known as and operate under the name of "eastern 2681
gateway community college district," and its charter shall be 2682
amended to this name. The Jefferson county campus is hereby part 2683
of the eastern gateway community college district and shall 2684
remain in operation unless otherwise specified by the board of 2685
trustees of the community college. 2686

The eastern gateway community college district is divided 2687
into two taxing subdistricts, one consisting of the territory of 2688
Jefferson county, and the other consisting of the territories of 2689
Columbiana, Mahoning, and Trumbull counties. 2690

~~(C) On the effective date of this section as enacted by~~ 2691
~~H.B. 1 of the 128th general assembly~~ October 16, 2009, the 2692
government of the eastern gateway community college district 2693
shall be vested in a board of eleven trustees to be appointed by 2694
the governor, with the advice and consent of the senate. The 2695
board of trustees of the former community college district of 2696
Jefferson county is abolished on that date. 2697

The governor shall appoint the members of the board of 2698
trustees of the eastern gateway community college district as 2699
successors to the board of trustees of Jefferson community 2700
college as follows: Three members of the board of trustees shall 2701
be residents of Jefferson county. (The initial Jefferson county 2702
members shall be members of the board of trustees of the former 2703
community college district of Jefferson county, as it existed 2704
before ~~the effective date of this section~~ October 16, 2009.) 2705
Eight members of the board of trustees shall be residents of 2706
Columbiana, Mahoning, and Trumbull counties. 2707

The initial board of trustees shall be appointed within 2708
ninety days after ~~the effective date of this section~~ October 16, 2709
2009, for terms as follows: Of the trustees who are residents of 2710
Jefferson county, one trustee shall be appointed for a one-year 2711
term, one trustee shall be appointed for a three-year term, and 2712
one trustee shall be appointed for a five-year term. Of the 2713
trustees who are residents of Columbiana, Mahoning, and Trumbull 2714
counties, one trustee shall be appointed for a one-year term, 2715
two trustees shall be appointed for two-year terms, two trustees 2716
shall be appointed for three-year terms, two trustees shall be 2717
appointed for four-year terms, and one trustee shall be 2718
appointed for a five-year term. 2719

At the conclusion of each initial term, the term of office 2720
of each trustee shall be five years, each term ending on the 2721
same day of the same month of the year as did the term that it 2722
succeeds. 2723

Each trustee shall hold office from the date of the 2724
trustee's appointment until the end of the term for which the 2725
trustee was appointed. Any trustee appointed to fill a vacancy 2726
occurring before the expiration of the term for which the 2727
trustee's predecessor was appointed shall hold office for the 2728
remainder of that term. Any trustee shall continue in office 2729
subsequent to the expiration date of the trustee's term until 2730
the trustee's successor takes office, or until a period of sixty 2731
days has elapsed, whichever occurs first. 2732

If a vacancy occurs and the Jefferson county tax levy is 2733
no longer in place or a conversion under division (H) of this 2734
section has occurred, the governor shall fill the vacancy with a 2735
person residing within the eastern gateway community college 2736
district. 2737

(D) The board of trustees of the eastern gateway community college district shall continue to comply with division (G) of section 3354.09 of the Revised Code regarding tuition for students who are residents of Ohio but not residents of the district, and for students who are nonresidents of Ohio. The tuition rate shall be based on the student's county of residence and shall apply to all eastern gateway community college district classes in all district locations. Except as provided in division (F) (3) of this section, students who are residents of Columbiana, Mahoning, or Trumbull county shall continue to be charged tuition at the same rate as Ohio residents who are not residents of the district.

(E) (1) Except as provided in divisions (E) (2) and (3) of this section, each member of the board of trustees shall have full voting rights on all matters that come before the board.

(2) The three trustees representing Jefferson county shall have sole authority to vote on the following matters:

(a) The Jefferson county tax levy;

(b) The expenditure of revenue from that tax levy;

(c) Levy-subsidized tuition rates.

(3) The voting restrictions under division (E) (2) of this section apply until the electors of the Columbiana, Mahoning, and Trumbull county taxing subdistrict approve a tax levy under division (F) (3) of this section that is equivalent to the tax levy approved by the electors of Jefferson county for the support of the former community college district of Jefferson county on ~~the effective date of this section~~ October 16, 2009. For the purposes of this division, the tax levy is an equivalent tax levy if either:

(a) In the first tax year for which the tax is collected, 2767
it yields revenue per capita equal to or greater than the yield 2768
per capita of levies of the community college district in effect 2769
that year in Jefferson county, as jointly determined by the 2770
county auditors of Jefferson, Columbiana, Mahoning, and Trumbull 2771
counties; or 2772

(b) In the first tax year for which the tax is collected, 2773
the effective tax rate of the tax is equal to or greater than 2774
the effective tax rate of levies of the community college 2775
district in effect that tax year in Jefferson county, as jointly 2776
determined by the county auditors of Jefferson, Columbiana, 2777
Mahoning, and Trumbull counties. 2778

As used in this division, "effective tax rate" means the 2779
quotient obtained by dividing the total taxes charged and 2780
payable for a taxing subdistrict for a tax year after the 2781
reduction prescribed by section 319.301 of the Revised Code but 2782
before ~~the any~~ reduction prescribed by section ~~319.302 or~~ 2783
323.152 of the Revised Code, by the taxable value for the taxing 2784
subdistrict for that tax year. 2785

(F) (1) For each taxing subdistrict of the eastern gateway 2786
community college district, the board of trustees may propose to 2787
levy a tax in accordance with the procedures prescribed in 2788
section 3354.12 of the Revised Code, except the following terms 2789
used in that section shall have the meanings given them in this 2790
section: 2791

(a) "District" and "community college district" mean the 2792
appropriate taxing subdistrict defined in this section; 2793

(b) "Board of trustees of the community college district" 2794
means the board of trustees for the entire eastern gateway 2795

community college district. That board of trustees may propose 2796
separate levies for either of the two taxing subdistricts. 2797

(c) "Tax duplicate" means the tax duplicate of only the 2798
appropriate taxing subdistrict and not the tax duplicate of the 2799
entire eastern gateway community college district. 2800

(2) The board of trustees may propose to levy a tax on 2801
taxable property in Jefferson county to be voted on by the 2802
electors of Jefferson county as provided in division (F)(1) of 2803
this section. An affirmative vote by a majority of the electors 2804
of the subdistrict voting on the question is necessary for 2805
passage. Any money raised by a tax levied by the former 2806
community college district of Jefferson county or a subsequent 2807
tax levied in Jefferson county in accordance with division (F) 2808
(1) of this section shall be used solely for the benefit of 2809
Jefferson county residents attending the eastern gateway 2810
community college in the form of student tuition subsidies, 2811
student scholarships, and instructional facilities, equipment, 2812
and support services located within Jefferson county, or for any 2813
purpose approved by the electors. Such amounts shall be 2814
deposited into a separate fund of the taxing subdistrict, and 2815
shall be budgeted separately. 2816

(3) The board of trustees may propose to levy a tax on 2817
taxable property in Columbiana, Mahoning, and Trumbull counties 2818
to be voted on by the electors of the counties as provided in 2819
division (F)(1) of this section. An affirmative vote by a 2820
majority of the electors of the subdistrict voting on the 2821
question is necessary for passage. Any amounts raised by such a 2822
tax in the tax subdistrict shall be used solely for the benefit 2823
of residents of the subdistrict attending the eastern gateway 2824
community college in the form of student tuition subsidies, 2825

student scholarships, and instructional facilities, equipment, 2826
and support services located within Columbiana, Mahoning, and 2827
Trumbull counties, or for any purpose approved by the electors. 2828
Amounts collected shall be deposited into a separate fund from 2829
all other revenues collected by each taxing subdistrict. 2830

The board of trustees may adjust the rate of tuition 2831
charged to each taxing subdistrict's residents to an amount 2832
commensurate with the amount of tax the board of trustees 2833
dedicates for instructional and general services provided to the 2834
residents of the subdistrict. 2835

(G) The board of trustees of the eastern gateway community 2836
college district may issue bonds in accordance with section 2837
3354.11 of the Revised Code, but the board may limit the 2838
question of approval of the issue of those bonds to the electors 2839
of only one of the two taxing subdistricts, in which case the 2840
board also may limit the use of the property or improvements to 2841
the residents of that subdistrict. 2842

(H) If the tax levy in Jefferson county expires, is not 2843
renewed, or is not approved by the electors of Jefferson county 2844
and the other taxing subdistrict does not levy a tax for the 2845
purposes of this section, the board of trustees of the eastern 2846
gateway community college district shall submit a proposal to 2847
the chancellor of the board of regents to convert to a state 2848
community college and, upon the chancellor's approval of the 2849
proposal, enter into a transition agreement with the chancellor 2850
following the procedures set forth in section 3358.05 of the 2851
Revised Code for a technical college district. 2852

Sec. 3354.25. (A) The provisions of this section prevail 2853
over conflicting provisions of this chapter; however, except as 2854
provided in this section, the community college district and its 2855

board of trustees created by this section shall comply with the 2856
provisions of this chapter. 2857

(B) (1) The territory of Warren county is hereby added to 2858
the territory of the community college district of Montgomery 2859
county, creating the Warren county Montgomery county community 2860
college district and replacing the former community college 2861
district of Montgomery county. The district created in this 2862
section may be known as and operate under the name of the 2863
Sinclair community college district. 2864

(2) The community college district created by this section 2865
shall be divided into separate taxing subdistricts, one 2866
consisting of the territory of Warren county, and another 2867
consisting of the territory of Montgomery county. 2868

Taxes for the benefit of the community college district 2869
shall be levied and the benefits from the revenues of those 2870
taxes shall be apportioned among the subdistricts only in 2871
accordance with this section. 2872

(C) The board of trustees of the two-county community 2873
college district created by this section shall consist of eleven 2874
members. 2875

(1) Nine members of the board of trustees shall be 2876
residents of Montgomery county. The initial Montgomery county 2877
members shall be the same members of the board of trustees of 2878
the former community college district of Montgomery county, as 2879
it existed prior to ~~the effective date of this section~~ September 2880
29, 2005, whose terms shall expire and whose successors shall be 2881
appointed as they would have otherwise under division (B) of 2882
section 3354.05 of the Revised Code. 2883

(2) Two members of the board of trustees shall be 2884

residents of Warren county, one of whom shall be appointed by 2885
the board of county commissioners of Warren county, and one of 2886
whom shall be appointed by the governor with the advice and 2887
consent of the senate. Each of the initial appointments under 2888
division (C) (2) of this section shall be made within ninety days 2889
after ~~the effective date of this section~~ September 29, 2005. At 2890
the time of the initial meeting of the trustees of the community 2891
college district created by this section, a drawing among the 2892
Warren county appointees shall be held to determine the initial 2893
term of each appointee, one trustee to serve for a term ending 2894
three years after the expiration date of the Montgomery county 2895
trustee's term that is the first to expire after ~~the effective~~ 2896
~~date of this section~~ September 29, 2005, and the other trustee 2897
to serve for a term ending five years after the expiration date 2898
of the Montgomery county trustee's term that is the first to 2899
expire after ~~the effective date of this section~~ September 29, 2900
2005. Thereafter, the successive terms of the Warren county 2901
members of the board of trustees shall be for five years, each 2902
term ending on the same day of the same month of the year as did 2903
the term which it succeeds. Each trustee shall hold office from 2904
the date of the trustee's appointment until the end of the term 2905
for which appointed. Any trustee appointed to fill a vacancy 2906
occurring prior to the expiration of the term for which the 2907
trustee's predecessor was appointed shall hold office for the 2908
remainder of that term. Any trustee shall continue in office 2909
subsequent to the expiration date of the trustee's term until 2910
the trustee's successor takes office, or until a period of sixty 2911
days has elapsed, whichever occurs first. 2912

(D) The board of trustees of the community college 2913
district created by this section shall continue to comply with 2914
division (G) of section 3354.09 of the Revised Code, regarding 2915

tuition for students who are residents of Ohio but not of the 2916
district, and for students who are nonresidents of Ohio. The 2917
tuition rate shall be based on the student's county of residence 2918
and shall apply to all Sinclair community college classes in all 2919
Sinclair community college locations. Except as provided in 2920
division (G)(2) of this section, students who are residents of 2921
Warren county shall continue to be charged tuition at the same 2922
rate as Ohio residents who are not residents of the district. 2923

(E)(1) Unless the conditions prescribed in division (F) of 2924
this section are satisfied, the trustees from each respective 2925
county of the community college district created by this section 2926
shall have no vote on any of the following matters pertaining to 2927
the other county: 2928

(a) Tax levies; 2929

(b) The expenditure of revenue from tax levies; 2930

(c) Levy-subsidized tuition rates. 2931

(2) As long as either of the conditions prescribed in 2932
division (F)(1) or (2) of this section are satisfied, each 2933
member of the board of trustees shall have full voting rights on 2934
all matters coming before the board. 2935

(3) At all times, on any matter related to community 2936
college programming or facilities within one county or the 2937
other, both of the following are necessary: 2938

(a) The affirmative vote of a majority of the full 2939
membership of the board of trustees; 2940

(b) The affirmative vote of at least fifty per cent of the 2941
trustees from the affected county. 2942

(4) If the millage rate of the Warren county tax levy 2943

described in division (F) of this section is subsequently 2944
reduced by a vote of the electors of Warren county to the extent 2945
that it no longer satisfies a condition prescribed in either 2946
division (F) (1) or (2) of this section, the voting restrictions 2947
prescribed in division (E) (1) of this section again apply to the 2948
board effective on the first day of the tax year that begins 2949
after the reduction is approved by the electors. 2950

(F) The voting restrictions of division (E) (1) of this 2951
section apply until the electors of Warren county approve a tax 2952
levy, in accordance with division (G) (3) of this section, 2953
equivalent to the tax levy approved by the electors of 2954
Montgomery county for the support of the former community 2955
college district of Montgomery county prior to ~~the effective~~ 2956
~~date of this section~~ September 29, 2005. For this purpose, an 2957
equivalent tax levy is a tax levied in Warren county that 2958
either: 2959

(1) In the first tax year for which the tax is collected, 2960
yields revenue per capita equal to or greater than the yield per 2961
capita of levies of the community college district in effect 2962
that tax year in Montgomery county, as jointly determined by the 2963
county auditors of Montgomery and Warren counties; 2964

(2) In the first tax year for which the tax is collected, 2965
imposes a millage rate that is equal to or greater than the 2966
effective tax rate of levies of the community college district 2967
in effect that tax year in Montgomery county, as jointly 2968
determined by the county auditors of Montgomery and Warren 2969
counties. 2970

As used in division (F) (2) of this section, "effective tax 2971
rate" means the quotient obtained by dividing the total taxes 2972
charged and payable for the taxing subdistrict for a tax year, 2973

after the reduction prescribed by section 319.301 of the Revised 2974
Code but before ~~the any~~ reduction prescribed by section ~~319.302~~ 2975
~~or~~ 323.152 of the Revised Code, by the taxable value for the 2976
taxing subdistrict for that tax year. 2977

(G) (1) The board of trustees may propose to levy a tax on 2978
taxable property in Montgomery county to be voted on by the 2979
electors of Montgomery county as provided in division (G) (3) of 2980
this section. Any money raised by a tax levied by the former 2981
community college district of Montgomery county or a subsequent 2982
tax levied in Montgomery county in accordance with division (G) 2983
(3) of this section shall be used solely for the benefit of 2984
Montgomery county residents attending Sinclair community college 2985
in the form of student tuition subsidy, student scholarships, 2986
and instructional facilities, equipment and support services 2987
located within Montgomery county, shall be deposited into a 2988
separate fund from all other revenues of the district, and shall 2989
be budgeted separately. 2990

(2) The board of trustees may propose to levy a tax on 2991
taxable property in Warren county to be voted on by electors of 2992
Warren county as provided in division (G) (3) of this section. 2993
Any money raised by the tax shall be used solely for the benefit 2994
of Warren county residents attending Sinclair community college 2995
in the form of student tuition subsidy, student scholarships, 2996
and instructional facilities, equipment and support services 2997
located within Warren county, shall be deposited into a separate 2998
fund from all other revenues of the district, and shall be 2999
budgeted separately. If the tax is approved in accordance with 3000
division (G) (3) (c) of this section, the board of trustees may 3001
adjust the rate of tuition charged to Warren county residents 3002
commensurate with the amount of that tax the board of trustees 3003
dedicates for instructional and general services provided to 3004

Warren county residents. 3005

(3) For each taxing subdistrict of the community college 3006
district created by this section, the board of trustees may 3007
propose to levy a tax in accordance with the procedures 3008
prescribed in section 3354.12 of the Revised Code, except as 3009
provided in divisions (G) (3) (a) to (c) of this section. 3010

(a) Wherein section 3354.12 of the Revised Code the terms 3011
"district" and "community college district" are used, those 3012
terms shall be construed to mean the appropriate taxing 3013
subdistrict described in division (B) (2) of this section, except 3014
that the "board of trustees of the community college district" 3015
means the board of trustees for the entire community college 3016
district as described in division (C) of this section. That 3017
board of trustees may propose separate levies for either of the 3018
two taxing subdistricts. 3019

(b) "Tax duplicate," as used in section 3354.12 of the 3020
Revised Code, means the tax duplicate of only the appropriate 3021
taxing subdistrict and not the tax duplicate of the entire 3022
community college district. 3023

(c) The resolution of the board of trustees proposing a 3024
tax levy in the Warren county taxing subdistrict is subject to 3025
approval of a two-thirds vote of the board of county 3026
commissioners of Warren county. If so approved by the board of 3027
county commissioners of Warren county, that board shall certify 3028
the resolution to the Warren county board of elections, which 3029
shall place on the ballot for the electors of Warren county the 3030
question of levying the tax proposed in the resolution on all 3031
taxable property of the county. If approved by the electors of 3032
the county, the tax shall be levied as provided in section 3033
3354.12 of the Revised Code and anticipation notes may be issued 3034

by the board of trustees in accordance with that section. 3035

(H) (1) The board of trustees of the community college 3036
district created by this section may issue bonds in accordance 3037
with section 3354.11 of the Revised Code; however, the board may 3038
limit the question of approval of the issue of those bonds to 3039
the electors of only one of the two taxing subdistricts 3040
described in division (B) (2) of this section, in which case the 3041
board also may limit the use of the property or improvements to 3042
the residents of that subdistrict. 3043

(2) A resolution of the board of trustees proposing the 3044
issuance of bonds for only the Warren county taxing subdistrict 3045
is subject to approval of a two-thirds vote of the board of 3046
county commissioners of Warren county. If so approved by the 3047
board of county commissioners of Warren county, that board shall 3048
certify the resolution to the Warren county board of elections 3049
which shall place on the ballot for the electors of Warren 3050
county the question of issuing bonds as proposed in the 3051
resolution. 3052

Sec. 4503.06. (A) The owner of each manufactured or mobile 3053
home that has acquired situs in this state shall pay either a 3054
real property tax pursuant to Title LVII of the Revised Code or 3055
a manufactured home tax pursuant to division (C) of this 3056
section. 3057

(B) The owner of a manufactured or mobile home shall pay 3058
real property taxes if either of the following applies: 3059

(1) The manufactured or mobile home acquired situs in the 3060
state or ownership in the home was transferred on or after 3061
January 1, 2000, and all of the following apply: 3062

(a) The home is affixed to a permanent foundation as 3063

defined in division (C) (5) of section 3781.06 of the Revised Code. 3064
3065

(b) The home is located on land that is owned by the owner of the home. 3066
3067

(c) The certificate of title has been inactivated by the clerk of the court of common pleas that issued it, pursuant to division (H) of section 4505.11 of the Revised Code. 3068
3069
3070

(2) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred before January 1, 2000, and all of the following apply: 3071
3072
3073

(a) The home is affixed to a permanent foundation as defined in division (C) (5) of section 3781.06 of the Revised Code. 3074
3075
3076

(b) The home is located on land that is owned by the owner of the home. 3077
3078

(c) The owner of the home has elected to have the home taxed as real property and, pursuant to section 4505.11 of the Revised Code, has surrendered the certificate of title to the auditor of the county containing the taxing district in which the home has its situs, together with proof that all taxes have been paid. 3079
3080
3081
3082
3083
3084

(d) The county auditor has placed the home on the real property tax list and delivered the certificate of title to the clerk of the court of common pleas that issued it and the clerk has inactivated the certificate. 3085
3086
3087
3088

(C) (1) Any mobile or manufactured home that is not taxed as real property as provided in division (B) of this section is subject to an annual manufactured home tax, payable by the 3089
3090
3091

owner, for locating the home in this state. The tax as levied in 3092
this section is for the purpose of supplementing the general 3093
revenue funds of the local subdivisions in which the home has 3094
its situs pursuant to this section. 3095

(2) The year for which the manufactured home tax is levied 3096
commences on the first day of January and ends on the following 3097
thirty-first day of December. The state shall have the first 3098
lien on any manufactured or mobile home on the list for the 3099
amount of taxes, penalties, and interest charged against the 3100
owner of the home under this section. The lien of the state for 3101
the tax for a year shall attach on the first day of January to a 3102
home that has acquired situs on that date. The lien for a home 3103
that has not acquired situs on the first day of January, but 3104
that acquires situs during the year, shall attach on the next 3105
first day of January. The lien shall continue until the tax, 3106
including any penalty or interest, is paid. 3107

(3) (a) The situs of a manufactured or mobile home located 3108
in this state on the first day of January is the local taxing 3109
district in which the home is located on that date. 3110

(b) The situs of a manufactured or mobile home not located 3111
in this state on the first day of January, but located in this 3112
state subsequent to that date, is the local taxing district in 3113
which the home is located thirty days after it is acquired or 3114
first enters this state. 3115

(4) The tax is collected by and paid to the county 3116
treasurer of the county containing the taxing district in which 3117
the home has its situs. 3118

(D) The manufactured home tax shall be computed and 3119
assessed by the county auditor of the county containing the 3120

taxing district in which the home has its situs as follows: 3121

(1) On a home that acquired situs in this state prior to 3122
January 1, 2000: 3123

(a) By multiplying the assessable value of the home by the 3124
tax rate of the taxing district in which the home has its situs, 3125
and deducting from the product thus obtained any reduction 3126
authorized under section 4503.065 of the Revised Code. The tax 3127
levied under this formula shall not be less than thirty-six 3128
dollars, unless the home qualifies for a reduction in assessable 3129
value under section 4503.065 of the Revised Code, in which case 3130
there shall be no minimum tax and the tax shall be the amount 3131
calculated under this division. 3132

(b) The assessable value of the home shall be forty per 3133
cent of the amount arrived at by the following computation: 3134

(i) If the cost to the owner, or market value at time of 3135
purchase, whichever is greater, of the home includes the 3136
furnishings and equipment, such cost or market value shall be 3137
multiplied according to the following schedule: 3138
3139

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%
C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%

F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first 3140
day of January and the thirty-first day of December of the first 3141
year. 3142

(ii) If the cost to the owner, or market value at the time 3143
of purchase, whichever is greater, of the home does not include 3144
the furnishings and equipment, such cost or market value shall 3145
be multiplied according to the following schedule: 3146
3147

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	95%
B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%
E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%

H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first 3148
day of January and the thirty-first day of December of the first 3149
year. 3150

(2) On a home in which ownership was transferred or that 3151
first acquired situs in this state on or after January 1, 2000: 3152

(a) By multiplying the assessable value of the home by the 3153
effective tax rate, as defined in section 323.08 of the Revised 3154
Code, for residential real property of the taxing district in 3155
which the home has its situs, and deducting from the product 3156
thus obtained the reductions required ~~or authorized~~ under 3157
~~section 319.302,~~ division (B) of section 323.152, or section 3158
4503.065 of the Revised Code. 3159

(b) The assessable value of the home shall be thirty-five 3160
per cent of its true value as determined under division (L) of 3161
this section. 3162

(3) On or before the fifteenth day of January each year, 3163
the county auditor shall record the assessable value and the 3164
amount of tax on the manufactured or mobile home on the tax list 3165
and deliver a duplicate of the list to the county treasurer. In 3166
the case of an emergency as defined in section 323.17 of the 3167
Revised Code, the tax commissioner, by journal entry, may extend 3168
the times for delivery of the duplicate for an additional 3169
fifteen days upon receiving a written application from the 3170
county auditor regarding an extension for the delivery of the 3171

duplicate, or from the county treasurer regarding an extension 3172
of the time for the billing and collection of taxes. The 3173
application shall contain a statement describing the emergency 3174
that will cause the unavoidable delay and must be received by 3175
the tax commissioner on or before the last day of the month 3176
preceding the day delivery of the duplicate is otherwise 3177
required. When an extension is granted for delivery of the 3178
duplicate, the time period for payment of taxes shall be 3179
extended for a like period of time. When a delay in the closing 3180
of a tax collection period becomes unavoidable, the tax 3181
commissioner, upon application by the county auditor and county 3182
treasurer, may order the time for payment of taxes to be 3183
extended if the tax commissioner determines that penalties have 3184
accrued or would otherwise accrue for reasons beyond the control 3185
of the taxpayers of the county. The order shall prescribe the 3186
final extended date for payment of taxes for that collection 3187
period. 3188

(4) After January 1, 1999, the owner of a manufactured or 3189
mobile home taxed pursuant to division (D)(1) of this section 3190
may elect to have the home taxed pursuant to division (D)(2) of 3191
this section by filing a written request with the county auditor 3192
of the taxing district in which the home is located on or before 3193
the first day of December of any year. Upon the filing of the 3194
request, the county auditor shall determine whether all taxes 3195
levied under division (D)(1) of this section have been paid, and 3196
if those taxes have been paid, the county auditor shall tax the 3197
manufactured or mobile home pursuant to division (D)(2) of this 3198
section commencing in the next tax year. 3199

(5) A manufactured or mobile home that acquired situs in 3200
this state prior to January 1, 2000, shall be taxed pursuant to 3201
division (D)(2) of this section if no manufactured home tax had 3202

been paid for the home and the home was not exempted from 3203
taxation pursuant to division (E) of this section for the year 3204
for which the taxes were not paid. 3205

(6) (a) Immediately upon receipt of any manufactured home 3206
tax duplicate from the county auditor, but not less than twenty 3207
days prior to the last date on which the first one-half taxes 3208
may be paid without penalty as prescribed in division (F) of 3209
this section, the county treasurer shall cause to be prepared 3210
and mailed or delivered to each person charged on that duplicate 3211
with taxes, or to an agent designated by such person, the tax 3212
bill prescribed by the tax commissioner under division (D) (7) of 3213
this section. When taxes are paid by installments, the county 3214
treasurer shall mail or deliver to each person charged on such 3215
duplicate or the agent designated by that person a second tax 3216
bill showing the amount due at the time of the second tax 3217
collection. The second half tax bill shall be mailed or 3218
delivered at least twenty days prior to the close of the second 3219
half tax collection period. A change in the mailing address, 3220
electronic mail address, or telephone number of any tax bill 3221
shall be made in writing to the county treasurer. Failure to 3222
receive a bill required by this section does not excuse failure 3223
or delay to pay any taxes shown on the bill or, except as 3224
provided in division (B) (1) of section 5715.39 of the Revised 3225
Code, avoid any penalty, interest, or charge for such delay. 3226

A policy adopted by a county treasurer under division (A) 3227
(2) of section 323.13 of the Revised Code shall also allow any 3228
person required to receive a tax bill under division (D) (6) (a) 3229
of this section to request electronic delivery of that tax bill 3230
in the same manner. A person may rescind such a request in the 3231
same manner as a request made under division (A) (2) of section 3232
323.13 of the Revised Code. The request shall terminate upon a 3233

change in the name of the person charged with the taxes pursuant 3234
to section 4503.061 of the Revised Code. 3235

(b) After delivery of the copy of the delinquent 3236
manufactured home tax list under division (H) of this section, 3237
the county treasurer may prepare and mail to each person in 3238
whose name a home is listed an additional tax bill showing the 3239
total amount of delinquent taxes charged against the home as 3240
shown on the list. The tax bill shall include a notice that the 3241
interest charge prescribed by division (G) of this section has 3242
begun to accrue. 3243

(7) Each tax bill prepared and mailed or delivered under 3244
division (D) (6) of this section shall be in the form and contain 3245
the information required by the tax commissioner. The 3246
commissioner may prescribe different forms for each county and 3247
may authorize the county auditor to make up tax bills and tax 3248
receipts to be used by the county treasurer. The tax bill shall 3249
not contain or be mailed or delivered with any information or 3250
material that is not required by this section or that is not 3251
authorized by section 321.45 of the Revised Code or by the tax 3252
commissioner. In addition to the information required by the 3253
commissioner, each tax bill shall contain the following 3254
information: 3255

(a) The taxes levied and the taxes charged and payable 3256
against the manufactured or mobile home; 3257

(b) The following notice: "Notice: If the taxes are not 3258
paid within sixty days after the county auditor delivers the 3259
delinquent manufactured home tax list to the county treasurer, 3260
you and your home may be subject to collection proceedings for 3261
tax delinquency." Failure to provide such notice has no effect 3262
upon the validity of any tax judgment to which a home may be 3263

subjected. 3264

(c) In the case of manufactured or mobile homes taxed 3265
under division (D) (2) of this section, the following additional 3266
information: 3267

(i) The effective tax rate. The words "effective tax rate" 3268
shall appear in boldface type. 3269

(ii) The following notice: "Notice: If the taxes charged 3270
against this home have been reduced by the 2-1/2 per cent tax 3271
reduction for residences occupied by the owner but the home is 3272
not a residence occupied by the owner, the owner must notify the 3273
county auditor's office not later than March 31 of the year for 3274
which the taxes are due. Failure to do so may result in the 3275
owner being convicted of a fourth degree misdemeanor, which is 3276
punishable by imprisonment up to 30 days, a fine up to \$250, or 3277
both, and in the owner having to repay the amount by which the 3278
taxes were erroneously or illegally reduced, plus any interest 3279
that may apply. 3280

If the taxes charged against this home have not been 3281
reduced by the 2-1/2 per cent tax reduction and the home is a 3282
residence occupied by the owner, the home may qualify for the 3283
tax reduction. To obtain an application for the tax reduction or 3284
further information, the owner may contact the county auditor's 3285
office at _____ (insert the address and telephone number of 3286
the county auditor's office). " 3287

(E) (1) A manufactured or mobile home is not subject to 3288
this section when any of the following applies: 3289

(a) It is taxable as personal property pursuant to section 3290
5709.01 of the Revised Code. Any manufactured or mobile home 3291
that is used as a residence shall be subject to this section and 3292

shall not be taxable as personal property pursuant to section 3293
5709.01 of the Revised Code. 3294

(b) It bears a license plate issued by any state other 3295
than this state unless the home is in this state in excess of an 3296
accumulative period of thirty days in any calendar year. 3297

(c) The annual tax has been paid on the home in this state 3298
for the current year. 3299

(d) The tax commissioner has determined, pursuant to 3300
section 5715.27 of the Revised Code, that the property is exempt 3301
from taxation, or would be exempt from taxation under Chapter 3302
5709. of the Revised Code if it were classified as real 3303
property. 3304

(2) A travel trailer or park trailer, as these terms are 3305
defined in section 4501.01 of the Revised Code, is not subject 3306
to this section if it is unused or unoccupied and stored at the 3307
owner's normal place of residence or at a recognized storage 3308
facility. 3309

(3) A travel trailer or park trailer, as these terms are 3310
defined in section 4501.01 of the Revised Code, is subject to 3311
this section and shall be taxed as a manufactured or mobile home 3312
if it has a situs longer than thirty days in one location and is 3313
connected to existing utilities, unless either of the following 3314
applies: 3315

(a) The situs is in a state facility or a camping or park 3316
area as defined in division (C), (Q), (S), or (V) of section 3317
3729.01 of the Revised Code. 3318

(b) The situs is in a camping or park area that is a tract 3319
of land that has been limited to recreational use by deed or 3320
zoning restrictions and subdivided for sale of five or more 3321

individual lots for the express or implied purpose of occupancy 3322
by either self-contained recreational vehicles as defined in 3323
division (T) of section 3729.01 of the Revised Code or by 3324
dependent recreational vehicles as defined in division (D) of 3325
section 3729.01 of the Revised Code. 3326

(F) Except as provided in division (D) (3) of this section, 3327
the manufactured home tax is due and payable as follows: 3328

(1) When a manufactured or mobile home has a situs in this 3329
state, as provided in this section, on the first day of January, 3330
one-half of the amount of the tax is due and payable on or 3331
before the first day of March and the balance is due and payable 3332
on or before the thirty-first day of July. At the option of the 3333
owner of the home, the tax for the entire year may be paid in 3334
full on the first day of March. 3335

(2) When a manufactured or mobile home first acquires a 3336
situs in this state after the first day of January, no tax is 3337
due and payable for that year. 3338

(G) (1) (a) Except as otherwise provided in division (G) (1) 3339
(b) of this section, if one-half of the current taxes charged 3340
under this section against a manufactured or mobile home, 3341
together with the full amount of any delinquent taxes, are not 3342
paid on or before the first day of March in that year, or on or 3343
before the last day for such payment as extended pursuant to 3344
section 4503.063 of the Revised Code, a penalty of ten per cent 3345
shall be charged against the unpaid balance of such half of the 3346
current taxes. If the total amount of all such taxes is not paid 3347
on or before the thirty-first day of July, next thereafter, or 3348
on or before the last day for payment as extended pursuant to 3349
section 4503.063 of the Revised Code, a like penalty shall be 3350
charged on the balance of the total amount of the unpaid current 3351

taxes. 3352

(b) After a valid delinquent tax contract that includes 3353
unpaid current taxes from a first-half collection period 3354
described in division (F) of this section has been entered into 3355
under section 323.31 of the Revised Code, no ten per cent 3356
penalty shall be charged against such taxes after the second- 3357
half collection period while the delinquent tax contract remains 3358
in effect. On the day a delinquent tax contract becomes void, 3359
the ten per cent penalty shall be charged against such taxes and 3360
shall equal the amount of penalty that would have been charged 3361
against unpaid current taxes outstanding on the date on which 3362
the second-half penalty would have been charged thereon under 3363
division (G) (1) (a) of this section if the contract had not been 3364
in effect. 3365

(2) (a) On the first day of the month following the last 3366
day the second installment of taxes may be paid without penalty 3367
beginning in 2000, interest shall be charged against and 3368
computed on all delinquent taxes other than the current taxes 3369
that became delinquent taxes at the close of the last day such 3370
second installment could be paid without penalty. The charge 3371
shall be for interest that accrued during the period that began 3372
on the preceding first day of December and ended on the last day 3373
of the month that included the last date such second installment 3374
could be paid without penalty. The interest shall be computed at 3375
the rate per annum prescribed by section 5703.47 of the Revised 3376
Code and shall be entered as a separate item on the delinquent 3377
manufactured home tax list compiled under division (H) of this 3378
section. 3379

(b) On the first day of December beginning in 2000, the 3380
interest shall be charged against and computed on all delinquent 3381

taxes. The charge shall be for interest that accrued during the 3382
period that began on the first day of the month following the 3383
last date prescribed for the payment of the second installment 3384
of taxes in the current year and ended on the immediately 3385
preceding last day of November. The interest shall be computed 3386
at the rate per annum prescribed by section 5703.47 of the 3387
Revised Code and shall be entered as a separate item on the 3388
delinquent manufactured home tax list. 3389

(c) After a valid undertaking has been entered into for 3390
the payment of any delinquent taxes, no interest shall be 3391
charged against such delinquent taxes while the undertaking 3392
remains in effect in compliance with section 323.31 of the 3393
Revised Code. If a valid undertaking becomes void, interest 3394
shall be charged against the delinquent taxes for the periods 3395
that interest was not permitted to be charged while the 3396
undertaking was in effect. The interest shall be charged on the 3397
day the undertaking becomes void and shall equal the amount of 3398
interest that would have been charged against the unpaid 3399
delinquent taxes outstanding on the dates on which interest 3400
would have been charged thereon under divisions (G)(1) and (2) 3401
of this section had the undertaking not been in effect. 3402

(3) If the full amount of the taxes due at either of the 3403
times prescribed by division (F) of this section is paid within 3404
ten days after such time, the county treasurer shall waive the 3405
collection of and the county auditor shall remit one-half of the 3406
penalty provided for in this division for failure to make that 3407
payment by the prescribed time. 3408

(4) The treasurer shall compile and deliver to the county 3409
auditor a list of all tax payments the treasurer has received as 3410
provided in division (G)(3) of this section. The list shall 3411

include any information required by the auditor for the 3412
remission of the penalties waived by the treasurer. The taxes so 3413
collected shall be included in the settlement next succeeding 3414
the settlement then in process. 3415

(H) (1) The county auditor shall compile annually a 3416
"delinquent manufactured home tax list" consisting of homes the 3417
county treasurer's records indicate have taxes that were not 3418
paid within the time prescribed by divisions (D) (3) and (F) of 3419
this section, have taxes that remain unpaid from prior years, or 3420
have unpaid tax penalties or interest that have been assessed. 3421

(2) Within thirty days after the settlement under division 3422
~~(H) (2)~~ (G) (2) of section 321.24 of the Revised Code, the county 3423
auditor shall deliver a copy of the delinquent manufactured home 3424
tax list to the county treasurer. The auditor shall update and 3425
publish the delinquent manufactured home tax list annually in 3426
the same manner as delinquent real property tax lists are 3427
published. The county auditor may apportion the cost of 3428
publishing the list among taxing districts in proportion to the 3429
amount of delinquent manufactured home taxes so published that 3430
each taxing district is entitled to receive upon collection of 3431
those taxes, or the county auditor may charge the owner of a 3432
home on the list a flat fee established under section 319.54 of 3433
the Revised Code for the cost of publishing the list and, if the 3434
fee is not paid, may place the fee upon the delinquent 3435
manufactured home tax list as a lien on the listed home, to be 3436
collected as other manufactured home taxes. 3437

(3) When taxes, penalties, or interest are charged against 3438
a person on the delinquent manufactured home tax list and are 3439
not paid within sixty days after the list is delivered to the 3440
county treasurer, the county treasurer shall, in addition to any 3441

other remedy provided by law for the collection of taxes, 3442
penalties, and interest, enforce collection of such taxes, 3443
penalties, and interest by civil action in the name of the 3444
treasurer against the owner for the recovery of the unpaid taxes 3445
following the procedures for the recovery of delinquent real 3446
property taxes in sections 323.25 to 323.28 of the Revised Code. 3447
The action may be brought in municipal or county court, provided 3448
the amount charged does not exceed the monetary limitations for 3449
original jurisdiction for civil actions in those courts. 3450

It is sufficient, having made proper parties to the suit, 3451
for the county treasurer to allege in the treasurer's bill of 3452
particulars or petition that the taxes stand chargeable on the 3453
books of the county treasurer against such person, that they are 3454
due and unpaid, and that such person is indebted in the amount 3455
of taxes appearing to be due the county. The treasurer need not 3456
set forth any other matter relating thereto. If it is found on 3457
the trial of the action that the person is indebted to the 3458
state, judgment shall be rendered in favor of the county 3459
treasurer prosecuting the action. The judgment debtor is not 3460
entitled to the benefit of any law for stay of execution or 3461
exemption of property from levy or sale on execution in the 3462
enforcement of the judgment. 3463

Upon the filing of an entry of confirmation of sale or an 3464
order of forfeiture in a proceeding brought under this division, 3465
title to the manufactured or mobile home shall be in the 3466
purchaser. The clerk of courts shall issue a certificate of 3467
title to the purchaser upon presentation of proof of filing of 3468
the entry of confirmation or order and, in the case of a 3469
forfeiture, presentation of the county auditor's certificate of 3470
sale. 3471

(I) The total amount of taxes collected shall be 3472
distributed in the following manner: four per cent shall be 3473
allowed as compensation to the county auditor for the county 3474
auditor's service in assessing the taxes; two per cent shall be 3475
allowed as compensation to the county treasurer for the services 3476
the county treasurer renders as a result of the tax levied by 3477
this section. Such amounts shall be paid into the county 3478
treasury, to the credit of the county general revenue fund, on 3479
the warrant of the county auditor. Fees to be paid to the credit 3480
of the real estate assessment fund shall be collected pursuant 3481
to division (C) of section 319.54 of the Revised Code and paid 3482
into the county treasury, on the warrant of the county auditor. 3483
The balance of the taxes collected shall be distributed among 3484
the taxing subdivisions of the county in which the taxes are 3485
collected and paid in the same proportions that the amount of 3486
manufactured home tax levied by each taxing subdivision of the 3487
county in the current tax year bears to the amount of such tax 3488
levied by all such subdivisions in the county in the current tax 3489
year. The taxes levied and revenues collected under this section 3490
shall be in lieu of any general property tax and any tax levied 3491
with respect to the privilege of using or occupying a 3492
manufactured or mobile home in this state except as provided in 3493
sections 4503.04 and 5741.02 of the Revised Code. 3494

(J) An agreement to purchase or a bill of sale for a 3495
manufactured home shall show whether or not the furnishings and 3496
equipment are included in the purchase price. 3497

(K) If the county treasurer and the county prosecuting 3498
attorney agree that an item charged on the delinquent 3499
manufactured home tax list is uncollectible, they shall certify 3500
that determination and the reasons to the county board of 3501
revision. If the board determines the amount is uncollectible, 3502

it shall certify its determination to the county auditor, who 3503
shall strike the item from the list. 3504

(L) (1) The county auditor shall appraise at its true value 3505
any manufactured or mobile home in which ownership is 3506
transferred or which first acquires situs in this state on or 3507
after January 1, 2000, and any manufactured or mobile home the 3508
owner of which has elected, under division (D) (4) of this 3509
section, to have the home taxed under division (D) (2) of this 3510
section. The true value shall include the value of the home, any 3511
additions, and any fixtures, but not any furnishings in the 3512
home. In determining the true value of a manufactured or mobile 3513
home, the auditor shall consider all facts and circumstances 3514
relating to the value of the home, including its age, its 3515
capacity to function as a residence, any obsolete 3516
characteristics, and other factors that may tend to prove its 3517
true value. 3518

(2) (a) If a manufactured or mobile home has been the 3519
subject of an arm's length sale between a willing seller and a 3520
willing buyer within a reasonable length of time prior to the 3521
determination of true value, the county auditor shall consider 3522
the sale price of the home to be the true value for taxation 3523
purposes. 3524

(b) The sale price in an arm's length transaction between 3525
a willing seller and a willing buyer shall not be considered the 3526
true value of the home if either of the following occurred after 3527
the sale: 3528

(i) The home has lost value due to a casualty. 3529

(ii) An addition or fixture has been added to the home. 3530

(3) The county auditor shall have each home viewed and 3531

appraised at least once in each six-year period in the same year 3532
in which real property in the county is appraised pursuant to 3533
Chapter 5713. of the Revised Code, and shall update the 3534
appraised values in the third calendar year following the 3535
appraisal. The person viewing or appraising a home may enter the 3536
home to determine by actual view any additions or fixtures that 3537
have been added since the last appraisal. In conducting the 3538
appraisals and establishing the true value, the auditor shall 3539
follow the procedures set forth for appraising real property in 3540
sections 5713.01 and 5713.03 of the Revised Code. 3541

(4) The county auditor shall place the true value of each 3542
home on the manufactured home tax list upon completion of an 3543
appraisal. 3544

(5) (a) If the county auditor changes the true value of a 3545
home, the auditor shall notify the owner of the home in writing, 3546
delivered by mail or in person. The notice shall be given at 3547
least thirty days prior to the issuance of any tax bill that 3548
reflects the change. Failure to receive the notice does not 3549
invalidate any proceeding under this section. 3550

(b) Any owner of a home or any other person or party that 3551
would be authorized to file a complaint under division (A) of 3552
section 5715.19 of the Revised Code if the home was real 3553
property may file a complaint against the true value of the home 3554
as appraised under this section. The complaint shall be filed 3555
with the county auditor on or before the thirty-first day of 3556
March of the current tax year or the date of closing of the 3557
collection for the first half of manufactured home taxes for the 3558
current tax year, whichever is later. The auditor shall present 3559
to the county board of revision all complaints filed with the 3560
auditor under this section. The board shall hear and investigate 3561

the complaint and may take action on it as provided under 3562
sections 5715.11 to 5715.19 of the Revised Code. 3563

(c) If the county board of revision determines, pursuant 3564
to a complaint against the valuation of a manufactured or mobile 3565
home filed under this section, that the amount of taxes, 3566
assessments, or other charges paid was in excess of the amount 3567
due based on the valuation as finally determined, then the 3568
overpayment shall be refunded in the manner prescribed in 3569
section 5715.22 of the Revised Code. 3570

(d) Payment of all or part of a tax under this section for 3571
any year for which a complaint is pending before the county 3572
board of revision does not abate the complaint or in any way 3573
affect the hearing and determination thereof. 3574

(M) If the county auditor determines that any tax or other 3575
charge or any part thereof has been erroneously charged as a 3576
result of a clerical error as defined in section 319.35 of the 3577
Revised Code, the county auditor shall call the attention of the 3578
county board of revision to the erroneous charges. If the board 3579
finds that the taxes or other charges have been erroneously 3580
charged or collected, it shall certify the finding to the 3581
auditor. Upon receipt of the certification, the auditor shall 3582
remove the erroneous charges on the manufactured home tax list 3583
or delinquent manufactured home tax list in the same manner as 3584
is prescribed in section 319.35 of the Revised Code for 3585
erroneous charges against real property, and refund any 3586
erroneous charges that have been collected, with interest, in 3587
the same manner as is prescribed in section 319.36 of the 3588
Revised Code for erroneous charges against real property. 3589

(N) As used in this section and section 4503.061 of the 3590
Revised Code: 3591

(1) "Manufactured home taxes" includes taxes, penalties, 3592
and interest charged under division (C) or (G) of this section 3593
and any penalties charged under division (G) or (H) (5) of 3594
section 4503.061 of the Revised Code. 3595

(2) "Current taxes" means all manufactured home taxes 3596
charged against a manufactured or mobile home that have not 3597
appeared on the manufactured home tax list for any prior year. 3598
Current taxes become delinquent taxes if they remain unpaid 3599
after the last day prescribed for payment of the second 3600
installment of current taxes without penalty, whether or not 3601
they have been certified delinquent. 3602

(3) "Delinquent taxes" means: 3603

(a) Any manufactured home taxes that were charged against 3604
a manufactured or mobile home for a prior year, including any 3605
penalties or interest charged for a prior year and the costs of 3606
publication under division (H) (2) of this section, and that 3607
remain unpaid; 3608

(b) Any current manufactured home taxes charged against a 3609
manufactured or mobile home that remain unpaid after the last 3610
day prescribed for payment of the second installment of current 3611
taxes without penalty, whether or not they have been certified 3612
delinquent, including any penalties or interest and the costs of 3613
publication under division (H) (2) of this section. 3614

Sec. 4503.065. (A) (1) Division (A) of this section applies 3615
to any of the following persons: 3616

(a) An individual who is permanently and totally disabled; 3617

(b) An individual who is sixty-five years of age or older; 3618

(c) An individual who is the surviving spouse of a 3619

deceased person who was permanently and totally disabled or 3620
sixty-five years of age or older and who applied and qualified 3621
for a reduction in assessable value under this section in the 3622
year of death, provided the surviving spouse is at least fifty- 3623
nine but not sixty-five or more years of age on the date the 3624
deceased spouse dies. 3625

(2) The manufactured home tax on a manufactured or mobile 3626
home that is paid pursuant to division (C) of section 4503.06 of 3627
the Revised Code and that is owned and occupied as a home by an 3628
individual whose domicile is in this state and to whom this 3629
section applies, shall be reduced for any tax year for which an 3630
application for such reduction has been approved, provided the 3631
individual did not acquire ownership from a person, other than 3632
the individual's spouse, related by consanguinity or affinity 3633
for the purpose of qualifying for the reduction. An owner 3634
includes a settlor of a revocable or irrevocable inter vivos 3635
trust holding the title to a manufactured or mobile home 3636
occupied by the settlor as of right under the trust. 3637

(a) For manufactured and mobile homes for which the tax 3638
imposed by section 4503.06 of the Revised Code is computed under 3639
division (D)(2) of that section, the reduction shall equal one 3640
of the following amounts, as applicable to the person: 3641

(i) If the person received a reduction under this section 3642
for tax year 2007, the greater of the reduction for that tax 3643
year or the amount computed under division (A)(2)(b) of this 3644
section; 3645

(ii) If the person received, for any homestead, a 3646
reduction under division (A) of this section for tax year 2014 3647
or under division (A)(1) of section 323.152 of the Revised Code 3648
for tax year 2013 or the person is the surviving spouse of such 3649

a person and the surviving spouse is at least fifty-nine years 3650
of age on the date the deceased spouse dies, the amount computed 3651
under division (A) (2) (b) of this section. 3652

(iii) If the person is not described in division (A) (2) (a) 3653
(i) or (ii) of this section and the person's total income does 3654
not exceed thirty thousand dollars, as adjusted under division 3655
(A) (2) (e) of this section, the amount computed under division 3656
(A) (2) (b) of this section. 3657

(b) The amount of the reduction under division (A) (2) (b) 3658
of this section equals the product of the following: 3659

(i) Twenty-five thousand dollars of the true value of the 3660
property in money, as adjusted under division (A) (2) (e) of this 3661
section; 3662

(ii) The assessment percentage established by the tax 3663
commissioner under division (B) of section 5715.01 of the 3664
Revised Code, not to exceed thirty-five per cent; 3665

(iii) The effective tax rate used to calculate the taxes 3666
charged against the property for the current year, where 3667
"effective tax rate" is defined as in section 323.08 of the 3668
Revised Code; 3669

(iv) The quantity equal to one minus the sum of the 3670
percentage reductions in taxes received by the property for the 3671
current tax year under ~~section 319.302 of the Revised Code and~~ 3672
division (B) of section 323.152 of the Revised Code. 3673

(c) For manufactured and mobile homes for which the tax 3674
imposed by section 4503.06 of the Revised Code is computed under 3675
division (D) (1) of that section, the reduction shall equal one 3676
of the following amounts, as applicable to the person: 3677

(i) If the person received a reduction under this section 3678
for tax year 2007, the greater of the reduction for that tax 3679
year or the amount computed under division (A) (2) (d) of this 3680
section; 3681

(ii) If the person received, for any homestead, a 3682
reduction under division (A) of this section for tax year 2014 3683
or under division (A) (1) of section 323.152 of the Revised Code 3684
for tax year 2013 or the person is the surviving spouse of such 3685
a person and the surviving spouse is at least fifty-nine years 3686
of age on the date the deceased spouse dies, the amount computed 3687
under division (A) (2) (d) of this section. 3688

(iii) If the person is not described in division (A) (2) (c) 3689
(i) or (ii) of this section and the person's total income does 3690
not exceed thirty thousand dollars, as adjusted under division 3691
(A) (2) (e) of this section, the amount computed under division 3692
(A) (2) (d) of this section. 3693

(d) The amount of the reduction under division (A) (2) (d) 3694
of this section equals the product of the following: 3695

(i) Twenty-five thousand dollars of the cost to the owner, 3696
or the market value at the time of purchase, whichever is 3697
greater, as those terms are used in division (D) (1) of section 3698
4503.06 of the Revised Code, and as adjusted under division (A) 3699
(2) (e) of this section; 3700

(ii) The percentage from the appropriate schedule in 3701
division (D) (1) (b) of section 4503.06 of the Revised Code; 3702

(iii) The assessment percentage of forty per cent used in 3703
division (D) (1) (b) of section 4503.06 of the Revised Code; 3704

(iv) The tax rate of the taxing district in which the home 3705
has its situs. 3706

(e) The tax commissioner shall adjust the income threshold described in divisions (A) (2) (a) (iii) and (A) (2) (c) (iii) and the reduction amounts described in divisions (A) (2) (b) (i), (A) (2) (d) (i), (B) (1), (B) (2), (C) (1), and (C) (2) of this section by completing the following calculations in September of each year:

(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;

(ii) Multiply that percentage increase by the total income threshold or reduction amount for the ensuing tax year, as applicable;

(iii) Add the resulting product to the total income threshold or reduction amount, as applicable for the ensuing tax year;

(iv) Round the resulting sum to the nearest multiple of one hundred dollars.

The commissioner shall certify the amount resulting from each adjustment to each county auditor not later than the first day of December each year. The certified amount applies to the second ensuing tax year. The commissioner shall not make the applicable adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold or the reduction amount for the ensuing tax year.

(B) (1) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by a

disabled veteran shall be reduced for any tax year for which an 3736
application for such reduction has been approved, provided the 3737
disabled veteran did not acquire ownership from a person, other 3738
than the disabled veteran's spouse, related by consanguinity or 3739
affinity for the purpose of qualifying for the reduction. An 3740
owner includes an owner within the meaning of division (A) (2) of 3741
this section. 3742

(a) For manufactured and mobile homes for which the tax 3743
imposed by section 4503.06 of the Revised Code is computed under 3744
division (D) (2) of that section, the reduction shall equal the 3745
product obtained by multiplying fifty thousand dollars of the 3746
true value of the property in money, as adjusted under division 3747
(A) (2) (e) of this section, by the amounts described in divisions 3748
(A) (2) (b) (ii) to (iv) of this section. 3749

(b) For manufactured and mobile homes for which the tax 3750
imposed by section 4503.06 of the Revised Code is computed under 3751
division (D) (1) of that section, the reduction shall equal the 3752
product obtained by multiplying fifty thousand dollars of the 3753
cost to the owner, or the market value at the time of purchase, 3754
whichever is greater, as those terms are used in division (D) (1) 3755
of section 4503.06 of the Revised Code, as adjusted under 3756
division (A) (2) (e) of this section, by the amounts described in 3757
divisions (A) (2) (d) (ii) to (iv) of this section. 3758

The reduction is in lieu of any reduction under section 3759
4503.0610 of the Revised Code or division (A), (B) (2), or (C) of 3760
this section. The reduction applies to only one manufactured or 3761
mobile home owned and occupied by a disabled veteran. 3762

(2) The manufactured home tax levied pursuant to division 3763
(C) of section 4503.06 of the Revised Code on a manufactured or 3764
mobile home that is owned and occupied by the surviving spouse 3765

of a disabled veteran shall be reduced for each tax year for 3766
which an application for such reduction has been approved. The 3767
reduction shall equal the amount of the reduction authorized 3768
under division (B) (1) (a) or (b) of this section, as applicable. 3769
An owner includes an owner within the meaning of division (A) (2) 3770
of this section. 3771

The reduction is in lieu of any reduction under section 3772
4503.0610 of the Revised Code or division (A), (B) (1), or (C) of 3773
this section. The reduction applies to only one manufactured or 3774
mobile home owned and occupied by the surviving spouse of a 3775
disabled veteran. A manufactured or mobile home qualifies for a 3776
reduction in taxes under division (B) (2) of this section 3777
beginning in one of the following tax years: 3778

(a) For a surviving spouse described in division (H) (1) of 3779
section 4503.064 of the Revised Code, the year the disabled 3780
veteran dies; 3781

(b) For a surviving spouse described in division (H) (2) of 3782
section 4503.064 of the Revised Code, the first year on the 3783
first day of January of which the total disability rating 3784
described in division (F) of section 323.151 of the Revised Code 3785
has been received for the deceased spouse. 3786

In either case, the reduction shall continue through the 3787
tax year in which the surviving spouse dies or remarries. 3788

(C) The manufactured home tax levied pursuant to division 3789
(C) of section 4503.06 of the Revised Code on a manufactured or 3790
mobile home that is owned and occupied by the surviving spouse 3791
of a public service officer killed in the line of duty shall be 3792
reduced for any tax year for which an application for such 3793
reduction has been approved, provided the surviving spouse did 3794

not acquire ownership from a person, other than the surviving 3795
spouse's deceased public service officer spouse, related by 3796
consanguinity or affinity for the purpose of qualifying for the 3797
reduction. An owner includes an owner within the meaning of 3798
division (A) (2) of this section. 3799

(1) For manufactured and mobile homes for which the tax 3800
imposed by section 4503.06 of the Revised Code is computed under 3801
division (D) (2) of that section, the reduction shall equal the 3802
product obtained by multiplying fifty thousand dollars of the 3803
true value of the property in money, as adjusted under division 3804
(A) (2) (e) of this section, by the amounts described in divisions 3805
(A) (2) (b) (ii) to (iv) of this section. 3806

(2) For manufactured and mobile homes for which the tax 3807
imposed by section 4503.06 of the Revised Code is computed under 3808
division (D) (1) of that section, the reduction shall equal the 3809
product obtained by multiplying fifty thousand dollars of the 3810
cost to the owner, or the market value at the time of purchase, 3811
whichever is greater, as those terms are used in division (D) (1) 3812
of section 4503.06 of the Revised Code, as adjusted under 3813
division (A) (2) (e) of this section, by the amounts described in 3814
divisions (A) (2) (d) (ii) to (iv) of this section. 3815

The reduction is in lieu of any reduction under section 3816
4503.0610 of the Revised Code or division (A) or (B) of this 3817
section. The reduction applies to only one manufactured or 3818
mobile home owned and occupied by such a surviving spouse. A 3819
manufactured or mobile home qualifies for a reduction in taxes 3820
under this division for the tax year in which the public service 3821
officer dies through the tax year in which the surviving spouse 3822
dies or remarries. 3823

(D) If the owner or the spouse of the owner of a 3824

manufactured or mobile home is eligible for a homestead 3825
exemption on the land upon which the home is located, the 3826
reduction to which the owner or spouse is entitled under this 3827
section shall not exceed the difference between the reduction to 3828
which the owner or spouse is entitled under division (A), (B), 3829
or (C) of this section and the amount of the reduction under the 3830
homestead exemption. 3831

(E) No reduction shall be made with respect to the home of 3832
any person convicted of violating division (C) or (D) of section 3833
4503.066 of the Revised Code for a period of three years 3834
following the conviction. 3835

Sec. 5703.021. (A) There is hereby established a small 3836
claims docket within the board of tax appeals. 3837

(B) An appeal may be filed with the board of tax appeals 3838
and assigned to the small claims docket as authorized under 3839
division (C) of this section, provided the appeal is ~~either of~~ 3840
~~the following:~~ 3841

~~(1) Commenced under section 5717.01 of the Revised Code in~~ 3842
~~which the property at issue qualifies for the partial tax~~ 3843
~~exemption described in section 319.302 of the Revised Code; or~~ 3844

~~(2) Commenced~~ commenced under section 5717.011 or 5717.02 3845
of the Revised Code ~~when~~ and the amount in controversy claimed 3846
by the taxpayer does not exceed ten thousand dollars exclusive 3847
of interest and penalty. The board by rule may modify the 3848
jurisdictional dollar threshold for cases qualifying for the 3849
small claims docket. 3850

(C) (1) An appeal may be assigned to the small claims 3851
docket only if either of the following applies: 3852

(a) The appellant is one or more taxpayers that requests 3853

assignment of the appeal to the small claims docket; 3854

(b) The appellant is not a taxpayer, and the appellant 3855
files with the notice of appeal a written statement from every 3856
taxpayer that is a party to the appeal stating that each such 3857
taxpayer consents to the appeal being assigned to the small 3858
claims docket. 3859

(2) After an appeal is assigned to the small claims docket 3860
or the regular docket, the board may reassign the case to the 3861
regular docket or the small claims docket, respectively, only 3862
with the written consent of all the parties or as authorized 3863
under division (D) of this section. 3864

(D) Notwithstanding division (B) of this section, the 3865
board shall reassign an appeal initially assigned to the small 3866
claims docket to the regular docket upon the request of a party 3867
that is a taxpayer, when the appeal presents an issue of public 3868
or great general interest or presents a constitutional issue, or 3869
when the board determines that the appeal does not meet the 3870
requirements of division (B) of this section. 3871

(E) The board shall adopt rules to implement procedures to 3872
provide informal review of the taxpayers' appeals in the small 3873
claims docket, which may include telephonic hearings. 3874

(F) A decision or order for an appeal assigned to the 3875
small claims docket shall be conclusive as to all parties and 3876
may not be appealed, and shall be recorded in the journal 3877
required by division (C) of section 5703.02 of the Revised Code, 3878
but such a decision or order shall not be considered as 3879
precedent in any other case, hearing, or proceeding. 3880

(G) The appearance of an attorney at law licensed to 3881
practice law in this state on behalf of any party to an appeal 3882

assigned to the small claims docket is permitted but not 3883
required. A person other than a natural person, which is a real 3884
party in interest as taxpayer or claimant, or an entity that may 3885
participate by statute, may commence such an appeal or appear 3886
through an attorney at law licensed to practice law in this 3887
state. Such an organization may, through any bona fide officer, 3888
partner, member, trustee, or salaried employee, file and present 3889
its claim or defense in any appeal assigned to the small claims 3890
docket, provided the organization does not, in the absence of 3891
representation by an attorney at law licensed to practice law in 3892
this state, engage in cross-examination, argument, or other acts 3893
of advocacy. The board may provide by rule for additional 3894
guidelines applicable to practice before the board. 3895

Sec. 5703.052. (A) There is hereby created in the state 3896
treasury the tax refund fund, from which refunds shall be paid 3897
for amounts illegally or erroneously assessed or collected, or 3898
for any other reason overpaid, with respect to taxes levied by 3899
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 3900
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 3901
and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 3902
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 3903
Code. Refunds for fees levied under sections 3734.90 to 3904
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 3905
under section 128.40 of the Revised Code, next generation 9-1-1 3906
access fees imposed under sections 128.41 and 128.42 of the 3907
Revised Code, or any penalties assessed with respect to such 3908
fees or charges, that are illegally or erroneously assessed or 3909
collected, or for any other reason overpaid, also shall be paid 3910
from the fund. Refunds for amounts illegally or erroneously 3911
assessed or collected by the tax commissioner, or for any other 3912
reason overpaid, that are due under former section 1509.50 of 3913

the Revised Code as that section existed before its repeal by 3914
this act shall be paid from the fund. Refunds for amounts 3915
illegally or erroneously assessed or collected by the 3916
commissioner, or for any other reason overpaid to the 3917
commissioner, under sections 718.80 to 718.95 of the Revised 3918
Code shall be paid from the fund. However, refunds for amounts 3919
illegally or erroneously assessed or collected by the 3920
commissioner, or for any other reason overpaid to the 3921
commissioner, with respect to taxes levied under section 3922
5739.101 of the Revised Code shall not be paid from the tax 3923
refund fund, but shall be paid as provided in section 5739.104 3924
of the Revised Code. 3925

(B) (1) Upon certification by the tax commissioner to the 3926
treasurer of state of a tax refund, a wireless 9-1-1 charge 3927
refund, a next generation 9-1-1 access fee refund, or another 3928
amount refunded, or by the superintendent of insurance of a 3929
domestic or foreign insurance tax refund, the treasurer of state 3930
shall place the amount certified to the credit of the fund. The 3931
certified amount transferred shall be derived from the receipts 3932
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 3933
1-1 access fee, or other amount from which the refund arose. 3934

(2) When a refund is for a tax, fee, wireless 9-1-1 3935
charge, next generation 9-1-1 access fee, or other amount that 3936
is not levied by the state or that was illegally or erroneously 3937
distributed to a taxing jurisdiction, the tax commissioner shall 3938
recover the amount of that refund from the next distribution of 3939
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 3940
access fee, or other amount that otherwise would be made to the 3941
taxing jurisdiction. If the amount to be recovered would exceed 3942
twenty-five per cent of the next distribution of that tax, fee, 3943
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 3944

other amount, the commissioner may spread the recovery over more 3945
than one future distribution, taking into account the amount to 3946
be recovered and the amount of the anticipated future 3947
distributions. In no event may the commissioner spread the 3948
recovery over a period to exceed thirty-six months. 3949

Sec. 5703.19. (A) To carry out the purposes of the laws 3950
that the tax commissioner is required to administer, the 3951
commissioner or any person employed by the commissioner for that 3952
purpose, upon demand, may inspect books, accounts, records, and 3953
memoranda of any person or public utility subject to those laws, 3954
and may examine under oath any officer, agent, or employee of 3955
that person or public utility. Any person other than the 3956
commissioner who makes a demand pursuant to this section shall 3957
produce the person's authority to make the inspection. 3958

(B) If a person or public utility receives at least ten 3959
days' written notice of a demand made under division (A) of this 3960
section and refuses to comply with that demand, a penalty of 3961
five hundred dollars shall be imposed upon the person or public 3962
utility for each day the person or public utility refuses to 3963
comply with the demand. Penalties imposed under this division 3964
may be assessed and collected in the same manner as assessments 3965
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 3966
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or 3967
sections 718.90, 3734.90 to 3734.9014, of the Revised Code. 3968

(C) For the purpose of ensuring compliance with divisions 3969
(A) (5) to (8) of section 5749.02 of the Revised Code, the 3970
commissioner or any person employed by the commissioner for that 3971
purpose, upon demand, may perform the same functions referenced 3972
in division (A) of this section for any person involved in the 3973
sale, transfer, or other disposition of oil, gas, condensate, or 3974

natural gas liquids, as those terms are defined in section 3975
5749.01 of the Revised Code. 3976

Sec. 5703.80. (A) There is hereby created in the state 3977
treasury the property tax administration fund. All money ~~to the~~ 3978
~~credit of~~ credited to the fund shall be used to defray the costs 3979
incurred by the department of taxation in administering the 3980
taxation of property and the equalization of real property 3981
valuation. 3982

(B) Each fiscal year between the first and fifteenth days 3983
of July, the tax commissioner shall compute ~~the following~~ 3984
~~amounts,~~ for the property in each taxing district in each 3985
county, ~~and certify to the director of budget and management the~~ 3986
~~sum of those amounts for all taxing districts in all counties;~~ 3987

~~(A) For fiscal year 2020 and thereafter, an amount not to~~ 3988
~~exceed twenty-five hundredths of one per cent of the total~~ 3989
~~amount by which taxes charged against real property on the~~ 3990
~~general tax list of real and public utility property were~~ 3991
~~reduced under section 319.302 of the Revised Code for the~~ 3992
~~preceding tax year;~~ 3993

~~(B) For fiscal year 2020 and thereafter, an amount not to~~ 3994
exceed forty-five hundredths of one per cent of the sum of the 3995
following: 3996

(1) The total amount of taxes charged and payable against 3997
public utility personal property on the general tax list of real 3998
and public utility property for the preceding tax year ~~and of~~ 3999
~~the;~~ 4000

(2) The total amount of taxes charged and payable against 4001
tangible personal property on the general tax list of personal 4002
property ~~of~~ for the preceding tax year and for which returns 4003

were filed with the tax commissioner under section 5711.13 of
the Revised Code.

(C) In computing the amounts described in ~~divisions (A)~~
~~and division~~ (B) of this section, the commissioner shall base
the actual percentages charged in any fiscal year on the
estimated costs incurred by the department of taxation in
administering the taxation of property and the equalization of
real property valuation for that fiscal year.

(D) The commissioner shall certify to the director of
budget and management the sum of the amounts described in
division (B) of this section for all taxing districts in all
counties. After receiving the tax commissioner's certification,
the director of budget and management shall transfer from the
general revenue fund to the property tax administration fund the
amount certified or a lesser amount based on the availability of
cash balances in the property tax administration fund to cover
required expenditures.

~~On or before the thirtieth day of June of the fiscal year,~~
~~the tax commissioner shall certify to the director of budget and~~
~~management the sum of the amounts by which the amounts computed~~
~~for a taxing district under this section exceeded the~~
~~distributions to the taxing district under division (F) of~~
~~section 321.24 of the Revised Code, and the director shall~~
~~transfer that sum from the property tax administration fund to~~
~~the general revenue fund.~~

Sec. 5709.92. (A) As used in this section:

(1) "School district" means a city, local, or exempted
village school district.

(2) "Joint vocational school district" means a joint

vocational school district created under section 3311.16 of the 4033
Revised Code, and includes a cooperative education school 4034
district created under section 3311.52 or 3311.521 of the 4035
Revised Code and a county school financing district created 4036
under section 3311.50 of the Revised Code. 4037

(3) "Total resources" means the sum of the amounts 4038
described in divisions (A) (3) (a) to (g) of this section less any 4039
reduction required under division (C) (3) (a) of this section. 4040

(a) The state education aid for fiscal year 2015; 4041

(b) The sum of the payments received in fiscal year 2015 4042
for current expense levy losses under division (C) (3) of section 4043
5727.85 and division (C) (12) of section 5751.21 of the Revised 4044
Code, as they existed at that time, excluding the portion of 4045
such payments attributable to levies for joint vocational school 4046
district purposes; 4047

(c) The sum of fixed-sum levy loss payments received by 4048
the school district in fiscal year 2015 under division (F) (1) of 4049
section 5727.85 and division (E) (1) of section 5751.21 of the 4050
Revised Code, as they existed at that time, for fixed-sum levies 4051
charged and payable for a purpose other than paying debt 4052
charges; 4053

(d) The district's taxes charged and payable against all 4054
property on the tax list of real and public utility property for 4055
current expense purposes for tax year 2014, including taxes 4056
charged and payable from emergency levies charged and payable 4057
under sections 5705.194 to 5705.197 of the Revised Code, 4058
excluding taxes levied for joint vocational school district 4059
purposes or levied under section 5705.23 of the Revised Code; 4060

(e) The amount certified for fiscal year 2015 under 4061

division (A) (2) of section 3317.08 of the Revised Code; 4062

(f) Distributions received during calendar year 2014 from 4063
taxes levied under section 718.09 of the Revised Code; 4064

(g) Distributions received during fiscal year 2015 from 4065
the gross casino revenue county student fund. 4066

(4) (a) "State education aid" for a school district means 4067
the sum of state amounts computed for the district under 4068
sections 3317.022 and 3317.0212 of the Revised Code after any 4069
amounts are added or subtracted under Section 263.240 of Am. 4070
Sub. H.B. 59 of the 130th general assembly, entitled 4071
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 4072
DISTRICTS." 4073

(b) "State education aid" for a joint vocational district 4074
means the amount computed for the district under section 3317.16 4075
of the Revised Code after any amounts are added or subtracted 4076
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 4077
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 4078
DISTRICTS." 4079

(5) "Taxes charged and payable" means taxes charged and 4080
payable after the reduction required by section 319.301 of the 4081
Revised Code but before ~~the reductions~~ any reduction required by 4082
~~sections 319.302 and section 323.152~~ of the Revised Code. 4083

(6) "Capacity quintile" means the capacity measure 4084
quintiles determined under division (B) of this section. 4085

(7) "Threshold per cent" means the following: 4086

(a) For a school district in the lowest capacity quintile, 4087
one per cent for fiscal year 2016 and two per cent for fiscal 4088
year 2017. 4089

(b) For a school district in the second lowest capacity 4090
quintile, one and one-fourth per cent for fiscal year 2016 and 4091
two and one-half per cent for fiscal year 2017. 4092

(c) For a school district in the third lowest capacity 4093
quintile, one and one-half per cent for fiscal year 2016 and 4094
three per cent for fiscal year 2017. 4095

(d) For a school district in the second highest capacity 4096
quintile, one and three-fourths per cent for fiscal year 2016 4097
and three and one-half per cent for fiscal year 2017. 4098

(e) For a school district in the highest capacity 4099
quintile, two per cent for fiscal year 2016 and four per cent 4100
for fiscal year 2017. 4101

(f) For a joint vocational school district, two per cent 4102
for fiscal year 2016 and four per cent for fiscal year 2017. 4103

(8) "Current expense allocation" means the sum of the 4104
payments received by a school district or joint vocational 4105
school district in fiscal year 2015 for current expense levy 4106
losses under division (C) (3) of section 5727.85 and division (C) 4107
(12) of section 5751.21 of the Revised Code as they existed at 4108
that time, less any reduction required under division (C) (3) (b) 4109
of this section. 4110

(9) "Non-current expense allocation" means the sum of the 4111
payments received by a school district or joint vocational 4112
school district in fiscal year 2015 for levy losses under 4113
division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of 4114
section 5751.21 of the Revised Code, as they existed at that 4115
time, and levy losses in fiscal year 2015 under division (H) of 4116
section 5727.84 of the Revised Code as that section existed at 4117
that time attributable to levies for and payments received for 4118

losses on levies intended to generate money for maintenance of 4119
classroom facilities. 4120

(10) "Operating TPP fixed-sum levy losses" means the sum 4121
of payments received by a school district in fiscal year 2015 4122
for levy losses under division (E) of section 5751.21 of the 4123
Revised Code, excluding levy losses for debt purposes. 4124

(11) "Operating S.B. 3 fixed-sum levy losses" means the 4125
sum of payments received by the school district in fiscal year 4126
2015 for levy losses under division (H) of section 5727.84 of 4127
the Revised Code, excluding levy losses for debt purposes. 4128

(12) "TPP fixed-sum debt levy losses" means the sum of 4129
payments received by a school district in fiscal year 2015 for 4130
levy losses under division (E) of section 5751.21 of the Revised 4131
Code for debt purposes. 4132

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 4133
payments received by the school district in fiscal year 2015 for 4134
levy losses under division (H) of section 5727.84 of the Revised 4135
Code for debt purposes. 4136

(14) "Qualifying levies" means qualifying levies described 4137
in section 5751.20 of the Revised Code as that section was in 4138
effect before July 1, 2015. 4139

(15) "Total taxable value" has the same meaning as in 4140
section 3317.02 of the Revised Code. 4141

(B) The department of education and workforce shall rank 4142
all school districts in the order of districts' capacity 4143
measures determined under former section 3317.018 of the Revised 4144
Code from lowest to highest, and divide such ranking into 4145
quintiles, with the first quintile containing the twenty per 4146
cent of school districts having the lowest capacity measure and 4147

the fifth quintile containing the twenty per cent of school 4148
districts having the highest capacity measure. This calculation 4149
and ranking shall be performed once, in fiscal year 2016. 4150

(C) (1) In fiscal year 2016, payments shall be made to 4151
school districts and joint vocational school districts equal to 4152
the sum of the amounts described in divisions (C) (1) (a) or (b) 4153
and (C) (1) (c) of this section. In fiscal year 2017, payments 4154
shall be made to school districts and joint vocational school 4155
districts equal to the amount described in division (C) (1) (a) or 4156
(b) of this section. 4157

(a) If the ratio of the current expense allocation to 4158
total resources is equal to or less than the district's 4159
threshold percent, zero; 4160

(b) If the ratio of the current expense allocation to 4161
total resources is greater than the district's threshold per 4162
cent, the difference between the current expense allocation and 4163
the product of the threshold percentage and total resources; 4164

(c) For fiscal year 2016, the product of the non-current 4165
expense allocation multiplied by fifty per cent. 4166

(2) In fiscal year 2018 and subsequent fiscal years, 4167
payments shall be made to school districts and joint vocational 4168
school districts equal to the difference obtained by subtracting 4169
the amount described in division (C) (2) (b) of this section from 4170
the amount described in division (C) (2) (a) of this section, 4171
provided that such amount is greater than zero. 4172

(a) The sum of the payments received by the district under 4173
division (C) (1) (b) or (C) (2) of this section for the immediately 4174
preceding fiscal year; 4175

(b) One-sixteenth of one per cent of the average of the 4176

total taxable value of the district for tax years 2014, 2015, 4177
and 2016. 4178

(3) (a) "Total resources" used to compute payments under 4179
division (C) (1) of this section shall be reduced to the extent 4180
that payments distributed in fiscal year 2015 were attributable 4181
to levies no longer charged and payable for tax year 2014. 4182

(b) "Current expense allocation" used to compute payments 4183
under division (C) (1) of this section shall be reduced to the 4184
extent that the payments distributed in fiscal year 2015 were 4185
attributable to levies no longer charged and payable for tax 4186
year 2014. 4187

(4) The department of education and workforce shall report 4188
to each school district and joint vocational school district the 4189
apportionment of the payments under division (C) (1) of this 4190
section among the district's funds based on qualifying levies. 4191

(D) (1) Payments in the following amounts shall be made to 4192
school districts and joint vocational school districts in tax 4193
years 2016 through 2021: 4194

(a) In tax year 2016, the sum of the district's operating 4195
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 4196
losses. 4197

(b) In tax year 2017, the sum of the district's operating 4198
TPP fixed-sum levy losses and eighty per cent of operating S.B. 4199
3 fixed-sum levy losses. 4200

(c) In tax year 2018, the sum of eighty per cent of the 4201
district's operating TPP fixed-sum levy losses and sixty per 4202
cent of its operating S.B. 3 fixed-sum levy losses. 4203

(d) In tax year 2019, the sum of sixty per cent of the 4204

district's operating TPP fixed-sum levy losses and forty per 4205
cent of its operating S.B. 3 fixed-sum levy losses. 4206

(e) In tax year 2020, the sum of forty per cent of the 4207
district's operating TPP fixed-sum levy losses and twenty per 4208
cent of its operating S.B. 3 fixed-sum levy losses. 4209

(f) In tax year 2021, twenty per cent of the district's 4210
operating TPP fixed-sum levy losses. 4211

No payment shall be made under division (D) (1) of this 4212
section after tax year 2021. 4213

(2) Amounts are payable under division (D) of this section 4214
for fixed-sum levy losses only to the extent of such losses for 4215
qualifying levies that remain in effect for the current tax 4216
year. For this purpose, a qualifying levy levied under section 4217
5705.194 or 5705.213 of the Revised Code remains in effect for 4218
the current tax year only if a tax levied under either of those 4219
sections is charged and payable for the current tax year for an 4220
annual sum at least equal to the annual sum levied by the board 4221
of education for tax year 2004 under those sections less the 4222
amount of the payment under this division. 4223

(E) (1) For fixed-sum levies for debt purposes, payments 4224
shall be made to school districts and joint vocational school 4225
districts equal to one hundred per cent of the district's fixed- 4226
sum levy loss determined under division (E) of section 5751.20 4227
and division (H) of section 5727.84 of the Revised Code as in 4228
effect before July 1, 2015, and paid in tax year 2014. No 4229
payment shall be made for qualifying levies that are no longer 4230
charged and payable. 4231

(2) Beginning in 2016, by the thirty-first day of January 4232
of each year, the tax commissioner shall review the calculation 4233

of fixed-sum levy loss for debt purposes determined under 4234
division (E) of section 5751.20 and division (H) of section 4235
5727.84 of the Revised Code as in effect before July 1, 2015. If 4236
the commissioner determines that a fixed-sum levy that had been 4237
scheduled to be reimbursed in the current year is no longer 4238
charged and payable, a revised calculation for that year and all 4239
subsequent years shall be made. 4240

(F) (1) For taxes levied within the ten-mill limitation for 4241
debt purposes in tax year 1998 in the case of electric company 4242
tax value losses, and in tax year 1999 in the case of natural 4243
gas company tax value losses, payments shall be made to school 4244
districts and joint vocational school districts equal to one 4245
hundred per cent of the loss computed under division (D) of 4246
section 5727.85 of the Revised Code as in effect before July 1, 4247
2015, as if the tax were a fixed-rate levy, but those payments 4248
shall extend through fiscal year 2016. 4249

(2) For taxes levied within the ten-mill limitation for 4250
debt purposes in tax year 2005, payments shall be made to school 4251
districts and joint vocational school districts equal to one 4252
hundred per cent of the loss computed under division (D) of 4253
section 5751.21 of the Revised Code as in effect before July 1, 4254
2015, as if the tax were a fixed-rate levy, but those payments 4255
shall extend through fiscal year 2018. 4256

(G) If all the territory of a school district or joint 4257
vocational school district is merged with another district, or 4258
if a part of the territory of a school district or joint 4259
vocational school district is transferred to an existing or 4260
newly created district, the department of education and 4261
workforce, in consultation with the tax commissioner, shall 4262
adjust the payments made under this section as follows: 4263

(1) For a merger of two or more districts, fixed-sum levy 4264
losses, total resources, current expense allocation, and non- 4265
current expense allocation of the successor district shall be 4266
the sum of such items for each of the districts involved in the 4267
merger. 4268

(2) If property is transferred from one district to a 4269
previously existing district, the amount of the total resources, 4270
current expense allocation, and non-current expense allocation 4271
that shall be transferred to the recipient district shall be an 4272
amount equal to the total resources, current expense allocation, 4273
and non-current expense allocation of the transferor district 4274
times a fraction, the numerator of which is the number of pupils 4275
being transferred to the recipient district, measured, in the 4276
case of a school district, by formula ADM as defined in section 4277
3317.02 of the Revised Code or, in the case of a joint vocational 4278
school district, by formula ADM as defined for a joint 4279
vocational school district in that section, and the denominator 4280
of which is the formula ADM of the transferor district. 4281

(3) After December 31, 2010, if property is transferred 4282
from one or more districts to a district that is newly created 4283
out of the transferred property, the newly created district 4284
shall be deemed not to have any total resources, current expense 4285
allocation, total allocation, or non-current expense allocation. 4286

(4) If the recipient district under division (G) (2) of 4287
this section or the newly created district under division (G) (3) 4288
of this section is assuming debt from one or more of the 4289
districts from which the property was transferred and any of the 4290
districts losing the property had fixed-sum levy losses, the 4291
department of education and workforce, in consultation with the 4292
tax commissioner, shall make an equitable division of the 4293

reimbursements for those losses. 4294

(H) The payments required by divisions (C), (D), (E), (F), 4295
and (I) of this section shall be distributed periodically to 4296
each school and joint vocational school district by the 4297
department of education and workforce unless otherwise provided 4298
for. Except as provided in division (D) of this section, if a 4299
levy that is a qualifying levy is not charged and payable in any 4300
year after 2014, payments to the school district or joint 4301
vocational school district shall be reduced to the extent that 4302
the payments distributed in fiscal year 2015 were attributable 4303
to the levy loss of that levy. 4304

(I) For fiscal years 2022 through 2026, if the total 4305
amount to be received under divisions (C) and (E) of this 4306
section by any school district that has a nuclear power plant 4307
located within its territory is less than the amount the 4308
district received under this section in fiscal year 2017, the 4309
district shall receive a supplemental payment equal to the 4310
difference between the amount to be received under those 4311
divisions for the fiscal year and the amount received under this 4312
section in fiscal year 2017. 4313

Sec. 5709.93. (A) As used in this section: 4314

(1) "Taxes charged and payable" means taxes charged and 4315
payable after the reduction required by section 319.301 of the 4316
Revised Code but before ~~the reductions~~ any reduction required by 4317
~~sections 319.302 and section 323.152~~ of the Revised Code. 4318

(2) "Threshold per cent" means two per cent for fiscal 4319
year 2016; and, for fiscal year 2017 and thereafter, the sum of 4320
the prior year's threshold per cent plus two percentage points. 4321

(3) "Public library" means a county, municipal, school 4322

district, or township public library that receives the proceeds 4323
of a tax levied under section 5705.23 of the Revised Code. 4324

(4) "Local taxing unit" means a subdivision or taxing 4325
unit, as defined in section 5705.01 of the Revised Code, a park 4326
district created under Chapter 1545. of the Revised Code, or a 4327
township park district established under section 511.23 of the 4328
Revised Code, but excludes school districts and joint vocational 4329
school districts. 4330

(5) "Municipal current expense allocation" means the sum 4331
of the payments received by a municipal corporation in calendar 4332
year 2014 for current expense levy losses under division (A)(1) 4333
(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 4334
5751.22 of the Revised Code as they existed at that time. 4335

(6) "Current expense allocation" means the sum of the 4336
payments received by a local taxing unit or public library in 4337
calendar year 2014 for current expense levy losses under 4338
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) 4339
of section 5751.22 of the Revised Code as they existed at that 4340
time, less any reduction required under division (B)(2) of this 4341
section. 4342

(7) "TPP inside millage debt levy loss" means payments 4343
made to local taxing units in calendar year 2014 under division 4344
(A)(3) of section 5751.22 of the Revised Code as that section 4345
existed at that time. 4346

(8) "S.B. 3 inside millage debt levy loss" means payments 4347
made to local taxing units in calendar year 2014 under section 4348
(A)(4) of section 5727.86 of the Revised Code as that section 4349
existed at that time. 4350

(9) "Qualifying levy" means a levy for which payment was 4351

made in calendar year 2014 under division (A) (1) of section 4352
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the 4353
Revised Code as they existed at that time. 4354

(10) "Total resources," in the case of county mental 4355
health and disability related functions, means the sum of the 4356
amounts in divisions (A) (10) (a) and (b) of this section less any 4357
reduction required under division (B) (1) of this section. 4358

(a) The sum of the payments received by the county for 4359
mental health and developmental disability related functions in 4360
calendar year 2014 under division (A) (1) of section 5727.86 and 4361
division (A) (1) of section 5751.22 of the Revised Code as they 4362
existed at that time; 4363

(b) With respect to taxes levied by the county for mental 4364
health and developmental disability related purposes, the taxes 4365
charged and payable for such purposes against all property on 4366
the tax list of real and public utility property for tax year 4367
2014. 4368

(11) "Total resources," in the case of county senior 4369
services related functions, means the sum of the amounts in 4370
divisions (A) (11) (a) and (b) of this section less any reduction 4371
required under division (B) (1) of this section. 4372

(a) The sum of the payments received by the county for 4373
senior services related functions in calendar year 2014 under 4374
division (A) (1) of section 5727.86 and division (A) (1) of 4375
section 5751.22 of the Revised Code as they existed at that 4376
time; 4377

(b) With respect to taxes levied by the county for senior 4378
services related purposes, the taxes charged and payable for 4379
such purposes against all property on the tax list of real and 4380

public utility property for tax year 2014. 4381

(12) "Total resources," in the case of county children's 4382
services related functions, means the sum of the amounts in 4383
divisions (A) (12) (a) and (b) of this section less any reduction 4384
required under division (B) (1) of this section. 4385

(a) The sum of the payments received by the county for 4386
children's services related functions in calendar year 2014 4387
under division (A) (1) of section 5727.86 and division (A) (1) of 4388
section 5751.22 of the Revised Code as they existed at that 4389
time; 4390

(b) With respect to taxes levied by the county for 4391
children's services related purposes, the taxes charged and 4392
payable for such purposes against all property on the tax list 4393
of real and public utility property for tax year 2014. 4394

(13) "Total resources," in the case of county public 4395
health related functions, means the sum of the amounts in 4396
divisions (A) (13) (a) and (b) of this section less any reduction 4397
required under division (B) (1) of this section. 4398

(a) The sum of the payments received by the county for 4399
public health related functions in calendar year 2014 under 4400
division (A) (1) of section 5727.86 and division (A) (1) of 4401
section 5751.22 of the Revised Code as they existed at that 4402
time; 4403

(b) With respect to taxes levied by the county for public 4404
health related purposes, the taxes charged and payable for such 4405
purposes against all property on the tax list of real and public 4406
utility property for tax year 2014. 4407

(14) "Total resources," in the case of all county 4408
functions not included in divisions (A) (10) to (13) of this 4409

section, means the sum of the amounts in divisions (A) (14) (a) to 4410
(e) of this section less any reduction required under division 4411
(B) (1) or (2) of this section. 4412

(a) The sum of the payments received by the county for all 4413
other purposes in calendar year 2014 under division (A) (1) of 4414
section 5727.86 and division (A) (1) of section 5751.22 of the 4415
Revised Code as they existed at that time; 4416

(b) The county's percentage share of county undivided 4417
local government fund allocations as certified to the tax 4418
commissioner for calendar year 2015 by the county auditor under 4419
division (J) of section 5747.51 of the Revised Code or division 4420
(F) of section 5747.53 of the Revised Code multiplied by the 4421
total amount actually distributed in calendar year 2014 from the 4422
county undivided local government fund; 4423

(c) With respect to taxes levied by the county for all 4424
other purposes, the taxes charged and payable for such purposes 4425
against all property on the tax list of real and public utility 4426
property for tax year 2014, excluding taxes charged and payable 4427
for the purpose of paying debt charges; 4428

(d) The sum of the amounts distributed to the county in 4429
calendar year 2014 for the taxes levied pursuant to sections 4430
5739.021 and 5741.021 of the Revised Code; 4431

(e) The sum of amounts distributed to the county from the 4432
gross casino revenue county fund from July 2014 through April 4433
2015. 4434

(15) "Total resources," in the case of a municipal 4435
corporation, means the sum of the amounts in divisions (A) (15) 4436
(a) to (h) of this section less any reduction required under 4437
division (B) (1) or (2) of this section. 4438

(a) The sum of the payments received by the municipal 4439
corporation in calendar year 2014 for current expense levy 4440
losses under division (A) (1) of section 5727.86 and division (A) 4441
(1) of section 5751.22 of the Revised Code as they existed at 4442
that time; 4443

(b) The municipal corporation's percentage share of county 4444
undivided local government fund allocations as certified to the 4445
tax commissioner for calendar year 2015 by the county auditor 4446
under division (J) of section 5747.51 of the Revised Code or 4447
division (F) of section 5747.53 of the Revised Code multiplied 4448
by the total amount actually distributed in calendar year 2014 4449
from the county undivided local government fund; 4450

(c) The sum of the amounts distributed to the municipal 4451
corporation in calendar year 2014 pursuant to section 5747.50 of 4452
the Revised Code; 4453

(d) With respect to taxes levied by the municipal 4454
corporation, the taxes charged and payable against all property 4455
on the tax list of real and public utility property for 4456
municipal current expenses for tax year 2014; 4457

(e) The amount of admissions tax collected by the 4458
municipal corporation in calendar year 2013, or if such 4459
information has not yet been reported to the tax commissioner, 4460
in the most recent year before 2013 for which the municipal 4461
corporation has reported data to the commissioner; 4462

(f) The amount of income taxes collected by the municipal 4463
corporation in calendar year 2013 as certified to the tax 4464
commissioner under section 5747.50 of the Revised Code in 2013, 4465
or if such information has not yet been reported to the 4466
commissioner, in the most recent year before 2014 for which the 4467

municipal corporation has reported such data to the 4468
commissioner; 4469

(g) The sum of the amounts distributed to the municipal 4470
corporation from the gross casino revenue host city fund from 4471
July 2014 through April 2015; 4472

(h) The sum of the amounts distributed to the municipal 4473
corporation from the gross casino revenue county fund from July 4474
2014 through April 2015. 4475

(16) "Total resources," in the case of a township, means 4476
the sum of the amounts in divisions (A) (16) (a) to (c) of this 4477
section less any reduction required under division (B) (1) or (2) 4478
of this section. 4479

(a) The sum of the payments received by the township in 4480
calendar year 2014 pursuant to division (A) (1) of section 4481
5727.86 of the Revised Code and division (A) (1) of section 4482
5751.22 of the Revised Code as they existed at that time, 4483
excluding payments received for debt purposes; 4484

(b) The township's percentage share of county undivided 4485
local government fund allocations as certified to the tax 4486
commissioner for calendar year 2015 by the county auditor under 4487
division (J) of section 5747.51 of the Revised Code or division 4488
(F) of section 5747.53 of the Revised Code multiplied by the 4489
total amount actually distributed in calendar year 2014 from the 4490
county undivided local government fund; 4491

(c) With respect to taxes levied by the township, the 4492
taxes charged and payable against all property on the tax list 4493
of real and public utility property for tax year 2014 excluding 4494
taxes charged and payable for the purpose of paying debt charges 4495
or from levies imposed under section 5705.23 of the Revised 4496

Code. 4497

(17) "Total resources," in the case of a local taxing unit 4498
that is not a county, municipal corporation, township, or public 4499
library means the sum of the amounts in divisions (A) (17) (a) to 4500
(e) of this section less any reduction required under division 4501
(B) (1) of this section. 4502

(a) The sum of the payments received by the local taxing 4503
unit in calendar year 2014 pursuant to division (A) (1) of 4504
section 5727.86 of the Revised Code and division (A) (1) of 4505
section 5751.22 of the Revised Code as they existed at that 4506
time; 4507

(b) The local taxing unit's percentage share of county 4508
undivided local government fund allocations as certified to the 4509
tax commissioner for calendar year 2015 by the county auditor 4510
under division (J) of section 5747.51 of the Revised Code or 4511
division (F) of section 5747.53 of the Revised Code multiplied 4512
by the total amount actually distributed in calendar year 2014 4513
from the county undivided local government fund; 4514

(c) With respect to taxes levied by the local taxing unit, 4515
the taxes charged and payable against all property on the tax 4516
list of real and public utility property for tax year 2014 4517
excluding taxes charged and payable for the purpose of paying 4518
debt charges or from a levy imposed under section 5705.23 of the 4519
Revised Code; 4520

(d) The amount received from the tax commissioner during 4521
calendar year 2014 for sales or use taxes authorized under 4522
sections 5739.023 and 5741.022 of the Revised Code; 4523

(e) For institutions of higher education receiving tax 4524
revenue from a local levy, as identified in section 3358.02 of 4525

the Revised Code, the final state share of instruction 4526
allocation for fiscal year 2014 as calculated by the chancellor 4527
of higher education and reported to the state controlling board. 4528

(18) "Total resources," in the case of a county, municipal 4529
corporation, school district, or township public library that 4530
receives the proceeds of a tax levied under section 5705.23 of 4531
the Revised Code, means the sum of the amounts in divisions (A) 4532
(18) (a) to (d) of this section less any reduction required under 4533
division (B) (1) of this section. 4534

(a) The sum of the payments received by the county, 4535
municipal corporation, school district, or township public 4536
library in calendar year 2014 pursuant to sections 5727.86 and 4537
5751.22 of the Revised Code, as they existed at that time, for 4538
fixed-rate levy losses attributable to a tax levied under 4539
section 5705.23 of the Revised Code for the benefit of the 4540
public library; 4541

(b) The public library's percentage share of county 4542
undivided local government fund allocations as certified to the 4543
tax commissioner for calendar year 2015 by the county auditor 4544
under division (J) of section 5747.51 of the Revised Code or 4545
division (F) of section 5747.53 of the Revised Code multiplied 4546
by the total amount actually distributed in calendar year 2014 4547
from the county undivided local government fund; 4548

(c) With respect to a tax levied pursuant to section 4549
5705.23 of the Revised Code for the benefit of the public 4550
library, the amount of such tax that is charged and payable 4551
against all property on the tax list of real and public utility 4552
property for tax year 2014 excluding any tax that is charged and 4553
payable for the purpose of paying debt charges; 4554

(d) The sum of the amounts distributed to the library 4555
district from the county public library fund in calendar year 4556
2014, as reported to the tax commissioner by the county auditor. 4557

(19) "Municipal current expense property tax levies" means 4558
all property tax levies of a municipality, except those with the 4559
following levy names: library; airport resurfacing; bond or any 4560
levy name including the word "bond"; capital improvement or any 4561
levy name including the word "capital"; debt or any levy name 4562
including the word "debt"; equipment or any levy name including 4563
the word "equipment," unless the levy is for combined operating 4564
and equipment; employee termination fund; fire pension or any 4565
levy containing the word "pension," including police pensions; 4566
fireman's fund or any practically similar name; sinking fund; 4567
road improvements or any levy containing the word "road"; fire 4568
truck or apparatus; flood or any levy containing the word 4569
"flood"; conservancy district; county health; note retirement; 4570
sewage, or any levy containing the words "sewage" or "sewer"; 4571
park improvement; parkland acquisition; storm drain; street or 4572
any levy name containing the word "street"; lighting, or any 4573
levy name containing the word "lighting"; and water. 4574

(20) "Operating fixed-rate levy loss" means, in the case 4575
of local taxing units other than municipal corporations, fixed- 4576
rate levy losses of levies imposed for purposes other than 4577
paying debt charges or, in the case of municipal corporations, 4578
fixed-rate levy losses of municipal current expense property tax 4579
levies. 4580

(21) (a) "Qualifying municipal corporation" means a 4581
municipal corporation in the territory of which a qualifying end 4582
user is located. 4583

(b) "Qualifying end user" means an end user of at least 4584

seven million qualifying kilowatt hours of electricity annually. 4585

(c) "Qualifying kilowatt hours" means kilowatt hours of 4586
electricity generated by a renewable energy resource, as defined 4587
in section 5727.01 of the Revised Code, using wind energy and 4588
the distribution of which is subject to the tax levied under 4589
section 5727.81 of the Revised Code for any measurement period 4590
beginning after June 30, 2015. 4591

(22) Any term used in this section has the same meaning as 4592
in section 5727.84 or 5751.20 of the Revised Code unless 4593
otherwise defined by this section. 4594

(B) (1) "Total resources" used to compute payments to be 4595
made under division (C) of this section shall be reduced to the 4596
extent that payments distributed in calendar year 2014 were 4597
attributable to levies no longer charged and payable. 4598

(2) "Current expense allocation" used to compute payments 4599
to be made under division (C) of this section shall be reduced 4600
to the extent that payments distributed in calendar year 2014 4601
were attributable to levies no longer charged and payable. 4602

(C) (1) Except as provided in division (D) of this section, 4603
the tax commissioner shall compute payments for operating fixed- 4604
rate levy losses of local taxing units and public libraries for 4605
fiscal year 2016 and each year thereafter as prescribed in 4606
divisions (C) (1) (a) and (b) of this section: 4607

(a) For public libraries and local taxing units other than 4608
municipal corporations: 4609

(i) If the ratio of current expense allocation to total 4610
resources is equal to or less than the threshold per cent, zero; 4611

(ii) If the ratio of current expense allocation to total 4612

resources is greater than the threshold per cent, the current 4613
expense allocation minus the product of total resources 4614
multiplied by the threshold per cent. 4615

(b) For municipal corporations: 4616

(i) If the ratio of the municipal current expense 4617
allocation to total resources is equal to or less than the 4618
threshold per cent, zero; 4619

(ii) If the ratio of the municipal current expense 4620
allocation to total resources is greater than the threshold per 4621
cent, the municipal current expense allocation minus the product 4622
of total resources multiplied by the threshold per cent. 4623

(2) For any local taxing unit or public library with 4624
operating fixed-rate levy losses greater than zero, the 4625
operating fixed-rate levy loss shall be allocated among all 4626
qualifying operating fixed-rate levies in proportion to each 4627
such levy's share of the payments received in tax year 2014. In 4628
fiscal year 2016 and thereafter, if a levy to which operating 4629
fixed-rate levy loss is allocated is no longer charged and 4630
payable, the payment to the local taxing unit or public library 4631
shall be reduced by the amount allocated to the levy that is no 4632
longer charged and payable. 4633

(D) (1) Except as provided in division (D) (2) of this 4634
section, the tax commissioner shall make payments to local 4635
taxing units equal to the sum of TPP inside millage debt levy 4636
loss and S.B. 3 inside millage debt levy loss. No payment shall 4637
be made if the levy for which the levy loss is computed is not 4638
charged and payable for debt purposes in fiscal year 2016 or any 4639
year thereafter. 4640

(2) No payment shall be made for TPP inside millage debt 4641

levy loss in calendar year 2018 or thereafter. No payment shall 4642
be made for S.B.3 inside millage debt levy loss in calendar year 4643
2017 or thereafter. 4644

(E) For a qualifying municipal corporation, the tax 4645
commissioner shall compute payments for fiscal year 2016 and 4646
each ensuing fiscal year in an amount equal to the amount of tax 4647
imposed under section 5727.81 of the Revised Code and paid on 4648
the basis of qualifying kilowatt hours of electricity 4649
distributed through the meter of a qualifying end user located 4650
in the municipal corporation for measurement periods ending in 4651
the preceding calendar year. The payment shall be computed 4652
regardless of whether the qualifying municipal corporation 4653
qualifies for a payment under any other division of this section 4654
for the fiscal year in which the payment is computed under this 4655
division. For the purposes of this division, the commissioner 4656
may require an electric distribution company distributing 4657
qualifying kilowatt hours or, if the end user is a self- 4658
assessing purchaser, the end user, to report to the commissioner 4659
the number of qualifying kilowatt hours distributed through the 4660
meter of the qualifying end user. 4661

(F) (1) The payments required to be made under divisions 4662
(C), (D), and (H) of this section shall be paid from the local 4663
government tangible property tax replacement fund to the county 4664
undivided income tax fund in the proper county treasury. 4665
Beginning in August 2015, one-half of the amount determined 4666
under each of those divisions shall be paid on or before the 4667
last day of August each year, and one-half shall be paid on or 4668
before the last day of February each year. Within thirty days 4669
after receipt of such payments, the county treasurer shall 4670
distribute amounts determined under this section to the proper 4671
local taxing unit or public library as if they had been levied 4672

and collected as taxes, and the local taxing unit or public 4673
library shall allocate the amounts so received among its funds 4674
in the same proportions as if those amounts had been levied and 4675
collected as taxes. 4676

(2) On or before the last day of August and of February of 4677
each fiscal year that follows a calendar year in which taxes are 4678
paid on the basis of qualifying kilowatt hours of electricity 4679
distributed through the meter of a qualifying end user located 4680
in a qualifying municipal corporation, one-half of the payment 4681
computed under division (E) of this section shall be paid from 4682
the local government tangible personal property tax replacement 4683
fund directly to the qualifying municipal corporation. The 4684
municipal corporation shall credit the payments to a special 4685
fund created for the purpose of providing grants or other 4686
financial assistance to the qualifying end user or to compensate 4687
the municipal corporation for municipal income tax or other tax 4688
credits or reductions as the legislative authority may grant to 4689
the qualifying end user. Such grants or other financial 4690
assistance may be provided for by ordinance or resolution of the 4691
legislative authority of the qualifying municipal corporation 4692
and may continue for as long as is provided by the ordinance or 4693
resolution. 4694

(G) If all or a part of the territories of two or more 4695
local taxing units are merged, or unincorporated territory of a 4696
township is annexed by a municipal corporation, the tax 4697
commissioner shall adjust the payments made under this section 4698
to each of the local taxing units in proportion to the square 4699
mileage of the merged or annexed territory as a percentage of 4700
the total square mileage of the jurisdiction from which the 4701
territory originated, or as otherwise provided by a written 4702
agreement between the legislative authorities of the local 4703

taxing units certified to the commissioner not later than the 4704
first day of June of the calendar year in which the payment is 4705
to be made. 4706

(H) For fiscal years 2022 through 2026, if the total 4707
amount to be received under division (C) of this section by a 4708
joint fire district that has a nuclear power plant located 4709
within its territory is less than the amount the district 4710
received under this section in fiscal year 2017, the district 4711
shall receive a supplemental payment equal to the difference 4712
between the amount to be received under that division for the 4713
fiscal year and the amount received under this section in fiscal 4714
year 2017. 4715

Sec. 5715.19. (A) As used in this section: 4716

"Member" has the same meaning as in section 1706.01 of the 4717
Revised Code. 4718

"Internet identifier of record" has the same meaning as in 4719
section 9.312 of the Revised Code. 4720

"Interim period" means, for each county, the tax year to 4721
which section 5715.24 of the Revised Code applies and each 4722
subsequent tax year until the tax year in which that section 4723
applies again. 4724

"Legislative authority" means a board of county 4725
commissioners, a board of township trustees of any township with 4726
territory in the county, the board of education of any school 4727
district with territory in the county, or the legislative 4728
authority of a municipal corporation with territory in the 4729
county. 4730

"Original complaint" means a complaint filed under 4731
division (A) of this section. 4732

"Counter-complaint" means a complaint filed under division 4733
(B) of this section in response to an original complaint. 4734

"Third party complainant" means a complainant other than 4735
the property owner, the owner's spouse, a tenant authorized to 4736
file an original complaint, or any person acting on behalf of a 4737
property owner. "Third party complainant" does not include a 4738
legislative authority or a mayor of a municipal corporation, but 4739
does include the prosecuting attorney or treasurer of a county. 4740

(1) Subject to division (A) (2) of this section, a 4741
complaint against any of the following determinations for the 4742
current tax year shall be filed with the county auditor on or 4743
before the thirty-first day of March of the ensuing tax year or 4744
the date of closing of the collection for the first half of real 4745
and public utility property taxes for the current tax year, 4746
whichever is later: 4747

(a) Any classification made under section 5713.041 of the 4748
Revised Code; 4749

(b) Any determination made under section 5713.32 or 4750
5713.35 of the Revised Code; 4751

(c) Any recoupment charge levied under section 5713.35 of 4752
the Revised Code; 4753

(d) The determination of the total valuation or assessment 4754
of any parcel that appears on the tax list, except parcels 4755
assessed by the tax commissioner pursuant to section 5727.06 of 4756
the Revised Code; 4757

(e) The determination of the total valuation of any parcel 4758
that appears on the agricultural land tax list, except parcels 4759
assessed by the tax commissioner pursuant to section 5727.06 of 4760
the Revised Code; 4761

~~(f) Any determination made under division (A) of section~~ 4762
~~319.302 of the Revised Code.~~ 4763

If such a complaint is filed by mail or certified mail, 4764
the date of the United States postmark placed on the envelope or 4765
sender's receipt by the postal service shall be treated as the 4766
date of filing. A private meter postmark on an envelope is not a 4767
valid postmark for purposes of establishing whether a complaint 4768
has been timely filed. 4769

Subject to division (A) (6) of this section, any person 4770
owning taxable real property in the county or in a taxing 4771
district with territory in the county; such a person's spouse; a 4772
tenant of the property owner, if the property is classified as 4773
to use for tax purposes as commercial or industrial, the lease 4774
requires the tenant to pay the entire amount of taxes charged 4775
against the property, and the lease allows, or the property 4776
owner otherwise authorizes, the tenant to file such a complaint 4777
with respect to the property; an individual who is retained by 4778
such a person or tenant and who holds a designation from a 4779
professional assessment organization, such as the institute for 4780
professionals in taxation, the national council of property 4781
taxation, or the international association of assessing 4782
officers; a public accountant who holds a permit under section 4783
4701.10 of the Revised Code, a general or residential real 4784
estate appraiser licensed or certified under Chapter 4763. of 4785
the Revised Code, or a real estate broker licensed under Chapter 4786
4735. of the Revised Code, who is retained by such a person or 4787
tenant; if the person or tenant is a firm, company, association, 4788
partnership, limited liability company, or corporation, an 4789
officer, a salaried employee, a partner, or a member of that 4790
person or tenant; if the person or tenant is a trust, a trustee 4791
of the trust; the prosecuting attorney or treasurer of the 4792

county; or the legislative authority of a subdivision or the 4793
mayor of a municipal corporation may file such a complaint 4794
regarding any such determination affecting any real property in 4795
the county, except that a person owning taxable real property in 4796
another county may file such a complaint only with regard to any 4797
such determination affecting real property in the county that is 4798
located in the same taxing district as that person's real 4799
property is located. The county auditor shall present to the 4800
county board of revision all complaints filed with the auditor. 4801

(2) No person, legislative authority, or officer shall 4802
file a complaint against the valuation or assessment of any 4803
parcel that appears on the tax list if it filed a complaint 4804
against the valuation or assessment of that parcel for any prior 4805
tax year in the same interim period, unless the person, 4806
legislative authority, or officer alleges that the valuation or 4807
assessment should be changed due to one or more of the following 4808
circumstances that occurred after the tax lien date for the tax 4809
year for which the prior complaint was filed and that the 4810
circumstances were not taken into consideration with respect to 4811
the prior complaint: 4812

(a) The property was sold in an arm's length transaction, 4813
as described in section 5713.03 of the Revised Code; 4814

(b) The property lost value due to some casualty; 4815

(c) Substantial improvement was added to the property; 4816

(d) An increase or decrease of at least fifteen per cent 4817
in the property's occupancy has had a substantial economic 4818
impact on the property. 4819

(3) If a county board of revision, the board of tax 4820
appeals, or any court dismisses a complaint filed under this 4821

section or section 5715.13 of the Revised Code for the reason 4822
that the act of filing the complaint was the unauthorized 4823
practice of law or the person filing the complaint was engaged 4824
in the unauthorized practice of law, the party affected by a 4825
decrease in valuation or the party's agent, or the person owning 4826
taxable real property in the county or in a taxing district with 4827
territory in the county, may refile the complaint, 4828
notwithstanding division (A) (2) of this section. 4829

(4) (a) No complaint filed under this section or section 4830
5715.13 of the Revised Code shall be dismissed for the reason 4831
that the complaint fails to accurately identify the owner of the 4832
property that is the subject of the complaint. 4833

(b) If a complaint fails to accurately identify the owner 4834
of the property that is the subject of the complaint, the board 4835
of revision shall exercise due diligence to ensure the correct 4836
property owner is notified as required by divisions (B) and (C) 4837
of this section. 4838

(5) Notwithstanding division (A) (2) of this section, a 4839
person, legislative authority, or officer may file a complaint 4840
against the valuation or assessment of any parcel that appears 4841
on the tax list if it filed a complaint against the valuation or 4842
assessment of that parcel for any prior tax year in the same 4843
interim period if the person, legislative authority, or officer 4844
withdrew the complaint before the complaint was heard by the 4845
board. 4846

(6) The legislative authority of a subdivision, the mayor 4847
of a municipal corporation, or a third party complainant shall 4848
not file an original complaint with respect to property the 4849
subdivision or complainant does not own or lease unless both of 4850
the following conditions are met: 4851

(a) If the complaint is based on a determination described 4852
in division (A) (1) (d) or (e) of this section, the property was 4853
(i) sold in an arm's length transaction, as described in section 4854
5713.03 of the Revised Code, before, but not after, the tax lien 4855
date for the tax year for which the complaint is to be filed, 4856
and (ii) the sale price exceeds the true value of the property 4857
appearing on the tax list for that tax year by both ten per cent 4858
and the amount of the filing threshold determined under division 4859
(J) of this section; 4860

(b) If the complaint is filed by a legislative authority 4861
or mayor, the legislative authority or, in the case of a mayor, 4862
the legislative authority of the municipal corporation, first 4863
adopts a resolution authorizing the filing of the original 4864
complaint at a public meeting of the legislative authority. 4865

(7) A resolution adopted under division (A) (6) (b) of this 4866
section shall include all of the following information: 4867

(a) Identification of the parcel or parcels that are the 4868
subject of the original complaint by street address, if 4869
available from online records of the county auditor, and by 4870
permanent parcel number; 4871

(b) The name of at least one of the record owners of the 4872
parcel or parcels; 4873

(c) The basis for the complaint under divisions (A) (1) (a) 4874
to ~~(f)~~ (e) of this section relative to each parcel identified in 4875
the resolution; 4876

(d) The tax year for which the complaint will be filed, 4877
which shall be a year for which a complaint may be timely filed 4878
under this section at the time of the resolution's adoption. 4879

A legislative authority shall not adopt a resolution 4880

required under division (A) (6) (b) of this section that 4881
identifies more than one parcel under division (A) (7) (a) of this 4882
section, except that a single resolution may identify more than 4883
one parcel under that division if each parcel has the same 4884
record owner or the same record owners, as applicable. A 4885
legislative authority may adopt multiple resolutions required 4886
under division (A) (6) (b) of this section by a single vote, 4887
provided that the vote is separate from the question of whether 4888
to adopt any resolution that is not adopted under division (A) 4889
(6) (b) of this section. 4890

Before adopting a resolution required by division (A) (6) 4891
(b) of this section, the legislative authority shall mail a 4892
written notice to at least one of the record owners of the 4893
parcel or parcels identified in the resolution stating the 4894
intent of the legislative authority in adopting the resolution, 4895
the proposed date of adoption, and the basis for the complaint 4896
under divisions (A) (1) (a) to ~~(f)~~ (e) of this section relative to 4897
each parcel identified in the resolution. The notice shall be 4898
sent by certified mail to the last known tax-mailing address of 4899
at least one of the record owners and, if different from that 4900
tax-mailing address, to the street address of the parcel or 4901
parcels identified in the resolution. Alternatively, if the 4902
legislative authority has record of an internet identifier of 4903
record associated with at least one of the record owners, the 4904
legislative authority may send the notice by ordinary mail and 4905
by that internet identifier of record. The notice shall be 4906
postmarked or, if sent by internet identifier of record, sent at 4907
least seven calendar days before the legislative authority 4908
adopts the resolution. 4909

A board of revision has jurisdiction to consider a 4910
complaint filed pursuant to a resolution adopted under division 4911

(A) (6) (b) of this section only if the legislative authority 4912
notifies the board of revision of the resolution in the manner 4913
prescribed in division (A) (8) of this section. The failure to 4914
accurately identify the street address or the name of the record 4915
owners of the parcel in the resolution does not invalidate the 4916
resolution nor is it a cause for dismissal of the complaint. 4917

(8) A complaint form prescribed by a board of revision or 4918
the tax commissioner for the purpose of this section shall 4919
include a box that must be checked, when a legislative authority 4920
files an original complaint, to indicate that a resolution 4921
authorizing the complaint was adopted in accordance with 4922
divisions (A) (6) (b) and (7) of this section and that notice was 4923
mailed or sent in accordance with division (A) (7) of this 4924
section before adoption of the resolution to at least one of the 4925
record owners of the property that is the subject of the 4926
complaint. 4927

(B) Within thirty days after the last date such complaints 4928
may be filed, the auditor shall give notice of each complaint in 4929
which the stated amount of overvaluation, undervaluation, 4930
discriminatory valuation, illegal valuation, or incorrect 4931
determination is at least seventeen thousand five hundred 4932
dollars in taxable value to each property owner whose property 4933
is the subject of the complaint, if the complaint was not filed 4934
by the owner or the owner's spouse. A board of education, 4935
subject to this division; a property owner; the owner's spouse; 4936
a tenant of the owner, if that tenant would be eligible to file 4937
a complaint under division (A) of this section with respect to 4938
the property; an individual who is retained by such an owner or 4939
tenant and who holds a designation from a professional 4940
assessment organization, such as the institute for professionals 4941
in taxation, the national council of property taxation, or the 4942

international association of assessing officers; a public 4943
accountant who holds a permit under section 4701.10 of the 4944
Revised Code, a general or residential real estate appraiser 4945
licensed or certified under Chapter 4763. of the Revised Code, 4946
or a real estate broker licensed under Chapter 4735. of the 4947
Revised Code, who is retained by such an owner or tenant; or, if 4948
the owner or tenant is a firm, company, association, 4949
partnership, limited liability company, corporation, or trust, 4950
an officer, a salaried employee, a partner, a member, or trustee 4951
of that owner or tenant, may file a counter-complaint in support 4952
of or objecting to the amount of alleged overvaluation, 4953
undervaluation, discriminatory valuation, illegal valuation, or 4954
incorrect determination stated in a previously filed original 4955
complaint or objecting to the current valuation. 4956

A board of education may file a counter-complaint only if 4957
the original complaint states an amount of overvaluation, 4958
undervaluation, discriminatory valuation, illegal valuation, or 4959
incorrect determination of at least seventeen thousand five 4960
hundred dollars in taxable value. The board shall file the 4961
counter-complaint within thirty days after the original 4962
complaint is filed or after the last day such complaints may be 4963
filed, whichever is later, and any other person shall file the 4964
counter-complaint within thirty days after receiving the notice 4965
required under this division. 4966

Upon the filing of a counter-complaint, the board of 4967
education, property owner, or tenant shall be made a party to 4968
the action. 4969

(C) Each board of revision shall notify any complainant 4970
and counter-complainant, and also the property owner, if the 4971
property owner's address is known, and the complaint is filed by 4972

one other than the property owner, not less than ten days prior 4973
to the hearing, either by certified mail or, if the board has 4974
record of an internet identifier of record associated with the 4975
owner, by ordinary mail and by that internet identifier of 4976
record of the time and place the same will be heard. The board 4977
of revision shall hear and render its decision on an original 4978
complaint within one hundred eighty days after the last day such 4979
a complaint may be filed with the board under division (A) (1) of 4980
this section or, if a counter-complaint is filed, within one 4981
hundred eighty days after such filing. If the original complaint 4982
is filed by the legislative authority of a subdivision, the 4983
mayor of a municipal corporation with territory in the county, 4984
or a third party complainant, and if the board of revision has 4985
not rendered its decision on the complaint within one year after 4986
the date the complaint was filed, the board may dismiss the 4987
complaint. 4988

(D) The determination of any such original complaint or 4989
counter-complaint shall relate back to the date when the lien 4990
for taxes or recoupment charges for the current year attached or 4991
the date as of which liability for such year was determined. 4992
Liability for taxes and recoupment charges for such year and 4993
each succeeding year until the complaint is finally determined 4994
and for any penalty and interest for nonpayment thereof within 4995
the time required by law shall be based upon the determination, 4996
valuation, or assessment as finally determined. Each complaint 4997
shall state the amount of overvaluation, undervaluation, 4998
discriminatory valuation, illegal valuation, or incorrect 4999
classification or determination upon which the complaint is 5000
based. The treasurer shall accept any amount tendered as taxes 5001
or recoupment charge upon property concerning which a complaint 5002
is then pending, computed upon the claimed valuation as set 5003

forth in the complaint. Unless dismissal is required under 5004
division (C) of this section, if an original complaint or 5005
counter-complaint filed for the current year is not determined 5006
by the board within the time prescribed for such determination, 5007
the complaint and any proceedings in relation thereto shall be 5008
continued by the board as a valid complaint for any ensuing year 5009
until that original complaint or counter-complaint is finally 5010
determined by the board or upon any appeal from a decision of 5011
the board. In such case, the original complaint and counter- 5012
complaint shall continue in effect without further filing by the 5013
original taxpayer, the original taxpayer's assignee, or any 5014
other person or entity authorized to file a complaint under this 5015
section. 5016

(E) If a taxpayer files a complaint as to the 5017
classification, valuation, assessment, or any determination 5018
affecting the taxpayer's own property and tenders less than the 5019
full amount of taxes or recoupment charges as finally 5020
determined, an interest charge shall accrue as follows: 5021

(1) If the amount finally determined is less than the 5022
amount billed but more than the amount tendered, the taxpayer 5023
shall pay interest at the rate per annum prescribed by section 5024
5703.47 of the Revised Code, computed from the date that the 5025
taxes were due on the difference between the amount finally 5026
determined and the amount tendered. This interest charge shall 5027
be in lieu of any penalty or interest charge under section 5028
323.121 of the Revised Code unless the taxpayer failed to file a 5029
complaint and tender an amount as taxes or recoupment charges 5030
within the time required by this section, in which case section 5031
323.121 of the Revised Code applies. 5032

(2) If the amount of taxes finally determined is equal to 5033

or greater than the amount billed and more than the amount 5034
tendered, the taxpayer shall pay interest at the rate prescribed 5035
by section 5703.47 of the Revised Code from the date the taxes 5036
were due on the difference between the amount finally determined 5037
and the amount tendered, such interest to be in lieu of any 5038
interest charge but in addition to any penalty prescribed by 5039
section 323.121 of the Revised Code. 5040

(F) Upon request of a complainant, the tax commissioner 5041
shall determine the common level of assessment of real property 5042
in the county for the year stated in the request that is not 5043
valued under section 5713.31 of the Revised Code, which common 5044
level of assessment shall be expressed as a percentage of true 5045
value and the common level of assessment of lands valued under 5046
such section, which common level of assessment shall also be 5047
expressed as a percentage of the current agricultural use value 5048
of such lands. Such determination shall be made on the basis of 5049
the most recent available sales ratio studies of the 5050
commissioner and such other factual data as the commissioner 5051
deems pertinent. 5052

(G) A complainant shall provide to the board of revision 5053
all information or evidence within the complainant's knowledge 5054
or possession that affects the real property that is the subject 5055
of the complaint. A complainant who fails to provide such 5056
information or evidence is precluded from introducing it on 5057
appeal to the board of tax appeals or the court of common pleas, 5058
except that the board of tax appeals or court may admit and 5059
consider the evidence if the complainant shows good cause for 5060
the complainant's failure to provide the information or evidence 5061
to the board of revision. 5062

(H) In case of the pendency of any proceeding in court 5063

based upon an alleged excessive, discriminatory, or illegal 5064
valuation or incorrect classification or determination, the 5065
taxpayer may tender to the treasurer an amount as taxes upon 5066
property computed upon the claimed valuation as set forth in the 5067
complaint to the court. The treasurer may accept the tender. If 5068
the tender is not accepted, no penalty shall be assessed because 5069
of the nonpayment of the full taxes assessed. 5070

(I) A legislative authority may not enter into a private 5071
payment agreement with respect to any complaint filed or 5072
contemplated under this section or section 5715.13 of the 5073
Revised Code, and any such agreement is void and unenforceable. 5074
As used in this division, "private payment agreement" means any 5075
type of agreement in which a property owner, a tenant authorized 5076
to file a complaint under division (A) of this section, or any 5077
person acting on behalf of a property owner or such a tenant 5078
agrees to make one or more payments to a subdivision in exchange 5079
for the legislative authority of that subdivision doing any of 5080
the following: 5081

(1) Refraining from filing a complaint or counter- 5082
complaint under this section; 5083

(2) Dismissing a complaint or counter-complaint filed by 5084
the legislative authority under this section; 5085

(3) Resolving a claim under this section by settlement 5086
agreement. 5087

A "private payment agreement" does not include any 5088
agreement to resolve a claim under this section pursuant to 5089
which an agreed-upon valuation for the property that is the 5090
subject of the claim is approved by the county auditor and 5091
reflected on the tax list, provided that agreement does not 5092

require any payments described in this division. 5093

(J) For the purpose of division (A) (6) (a) of this section, 5094
the filing threshold for tax year 2022 equals five hundred 5095
thousand dollars. For tax year 2023 and each tax year 5096
thereafter, the tax commissioner shall adjust the filing 5097
threshold used in that division by completing the following 5098
calculations in September of each year: 5099

(1) Determine the percentage increase in the gross 5100
domestic product deflator determined by the bureau of economic 5101
analysis of the United States department of commerce from the 5102
first day of January of the preceding year to the last day of 5103
December of the preceding year; 5104

(2) Multiply that percentage increase by the filing 5105
threshold for the current year; 5106

(3) Add the resulting product to the filing threshold for 5107
the current year; 5108

(4) Round the resulting sum to the nearest multiple of one 5109
thousand dollars. 5110

The commissioner shall certify the amount resulting from 5111
the adjustment to each county auditor not later than the first 5112
day of October each year. The certified amount applies to 5113
complaints filed for the tax year in which the amount is 5114
certified. The commissioner shall not make the adjustment for 5115
any tax year in which the amount resulting from the adjustment 5116
would be less than the filing threshold for the current tax 5117
year. 5118

Sec. 5715.30. The tax commissioner shall prescribe for and 5119
furnish to all county boards of revision, county auditors, and 5120
county treasurers blank forms for all oaths of office, 5121

statements, returns, reports, tax lists and duplicates, 5122
abstracts, records of proceedings, complaints, notices of 5123
appeal, tax bills, receipts, and all other documents, files, and 5124
records authorized or required by any law which relates to the 5125
assessment, levy, or collection of taxes or the reduction of 5126
taxes or by any rules, orders, or instructions of the 5127
commissioner. The commissioner shall prescribe a form for tax 5128
lists and duplicates to insure proper administration of sections 5129
319.301, ~~319.302~~, and 323.151 to 323.159 of the Revised Code. 5130
The commissioner shall prescribe and furnish blank forms of 5131
records and papers for all proceedings and official actions 5132
authorized or required by any law which relates to the 5133
assessment, levy, or collection of taxes or by any rules, 5134
orders, or instruction of the commissioner. Auditors, 5135
treasurers, all other officers, and all persons required to list 5136
property for taxation shall use true copies of such blank forms. 5137

Sec. 5739.01. As used in this chapter: 5138

(A) "Person" includes individuals, receivers, assignees, 5139
trustees in bankruptcy, estates, firms, partnerships, 5140
associations, joint-stock companies, joint ventures, clubs, 5141
societies, corporations, the state and its political 5142
subdivisions, and combinations of individuals of any form. 5143

(B) "Sale" and "selling" include all of the following 5144
transactions for a consideration in any manner, whether 5145
absolutely or conditionally, whether for a price or rental, in 5146
money or by exchange, and by any means whatsoever: 5147

(1) All transactions by which title or possession, or 5148
both, of tangible personal property, is or is to be transferred, 5149
or a license to use or consume tangible personal property is or 5150
is to be granted; 5151

(2) All transactions by which lodging by a hotel or short-term rental property is or is to be furnished to transient guests; 5152
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(3) All transactions by which: 5155

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code; 5156
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(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service; 5160
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(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 5167
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(d) Laundry and dry cleaning services are or are to be provided; 5169
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(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An 5171
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"affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

(k) Exterminating service is or is to be provided;

(l) Physical fitness facility service is or is to be provided;

(m) Recreation and sports club service is or is to be provided;

(n) Satellite broadcasting service is or is to be provided;

(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service"

includes skin care, the application of cosmetics, manicuring, 5208
pedicuring, hair removal, tattooing, body piercing, tanning, 5209
massage, and other similar services. "Personal care service" 5210
does not include a service provided by or on the order of a 5211
licensed physician, certified nurse-midwife, clinical nurse 5212
specialist, certified nurse practitioner, or chiropractor, or 5213
the cutting, coloring, or styling of an individual's hair. 5214

(p) The transportation of persons by motor vehicle or 5215
aircraft is or is to be provided, when the transportation is 5216
entirely within this state, except for transportation provided 5217
by an ambulance service, by a transit bus, as defined in section 5218
5735.01 of the Revised Code, and transportation provided by a 5219
citizen of the United States holding a certificate of public 5220
convenience and necessity issued under 49 U.S.C. 41102; 5221

(q) Motor vehicle towing service is or is to be provided. 5222
As used in this division, "motor vehicle towing service" means 5223
the towing or conveyance of a wrecked, disabled, or illegally 5224
parked motor vehicle. 5225

(r) Snow removal service is or is to be provided. As used 5226
in this division, "snow removal service" means the removal of 5227
snow by any mechanized means, but does not include the providing 5228
of such service by a person that has less than five thousand 5229
dollars in sales of such service during the calendar year. 5230

(s) Electronic publishing service is or is to be provided 5231
to a consumer for use in business, except that such transactions 5232
occurring between members of an affiliated group, as defined in 5233
division (B) (3) (e) of this section, are not sales. 5234

(4) All transactions by which printed, imprinted, 5235
overprinted, lithographic, multilithic, blueprinted, 5236

photostatic, or other productions or reproductions of written or 5237
graphic matter are or are to be furnished or transferred; 5238

(5) The production or fabrication of tangible personal 5239
property for a consideration for consumers who furnish either 5240
directly or indirectly the materials used in the production of 5241
fabrication work; and include the furnishing, preparing, or 5242
serving for a consideration of any tangible personal property 5243
consumed on the premises of the person furnishing, preparing, or 5244
serving such tangible personal property. Except as provided in 5245
section 5739.03 of the Revised Code, a construction contract 5246
pursuant to which tangible personal property is or is to be 5247
incorporated into a structure or improvement on and becoming a 5248
part of real property is not a sale of such tangible personal 5249
property. The construction contractor is the consumer of such 5250
tangible personal property, provided that the sale and 5251
installation of carpeting, the sale and installation of 5252
agricultural land tile, the sale and erection or installation of 5253
portable grain bins, or the provision of landscaping and lawn 5254
care service and the transfer of property as part of such 5255
service is never a construction contract. 5256

As used in division (B) (5) of this section: 5257

(a) "Agricultural land tile" means fired clay or concrete 5258
tile, or flexible or rigid perforated plastic pipe or tubing, 5259
incorporated or to be incorporated into a subsurface drainage 5260
system appurtenant to land used or to be used primarily in 5261
production by farming, agriculture, horticulture, or 5262
floriculture. The term does not include such materials when they 5263
are or are to be incorporated into a drainage system appurtenant 5264
to a building or structure even if the building or structure is 5265
used or to be used in such production. 5266

(b) "Portable grain bin" means a structure that is used or 5267
to be used by a person engaged in farming or agriculture to 5268
shelter the person's grain and that is designed to be 5269
disassembled without significant damage to its component parts. 5270

(6) All transactions in which all of the shares of stock 5271
of a closely held corporation are transferred, or an ownership 5272
interest in a pass-through entity, as defined in section 5733.04 5273
of the Revised Code, is transferred, if the corporation or pass- 5274
through entity is not engaging in business and its entire assets 5275
consist of boats, planes, motor vehicles, or other tangible 5276
personal property operated primarily for the use and enjoyment 5277
of the shareholders or owners; 5278

(7) All transactions in which a warranty, maintenance or 5279
service contract, or similar agreement by which the vendor of 5280
the warranty, contract, or agreement agrees to repair or 5281
maintain the tangible personal property of the consumer is or is 5282
to be provided; 5283

(8) The transfer of copyrighted motion picture films used 5284
solely for advertising purposes, except that the transfer of 5285
such films for exhibition purposes is not a sale; 5286

(9) All transactions by which tangible personal property 5287
is or is to be stored, except such property that the consumer of 5288
the storage holds for sale in the regular course of business; 5289

(10) All transactions in which "guaranteed auto 5290
protection" is provided whereby a person promises to pay to the 5291
consumer the difference between the amount the consumer receives 5292
from motor vehicle insurance and the amount the consumer owes to 5293
a person holding title to or a lien on the consumer's motor 5294
vehicle in the event the consumer's motor vehicle suffers a 5295

total loss under the terms of the motor vehicle insurance policy 5296
or is stolen and not recovered, if the protection and its price 5297
are included in the purchase or lease agreement; 5298

(11) (a) Except as provided in division (B) (11) (b) of this 5299
section, all transactions by which health care services are paid 5300
for, reimbursed, provided, delivered, arranged for, or otherwise 5301
made available by a medicaid health insuring corporation 5302
pursuant to the corporation's contract with the state. 5303

(b) If the centers for medicare and medicaid services of 5304
the United States department of health and human services 5305
determines that the taxation of transactions described in 5306
division (B) (11) (a) of this section constitutes an impermissible 5307
health care-related tax under the "Social Security Act," section 5308
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 5309
the medicaid director shall notify the tax commissioner of that 5310
determination. Beginning with the first day of the month 5311
following that notification, the transactions described in 5312
division (B) (11) (a) of this section are not sales for the 5313
purposes of this chapter or Chapter 5741. of the Revised Code. 5314
The tax commissioner shall order that the collection of taxes 5315
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5316
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 5317
for transactions occurring on or after that date. 5318

(12) All transactions by which a specified digital product 5319
is provided for permanent use or less than permanent use, 5320
regardless of whether continued payment is required. 5321

(13) All transactions by a delivery network company for 5322
the company's delivery network services, provided the company 5323
has a waiver issued under section 5741.072 of the Revised Code. 5324

Except as provided in this section, "sale" and "selling" 5325
do not include transfers of interest in leased property where 5326
the original lessee and the terms of the original lease 5327
agreement remain unchanged, or professional, insurance, or 5328
personal service transactions that involve the transfer of 5329
tangible personal property as an inconsequential element, for 5330
which no separate charges are made. 5331

(C) "Vendor" means the person providing the service or by 5332
whom the transfer effected or license given by a sale is or is 5333
to be made or given and, for sales described in division (B)(3) 5334
(i) of this section, the telecommunications service vendor that 5335
provides the nine hundred telephone service; if two or more 5336
persons are engaged in business at the same place of business 5337
under a single trade name in which all collections on account of 5338
sales by each are made, such persons shall constitute a single 5339
vendor. 5340

Physicians, certified nurse-midwives, clinical nurse 5341
specialists, certified nurse practitioners, dentists, hospitals, 5342
and veterinarians who are engaged in selling tangible personal 5343
property as received from others, such as eyeglasses, 5344
mouthwashes, dentifrices, or similar articles, are vendors. 5345
Veterinarians who are engaged in transferring to others for a 5346
consideration drugs, the dispensing of which does not require an 5347
order of a licensed veterinarian, physician, certified nurse- 5348
midwife, clinical nurse specialist, or certified nurse 5349
practitioner under federal law, are vendors. 5350

The operator of any peer-to-peer car sharing program shall 5351
be considered to be the vendor. 5352

The operator of a short-term rental platform shall be 5353
considered to be the vendor on all transactions by which lodging 5354

by a hotel or short-term rental property is or is to be 5355
furnished to transient guests through use of the platform. 5356

(D) (1) "Consumer" means the person for whom the service is 5357
provided, to whom the transfer effected or license given by a 5358
sale is or is to be made or given, to whom the service described 5359
in division (B) (3) (f) or (i) of this section is charged, or to 5360
whom the admission is granted. 5361

(2) Physicians, certified nurse-midwives, clinical nurse 5362
specialists, certified nurse practitioners, dentists, hospitals, 5363
and blood banks operated by nonprofit institutions and persons 5364
licensed to practice veterinary medicine, surgery, and dentistry 5365
are consumers of all tangible personal property and services 5366
purchased by them in connection with the practice of medicine, 5367
dentistry, the rendition of hospital or blood bank service, or 5368
the practice of veterinary medicine, surgery, and dentistry. In 5369
addition to being consumers of drugs administered by them or by 5370
their assistants according to their direction, veterinarians 5371
also are consumers of drugs that under federal law may be 5372
dispensed only by or upon the order of a licensed veterinarian, 5373
physician, certified nurse-midwife, clinical nurse specialist, 5374
or certified nurse practitioner, when transferred by them to 5375
others for a consideration to provide treatment to animals as 5376
directed by the veterinarian. 5377

(3) A person who performs a facility management, or 5378
similar service contract for a contractee is a consumer of all 5379
tangible personal property and services purchased for use in 5380
connection with the performance of such contract, regardless of 5381
whether title to any such property vests in the contractee. The 5382
purchase of such property and services is not subject to the 5383
exception for resale under division (E) of this section. 5384

(4) (a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B) (42) (f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B) (3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction

separate from the service. 5415

(7) In the case of a transaction for health care services 5416
under division (B) (11) of this section, a medicaid health 5417
insuring corporation is the consumer of such services. The 5418
purchase of such services by a medicaid health insuring 5419
corporation is not subject to the exception for resale under 5420
division (E) of this section or to the exemptions provided under 5421
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 5422
the Revised Code. 5423

(E) "Retail sale" and "sales at retail" include all sales, 5424
except those in which the purpose of the consumer is to resell 5425
the thing transferred or benefit of the service provided, by a 5426
person engaging in business, in the form in which the same is, 5427
or is to be, received by the person. 5428

(F) "Business" includes any activity engaged in by any 5429
person with the object of gain, benefit, or advantage, either 5430
direct or indirect. "Business" does not include the activity of 5431
a person in managing and investing the person's own funds. 5432

(G) "Engaging in business" means commencing, conducting, 5433
or continuing in business, and liquidating a business when the 5434
liquidator thereof holds itself out to the public as conducting 5435
such business. Making a casual sale is not engaging in business. 5436

(H) (1) (a) "Price," except as provided in divisions (H) (2), 5437
(3), and (4) of this section, means the total amount of 5438
consideration, including cash, credit, property, and services, 5439
for which tangible personal property or services are sold, 5440
leased, or rented, valued in money, whether received in money or 5441
otherwise, without any deduction for any of the following: 5442

(i) The vendor's cost of the property sold; 5443

(ii) The cost of materials used, labor or service costs, 5444
interest, losses, all costs of transportation to the vendor, all 5445
taxes imposed on the vendor, including the tax imposed under 5446
Chapter 5751. of the Revised Code, and any other expense of the 5447
vendor; 5448

(iii) Charges by the vendor for any services necessary to 5449
complete the sale; 5450

(iv) Delivery charges. As used in this division, "delivery 5451
charges" means charges by the vendor for preparation and 5452
delivery to a location designated by the consumer of tangible 5453
personal property or a service, including transportation, 5454
shipping, postage, handling, crating, and packing. 5455

(v) Installation charges; 5456

(vi) Credit for any trade-in. 5457

(b) "Price" includes consideration received by the vendor 5458
from a third party, if the vendor actually receives the 5459
consideration from a party other than the consumer, and the 5460
consideration is directly related to a price reduction or 5461
discount on the sale; the vendor has an obligation to pass the 5462
price reduction or discount through to the consumer; the amount 5463
of the consideration attributable to the sale is fixed and 5464
determinable by the vendor at the time of the sale of the item 5465
to the consumer; and one of the following criteria is met: 5466

(i) The consumer presents a coupon, certificate, or other 5467
document to the vendor to claim a price reduction or discount 5468
where the coupon, certificate, or document is authorized, 5469
distributed, or granted by a third party with the understanding 5470
that the third party will reimburse any vendor to whom the 5471
coupon, certificate, or document is presented; 5472

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a

vendor or purchased by a consumer and that is redeemed by the 5502
consumer in purchasing tangible personal property or services if 5503
the vendor is not reimbursed and does not receive compensation 5504
from a third party to cover all or part of the gift card value. 5505
For the purposes of this division, a gift card is not sold by a 5506
vendor or purchased by a consumer if it is distributed pursuant 5507
to an awards, loyalty, or promotional program. Past and present 5508
purchases of tangible personal property or services by the 5509
consumer shall not be treated as consideration exchanged for a 5510
gift card. 5511

(2) In the case of a sale of any new motor vehicle by a 5512
new motor vehicle dealer, as defined in section 4517.01 of the 5513
Revised Code, in which another motor vehicle is accepted by the 5514
dealer as part of the consideration received, "price" has the 5515
same meaning as in division (H)(1) of this section, reduced by 5516
the credit afforded the consumer by the dealer for the motor 5517
vehicle received in trade. 5518

(3) In the case of a sale of any watercraft or outboard 5519
motor by a watercraft dealer licensed in accordance with section 5520
1547.543 of the Revised Code, in which another watercraft, 5521
watercraft and trailer, or outboard motor is accepted by the 5522
dealer as part of the consideration received, "price" has the 5523
same meaning as in division (H)(1) of this section, reduced by 5524
the credit afforded the consumer by the dealer for the 5525
watercraft, watercraft and trailer, or outboard motor received 5526
in trade. As used in this division, "watercraft" includes an 5527
outdrive unit attached to the watercraft. 5528

(4) In the case of transactions for health care services 5529
under division (B)(11) of this section, "price" means the amount 5530
of managed care premiums received each month by a medicaid 5531

health insuring corporation. 5532

(I) "Receipts" means the total amount of the prices of the 5533
sales of vendors, provided that the dollar value of gift cards 5534
distributed pursuant to an awards, loyalty, or promotional 5535
program, and cash discounts allowed and taken on sales at the 5536
time they are consummated are not included, minus any amount 5537
deducted as a bad debt pursuant to section 5739.121 of the 5538
Revised Code. "Receipts" does not include the sale price of 5539
property returned or services rejected by consumers when the 5540
full sale price and tax are refunded either in cash or by 5541
credit. 5542

(J) "Place of business" means any location at which a 5543
person engages in business. 5544

(K) "Premises" includes any real property or portion 5545
thereof upon which any person engages in selling tangible 5546
personal property at retail or making retail sales and also 5547
includes any real property or portion thereof designated for, or 5548
devoted to, use in conjunction with the business engaged in by 5549
such person. 5550

(L) "Casual sale" means a sale of an item of tangible 5551
personal property that was obtained by the person making the 5552
sale, through purchase or otherwise, for the person's own use 5553
and was previously subject to any state's taxing jurisdiction on 5554
its sale or use, and includes such items acquired for the 5555
seller's use that are sold by an auctioneer employed directly by 5556
the person for such purpose, provided the location of such sales 5557
is not the auctioneer's permanent place of business. As used in 5558
this division, "permanent place of business" includes any 5559
location where such auctioneer has conducted more than two 5560
auctions during the year. 5561

(M) "Hotel" means every establishment kept, used, 5562
maintained, advertised, or held out to the public to be a place 5563
where sleeping accommodations are offered to guests, in which 5564
five or more rooms are used for the accommodation of such 5565
guests, whether the rooms are in one or several structures, 5566
~~except as otherwise provided in section 5739.091 of the Revised~~ 5567
~~Code.~~ 5568

(N) "Transient guests" means persons occupying a room or 5569
rooms for sleeping accommodations for less than thirty 5570
consecutive days. 5571

(O) "Making retail sales" means the effecting of 5572
transactions wherein one party is obligated to pay the price and 5573
the other party is obligated to provide a service or to transfer 5574
title to or possession of the item sold. "Making retail sales" 5575
does not include the preliminary acts of promoting or soliciting 5576
the retail sales, other than the distribution of printed matter 5577
which displays or describes and prices the item offered for 5578
sale, nor does it include delivery of a predetermined quantity 5579
of tangible personal property or transportation of property or 5580
personnel to or from a place where a service is performed. 5581

(P) "Used directly in the rendition of a public utility 5582
service" means that property that is to be incorporated into and 5583
will become a part of the consumer's production, transmission, 5584
transportation, or distribution system and that retains its 5585
classification as tangible personal property after such 5586
incorporation; fuel or power used in the production, 5587
transmission, transportation, or distribution system; and 5588
tangible personal property used in the repair and maintenance of 5589
the production, transmission, transportation, or distribution 5590
system, including only such motor vehicles as are specially 5591

designed and equipped for such use. Tangible personal property 5592
and services used primarily in providing highway transportation 5593
for hire are not used directly in the rendition of a public 5594
utility service. In this definition, "public utility" includes a 5595
citizen of the United States holding, and required to hold, a 5596
certificate of public convenience and necessity issued under 49 5597
U.S.C. 41102. 5598

(Q) "Refining" means removing or separating a desirable 5599
product from raw or contaminated materials by distillation or 5600
physical, mechanical, or chemical processes. 5601

(R) "Assembly" and "assembling" mean attaching or fitting 5602
together parts to form a product, but do not include packaging a 5603
product. 5604

(S) "Manufacturing operation" means a process in which 5605
materials are changed, converted, or transformed into a 5606
different state or form from which they previously existed and 5607
includes refining materials, assembling parts, and preparing raw 5608
materials and parts by mixing, measuring, blending, or otherwise 5609
committing such materials or parts to the manufacturing process. 5610
"Manufacturing operation" does not include packaging. 5611

(T) "Fiscal officer" means, with respect to a regional 5612
transit authority, the secretary-treasurer thereof, and with 5613
respect to a county that is a transit authority, the fiscal 5614
officer of the county transit board if one is appointed pursuant 5615
to section 306.03 of the Revised Code or the county auditor if 5616
the board of county commissioners operates the county transit 5617
system. 5618

(U) "Transit authority" means a regional transit authority 5619
created pursuant to section 306.31 of the Revised Code or a 5620

county in which a county transit system is created pursuant to 5621
section 306.01 of the Revised Code. For the purposes of this 5622
chapter, a transit authority must extend to at least the entire 5623
area of a single county. A transit authority that includes 5624
territory in more than one county must include all the area of 5625
the most populous county that is a part of such transit 5626
authority. County population shall be measured by the most 5627
recent census taken by the United States census bureau. 5628

(V) "Legislative authority" means, with respect to a 5629
regional transit authority, the board of trustees thereof, and 5630
with respect to a county that is a transit authority, the board 5631
of county commissioners. 5632

(W) "Territory of the transit authority" means all of the 5633
area included within the territorial boundaries of a transit 5634
authority as they from time to time exist. Such territorial 5635
boundaries must at all times include all the area of a single 5636
county or all the area of the most populous county that is a 5637
part of such transit authority. County population shall be 5638
measured by the most recent census taken by the United States 5639
census bureau. 5640

(X) "Providing a service" means providing or furnishing 5641
anything described in division (B) (3) of this section for 5642
consideration. 5643

(Y) (1) (a) "Automatic data processing" means processing of 5644
others' data, including keypunching or similar data entry 5645
services together with verification thereof, or providing access 5646
to computer equipment for the purpose of processing data. 5647

(b) "Computer services" means providing services 5648
consisting of specifying computer hardware configurations and 5649

evaluating technical processing characteristics, computer 5650
programming, and training of computer programmers and operators, 5651
provided in conjunction with and to support the sale, lease, or 5652
operation of taxable computer equipment or systems. 5653

(c) "Electronic information services" means providing 5654
access to computer equipment by means of telecommunications 5655
equipment for the purpose of either of the following: 5656

(i) Examining or acquiring data stored in or accessible to 5657
the computer equipment; 5658

(ii) Placing data into the computer equipment to be 5659
retrieved by designated recipients with access to the computer 5660
equipment. 5661

"Electronic information services" does not include 5662
electronic publishing. 5663

(d) "Automatic data processing, computer services, or 5664
electronic information services" shall not include personal or 5665
professional services. 5666

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 5667
section, "personal and professional services" means all services 5668
other than automatic data processing, computer services, or 5669
electronic information services, including but not limited to: 5670

(a) Accounting and legal services such as advice on tax 5671
matters, asset management, budgetary matters, quality control, 5672
information security, and auditing and any other situation where 5673
the service provider receives data or information and studies, 5674
alters, analyzes, interprets, or adjusts such material; 5675

(b) Analyzing business policies and procedures; 5676

(c) Identifying management information needs; 5677

(d) Feasibility studies, including economic and technical 5678
analysis of existing or potential computer hardware or software 5679
needs and alternatives; 5680

(e) Designing policies, procedures, and custom software 5681
for collecting business information, and determining how data 5682
should be summarized, sequenced, formatted, processed, 5683
controlled, and reported so that it will be meaningful to 5684
management; 5685

(f) Developing policies and procedures that document how 5686
business events and transactions are to be authorized, executed, 5687
and controlled; 5688

(g) Testing of business procedures; 5689

(h) Training personnel in business procedure applications; 5690

(i) Providing credit information to users of such 5691
information by a consumer reporting agency, as defined in the 5692
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 5693
U.S.C. 1681a(f), or as hereafter amended, including but not 5694
limited to gathering, organizing, analyzing, recording, and 5695
furnishing such information by any oral, written, graphic, or 5696
electronic medium; 5697

(j) Providing debt collection services by any oral, 5698
written, graphic, or electronic means; 5699

(k) Providing digital advertising services; 5700

(l) Providing services to electronically file any federal, 5701
state, or local individual income tax return, report, or other 5702
related document or schedule with a federal, state, or local 5703
government entity or to electronically remit a payment of any 5704
such individual income tax to such an entity. For the purpose of 5705

this division, "individual income tax" does not include federal, 5706
state, or local taxes withheld by an employer from an employee's 5707
compensation. 5708

The services listed in divisions (Y) (2) (a) to (l) of this 5709
section are not automatic data processing or computer services. 5710

(Z) "Highway transportation for hire" means the 5711
transportation of personal property belonging to others for 5712
consideration by any of the following: 5713

(1) The holder of a permit or certificate issued by this 5714
state or the United States authorizing the holder to engage in 5715
transportation of personal property belonging to others for 5716
consideration over or on highways, roadways, streets, or any 5717
similar public thoroughfare; 5718

(2) A person who engages in the transportation of personal 5719
property belonging to others for consideration over or on 5720
highways, roadways, streets, or any similar public thoroughfare 5721
but who could not have engaged in such transportation on 5722
December 11, 1985, unless the person was the holder of a permit 5723
or certificate of the types described in division (Z) (1) of this 5724
section; 5725

(3) A person who leases a motor vehicle to and operates it 5726
for a person described by division (Z) (1) or (2) of this 5727
section. 5728

"Highway transportation for hire" does not include 5729
delivery network services. 5730

(AA) (1) "Telecommunications service" means the electronic 5731
transmission, conveyance, or routing of voice, data, audio, 5732
video, or any other information or signals to a point, or 5733
between or among points. "Telecommunications service" includes 5734

such transmission, conveyance, or routing in which computer 5735
processing applications are used to act on the form, code, or 5736
protocol of the content for purposes of transmission, 5737
conveyance, or routing without regard to whether the service is 5738
referred to as voice-over internet protocol service or is 5739
classified by the federal communications commission as enhanced 5740
or value-added. "Telecommunications service" does not include 5741
any of the following: 5742

(a) Data processing and information services that allow 5743
data to be generated, acquired, stored, processed, or retrieved 5744
and delivered by an electronic transmission to a consumer where 5745
the consumer's primary purpose for the underlying transaction is 5746
the processed data or information; 5747

(b) Installation or maintenance of wiring or equipment on 5748
a customer's premises; 5749

(c) Tangible personal property; 5750

(d) Advertising, including directory advertising; 5751

(e) Billing and collection services provided to third 5752
parties; 5753

(f) Internet access service; 5754

(g) Radio and television audio and video programming 5755
services, regardless of the medium, including the furnishing of 5756
transmission, conveyance, and routing of such services by the 5757
programming service provider. Radio and television audio and 5758
video programming services include, but are not limited to, 5759
cable service, as defined in 47 U.S.C. 522(6), and audio and 5760
video programming services delivered by commercial mobile radio 5761
service providers, as defined in 47 C.F.R. 20.3; 5762

(h) Ancillary service;	5763
(i) Digital products delivered electronically, including	5764
software, music, video, reading materials, or ring tones.	5765
(2) "Ancillary service" means a service that is associated	5766
with or incidental to the provision of telecommunications	5767
service, including conference bridging service, detailed	5768
telecommunications billing service, directory assistance,	5769
vertical service, and voice mail service. As used in this	5770
division:	5771
(a) "Conference bridging service" means an ancillary	5772
service that links two or more participants of an audio or video	5773
conference call, including providing a telephone number.	5774
"Conference bridging service" does not include	5775
telecommunications services used to reach the conference bridge.	5776
(b) "Detailed telecommunications billing service" means an	5777
ancillary service of separately stating information pertaining	5778
to individual calls on a customer's billing statement.	5779
(c) "Directory assistance" means an ancillary service of	5780
providing telephone number or address information.	5781
(d) "Vertical service" means an ancillary service that is	5782
offered in connection with one or more telecommunications	5783
services, which offers advanced calling features that allow	5784
customers to identify callers and manage multiple calls and call	5785
connections, including conference bridging service.	5786
(e) "Voice mail service" means an ancillary service that	5787
enables the customer to store, send, or receive recorded	5788
messages. "Voice mail service" does not include any vertical	5789
services that the customer may be required to have in order to	5790
utilize the voice mail service.	5791

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(7) "Coin-operated telephone service" means a 5822
telecommunications service paid for by inserting money into a 5823
telephone accepting direct deposits of money to operate. 5824

(8) "Customer" has the same meaning as in section 5739.034 5825
of the Revised Code. 5826

(BB) "Laundry and dry cleaning services" means removing 5827
soil or dirt from towels, linens, articles of clothing, or other 5828
fabric items that belong to others and supplying towels, linens, 5829
articles of clothing, or other fabric items. "Laundry and dry 5830
cleaning services" does not include the provision of self- 5831
service facilities for use by consumers to remove soil or dirt 5832
from towels, linens, articles of clothing, or other fabric 5833
items. 5834

(CC) "Magazines distributed as controlled circulation 5835
publications" means magazines containing at least twenty-four 5836
pages, at least twenty-five per cent editorial content, issued 5837
at regular intervals four or more times a year, and circulated 5838
without charge to the recipient, provided that such magazines 5839
are not owned or controlled by individuals or business concerns 5840
which conduct such publications as an auxiliary to, and 5841
essentially for the advancement of the main business or calling 5842
of, those who own or control them. 5843

(DD) "Landscaping and lawn care service" means the 5844
services of planting, seeding, sodding, removing, cutting, 5845
trimming, pruning, mulching, aerating, applying chemicals, 5846
watering, fertilizing, and providing similar services to 5847
establish, promote, or control the growth of trees, shrubs, 5848
flowers, grass, ground cover, and other flora, or otherwise 5849
maintaining a lawn or landscape grown or maintained by the owner 5850
for ornamentation or other nonagricultural purpose. However, 5851

"landscaping and lawn care service" does not include the 5852
providing of such services by a person who has less than five 5853
thousand dollars in sales of such services during the calendar 5854
year. 5855

(EE) "Private investigation and security service" means 5856
the performance of any activity for which the provider of such 5857
service is required to be licensed pursuant to Chapter 4749. of 5858
the Revised Code, or would be required to be so licensed in 5859
performing such services in this state, and also includes the 5860
services of conducting polygraph examinations and of monitoring 5861
or overseeing the activities on or in, or the condition of, the 5862
consumer's home, business, or other facility by means of 5863
electronic or similar monitoring devices. "Private investigation 5864
and security service" does not include special duty services 5865
provided by off-duty police officers, deputy sheriffs, and other 5866
peace officers regularly employed by the state or a political 5867
subdivision. 5868

(FF) "Information services" means providing conversation, 5869
giving consultation or advice, playing or making a voice or 5870
other recording, making or keeping a record of the number of 5871
callers, and any other service provided to a consumer by means 5872
of a nine hundred telephone call, except when the nine hundred 5873
telephone call is the means by which the consumer makes a 5874
contribution to a recognized charity. 5875

(GG) "Research and development" means designing, creating, 5876
or formulating new or enhanced products, equipment, or 5877
manufacturing processes, and also means conducting scientific or 5878
technological inquiry and experimentation in the physical 5879
sciences with the goal of increasing scientific knowledge which 5880
may reveal the bases for new or enhanced products, equipment, or 5881

manufacturing processes. 5882

(HH) "Qualified research and development equipment" means 5883
either of the following: 5884

(1) Capitalized tangible personal property, and leased 5885
personal property that would be capitalized if purchased, used 5886
by a person primarily to perform research and development; 5887

(2) Any tangible personal property used by a megaproject 5888
operator primarily to perform research and development at the 5889
site of a megaproject that satisfies the criteria described in 5890
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 5891
during the period that the megaproject operator has an agreement 5892
for such megaproject with the tax credit authority under 5893
division (D) of that section that remains in effect and has not 5894
expired or been terminated. 5895

"Qualified research and development equipment" does not 5896
include tangible personal property primarily used in testing, as 5897
defined in division (A) (4) of section 5739.011 of the Revised 5898
Code, or used for recording or storing test results, unless such 5899
property is primarily used by the consumer in testing the 5900
product, equipment, or manufacturing process being created, 5901
designed, or formulated by the consumer in the research and 5902
development activity or in recording or storing such test 5903
results. 5904

(II) "Building maintenance and janitorial service" means 5905
cleaning the interior or exterior of a building and any tangible 5906
personal property located therein or thereon, including any 5907
services incidental to such cleaning for which no separate 5908
charge is made. However, "building maintenance and janitorial 5909
service" does not include the providing of such service by a 5910

person who has less than five thousand dollars in sales of such 5911
service during the calendar year. As used in this division, 5912
"cleaning" does not include sanitation services necessary for an 5913
establishment described in 21 U.S.C. 608 to comply with rules 5914
and regulations adopted pursuant to that section. 5915

(JJ) "Exterminating service" means eradicating or 5916
attempting to eradicate vermin infestations from a building or 5917
structure, or the area surrounding a building or structure, and 5918
includes activities to inspect, detect, or prevent vermin 5919
infestation of a building or structure. 5920

(KK) "Physical fitness facility service" means all 5921
transactions by which a membership is granted, maintained, or 5922
renewed, including initiation fees, membership dues, renewal 5923
fees, monthly minimum fees, and other similar fees and dues, by 5924
a physical fitness facility such as an athletic club, health 5925
spa, or gymnasium, which entitles the member to use the facility 5926
for physical exercise. 5927

(LL) "Recreation and sports club service" means all 5928
transactions by which a membership is granted, maintained, or 5929
renewed, including initiation fees, membership dues, renewal 5930
fees, monthly minimum fees, and other similar fees and dues, by 5931
a recreation and sports club, which entitles the member to use 5932
the facilities of the organization. "Recreation and sports club" 5933
means an organization that has ownership of, or controls or 5934
leases on a continuing, long-term basis, the facilities used by 5935
its members and includes an aviation club, gun or shooting club, 5936
yacht club, card club, swimming club, tennis club, golf club, 5937
country club, riding club, amateur sports club, or similar 5938
organization. 5939

(MM) "Livestock" means farm animals commonly raised for 5940

food, food production, or other agricultural purposes, 5941
including, but not limited to, cattle, sheep, goats, swine, 5942
poultry, and captive deer. "Livestock" does not include 5943
invertebrates, amphibians, reptiles, domestic pets, animals for 5944
use in laboratories or for exhibition, or other animals not 5945
commonly raised for food or food production. 5946

(NN) "Livestock structure" means a building or structure 5947
used exclusively for the housing, raising, feeding, or 5948
sheltering of livestock, and includes feed storage or handling 5949
structures and structures for livestock waste handling. 5950

(OO) "Horticulture" means the growing, cultivation, and 5951
production of flowers, fruits, herbs, vegetables, sod, 5952
mushrooms, and nursery stock. As used in this division, "nursery 5953
stock" has the same meaning as in section 927.51 of the Revised 5954
Code. 5955

(PP) "Horticulture structure" means a building or 5956
structure used exclusively for the commercial growing, raising, 5957
or overwintering of horticultural products, and includes the 5958
area used for stocking, storing, and packing horticultural 5959
products when done in conjunction with the production of those 5960
products. 5961

(QQ) "Newspaper" means an unbound publication bearing a 5962
title or name that is regularly published, at least as 5963
frequently as biweekly, and distributed from a fixed place of 5964
business to the public in a specific geographic area, and that 5965
contains a substantial amount of news matter of international, 5966
national, or local events of interest to the general public. 5967

(RR) (1) "Feminine hygiene products" means tampons, panty 5968
liners, menstrual cups, sanitary napkins, and other similar 5969

tangible personal property designed for feminine hygiene in 5970
connection with the human menstrual cycle, but does not include 5971
grooming and hygiene products. 5972

(2) "Grooming and hygiene products" means soaps and 5973
cleaning solutions, shampoo, toothpaste, mouthwash, 5974
antiperspirants, and sun tan lotions and screens, regardless of 5975
whether any of these products are over-the-counter drugs. 5976

(3) "Over-the-counter drugs" means a drug that contains a 5977
label that identifies the product as a drug as required by 21 5978
C.F.R. 201.66, which label includes a drug facts panel or a 5979
statement of the active ingredients with a list of those 5980
ingredients contained in the compound, substance, or 5981
preparation. 5982

(SS) (1) "Lease" or "rental" means any transfer of the 5983
possession or control of tangible personal property for a fixed 5984
or indefinite term, for consideration. "Lease" or "rental" 5985
includes future options to purchase or extend, and agreements 5986
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 5987
trailers where the amount of consideration may be increased or 5988
decreased by reference to the amount realized upon the sale or 5989
disposition of the property. "Lease" or "rental" does not 5990
include: 5991

(a) A transfer of possession or control of tangible 5992
personal property under a security agreement or a deferred 5993
payment plan that requires the transfer of title upon completion 5994
of the required payments; 5995

(b) A transfer of possession or control of tangible 5996
personal property under an agreement that requires the transfer 5997
of title upon completion of required payments and payment of an 5998

option price that does not exceed the greater of one hundred 5999
dollars or one per cent of the total required payments; 6000

(c) Providing tangible personal property along with an 6001
operator for a fixed or indefinite period of time, if the 6002
operator is necessary for the property to perform as designed. 6003
For purposes of this division, the operator must do more than 6004
maintain, inspect, or set up the tangible personal property. 6005

(2) "Lease" and "rental," as defined in division (SS) of 6006
this section, shall not apply to leases or rentals that exist 6007
before June 26, 2003. 6008

(3) "Lease" and "rental" have the same meaning as in 6009
division (SS) (1) of this section regardless of whether a 6010
transaction is characterized as a lease or rental under 6011
generally accepted accounting principles, the Internal Revenue 6012
Code, Title XIII of the Revised Code, or other federal, state, 6013
or local laws. 6014

(TT) "Mobile telecommunications service" has the same 6015
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 6016
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 6017
amended, and, on and after August 1, 2003, includes related fees 6018
and ancillary services, including universal service fees, 6019
detailed billing service, directory assistance, service 6020
initiation, voice mail service, and vertical services, such as 6021
caller ID and three-way calling. 6022

(UU) "Certified service provider" has the same meaning as 6023
in section 5740.01 of the Revised Code. 6024

(VV) "Satellite broadcasting service" means the 6025
distribution or broadcasting of programming or services by 6026
satellite directly to the subscriber's receiving equipment 6027

without the use of ground receiving or distribution equipment, 6028
except the subscriber's receiving equipment or equipment used in 6029
the uplink process to the satellite, and includes all service 6030
and rental charges, premium channels or other special services, 6031
installation and repair service charges, and any other charges 6032
having any connection with the provision of the satellite 6033
broadcasting service. 6034

(WW) "Tangible personal property" means personal property 6035
that can be seen, weighed, measured, felt, or touched, or that 6036
is in any other manner perceptible to the senses. For purposes 6037
of this chapter and Chapter 5741. of the Revised Code, "tangible 6038
personal property" includes motor vehicles, electricity, water, 6039
gas, steam, and prewritten computer software. 6040

(XX) "Municipal gas utility" means a municipal corporation 6041
that owns or operates a system for the distribution of natural 6042
gas. 6043

(YY) "Computer" means an electronic device that accepts 6044
information in digital or similar form and manipulates it for a 6045
result based on a sequence of instructions. 6046

(ZZ) "Computer software" means a set of coded instructions 6047
designed to cause a computer or automatic data processing 6048
equipment to perform a task. 6049

(AAA) "Delivered electronically" means delivery of 6050
computer software from the seller to the purchaser by means 6051
other than tangible storage media. 6052

(BBB) "Prewritten computer software" means computer 6053
software, including prewritten upgrades, that is not designed 6054
and developed by the author or other creator to the 6055
specifications of a specific purchaser. The combining of two or 6056

more prewritten computer software programs or prewritten 6057
portions thereof does not cause the combination to be other than 6058
prewritten computer software. "Prewritten computer software" 6059
includes software designed and developed by the author or other 6060
creator to the specifications of a specific purchaser when it is 6061
sold to a person other than the purchaser. If a person modifies 6062
or enhances computer software of which the person is not the 6063
author or creator, the person shall be deemed to be the author 6064
or creator only of such person's modifications or enhancements. 6065
Prewritten computer software or a prewritten portion thereof 6066
that is modified or enhanced to any degree, where such 6067
modification or enhancement is designed and developed to the 6068
specifications of a specific purchaser, remains prewritten 6069
computer software; provided, however, that where there is a 6070
reasonable, separately stated charge or an invoice or other 6071
statement of the price given to the purchaser for the 6072
modification or enhancement, the modification or enhancement 6073
shall not constitute prewritten computer software. 6074

(CCC) (1) "Food" means substances, whether in liquid, 6075
concentrated, solid, frozen, dried, or dehydrated form, that are 6076
sold for ingestion or chewing by humans and are consumed for 6077
their taste or nutritional value. "Food" does not include 6078
alcoholic beverages, dietary supplements, soft drinks, or 6079
tobacco. 6080

(2) As used in division (CCC) (1) of this section: 6081

(a) "Dietary supplements" means any product, other than 6082
tobacco, that is intended to supplement the diet and that is 6083
intended for ingestion in tablet, capsule, powder, softgel, 6084
gelcap, or liquid form, or, if not intended for ingestion in 6085
such a form, is not represented as conventional food for use as 6086

a sole item of a meal or of the diet; that is required to be 6087
labeled as a dietary supplement, identifiable by the "supplement 6088
facts" box found on the label, as required by 21 C.F.R. 101.36; 6089
and that contains one or more of the following dietary 6090
ingredients: 6091

(i) A vitamin; 6092

(ii) A mineral; 6093

(iii) An herb or other botanical; 6094

(iv) An amino acid; 6095

(v) A dietary substance for use by humans to supplement 6096
the diet by increasing the total dietary intake; 6097

(vi) A concentrate, metabolite, constituent, extract, or 6098
combination of any ingredient described in divisions (CCC) (2) (a) 6099
(i) to (v) of this section. 6100

(b) "Soft drinks" means nonalcoholic beverages that 6101
contain natural or artificial sweeteners. "Soft drinks" does not 6102
include beverages that contain milk or milk products, soy, rice, 6103
or similar milk substitutes, or that contains greater than fifty 6104
per cent vegetable or fruit juice by volume. 6105

(c) "Alcoholic beverages" means beverages that are 6106
suitable for human consumption and contain one-half of one per 6107
cent or more of alcohol by volume. 6108

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 6109
tobacco, or any other item that contains tobacco. 6110

(DDD) "Drug" means a compound, substance, or preparation, 6111
and any component of a compound, substance, or preparation, 6112
other than food, dietary supplements, or alcoholic beverages 6113

that is recognized in the official United States pharmacopoeia, 6114
official homeopathic pharmacopoeia of the United States, or 6115
official national formulary, and supplements to them; is 6116
intended for use in the diagnosis, cure, mitigation, treatment, 6117
or prevention of disease; or is intended to affect the structure 6118
or any function of the body. 6119

(EEE) "Prescription" means an order, formula, or recipe 6120
issued in any form of oral, written, electronic, or other means 6121
of transmission by a duly licensed practitioner authorized by 6122
the laws of this state to issue a prescription. 6123

(FFF) "Durable medical equipment" means equipment, 6124
including repair and replacement parts for such equipment, that 6125
can withstand repeated use, is primarily and customarily used to 6126
serve a medical purpose, generally is not useful to a person in 6127
the absence of illness or injury, and is not worn in or on the 6128
body. "Durable medical equipment" does not include mobility 6129
enhancing equipment. 6130

(GGG) "Mobility enhancing equipment" means equipment, 6131
including repair and replacement parts for such equipment, that 6132
is primarily and customarily used to provide or increase the 6133
ability to move from one place to another and is appropriate for 6134
use either in a home or a motor vehicle, that is not generally 6135
used by persons with normal mobility, and that does not include 6136
any motor vehicle or equipment on a motor vehicle normally 6137
provided by a motor vehicle manufacturer. "Mobility enhancing 6138
equipment" does not include durable medical equipment. 6139

(HHH) "Prosthetic device" means a replacement, corrective, 6140
or supportive device, including repair and replacement parts for 6141
the device, worn on or in the human body to artificially replace 6142
a missing portion of the body, prevent or correct physical 6143

deformity or malfunction, or support a weak or deformed portion 6144
of the body. As used in this division, before July 1, 2019, 6145
"prosthetic device" does not include corrective eyeglasses, 6146
contact lenses, or dental prosthesis. On or after July 1, 2019, 6147
"prosthetic device" does not include dental prosthesis but does 6148
include corrective eyeglasses or contact lenses. 6149

(III) (1) "Fractional aircraft ownership program" means a 6150
program in which persons within an affiliated group sell and 6151
manage fractional ownership program aircraft, provided that at 6152
least one hundred airworthy aircraft are operated in the program 6153
and the program meets all of the following criteria: 6154

(a) Management services are provided by at least one 6155
program manager within an affiliated group on behalf of the 6156
fractional owners. 6157

(b) Each program aircraft is owned or possessed by at 6158
least one fractional owner. 6159

(c) Each fractional owner owns or possesses at least a 6160
one-sixteenth interest in at least one fixed-wing program 6161
aircraft. 6162

(d) A dry-lease aircraft interchange arrangement is in 6163
effect among all of the fractional owners. 6164

(e) Multi-year program agreements are in effect regarding 6165
the fractional ownership, management services, and dry-lease 6166
aircraft interchange arrangement aspects of the program. 6167

(2) As used in division (III) (1) of this section: 6168

(a) "Affiliated group" has the same meaning as in division 6169
(B) (3) (e) of this section. 6170

(b) "Fractional owner" means a person that owns or 6171

possesses at least a one-sixteenth interest in a program 6172
aircraft and has entered into the agreements described in 6173
division (III) (1) (e) of this section. 6174

(c) "Fractional ownership program aircraft" or "program 6175
aircraft" means a turbojet aircraft that is owned or possessed 6176
by a fractional owner and that has been included in a dry-lease 6177
aircraft interchange arrangement and agreement under divisions 6178
(III) (1) (d) and (e) of this section, or an aircraft a program 6179
manager owns or possesses primarily for use in a fractional 6180
aircraft ownership program. 6181

(d) "Management services" means administrative and 6182
aviation support services furnished under a fractional aircraft 6183
ownership program in accordance with a management services 6184
agreement under division (III) (1) (e) of this section, and 6185
offered by the program manager to the fractional owners, 6186
including, at a minimum, the establishment and implementation of 6187
safety guidelines; the coordination of the scheduling of the 6188
program aircraft and crews; program aircraft maintenance; 6189
program aircraft insurance; crew training for crews employed, 6190
furnished, or contracted by the program manager or the 6191
fractional owner; the satisfaction of record-keeping 6192
requirements; and the development and use of an operations 6193
manual and a maintenance manual for the fractional aircraft 6194
ownership program. 6195

(e) "Program manager" means the person that offers 6196
management services to fractional owners pursuant to a 6197
management services agreement under division (III) (1) (e) of this 6198
section. 6199

(JJJ) "Electronic publishing" means providing access to 6200
one or more of the following primarily for business customers, 6201

including the federal government or a state government or a 6202
political subdivision thereof, to conduct research: news; 6203
business, financial, legal, consumer, or credit materials; 6204
editorials, columns, reader commentary, or features; photos or 6205
images; archival or research material; legal notices, identity 6206
verification, or public records; scientific, educational, 6207
instructional, technical, professional, trade, or other literary 6208
materials; or other similar information which has been gathered 6209
and made available by the provider to the consumer in an 6210
electronic format. Providing electronic publishing includes the 6211
functions necessary for the acquisition, formatting, editing, 6212
storage, and dissemination of data or information that is the 6213
subject of a sale. 6214

(KKK) "Medicaid health insuring corporation" means a 6215
health insuring corporation that holds a certificate of 6216
authority under Chapter 1751. of the Revised Code and is under 6217
contract with the department of medicaid pursuant to section 6218
5167.10 of the Revised Code. 6219

(LLL) "Managed care premium" means any premium, 6220
capitation, or other payment a medicaid health insuring 6221
corporation receives for providing or arranging for the 6222
provision of health care services to its members or enrollees 6223
residing in this state. 6224

(MMM) "Captive deer" means deer and other cervidae that 6225
have been legally acquired, or their offspring, that are 6226
privately owned for agricultural or farming purposes. 6227

(NNN) "Gift card" means a document, card, certificate, or 6228
other record, whether tangible or intangible, that may be 6229
redeemed by a consumer for a dollar value when making a purchase 6230
of tangible personal property or services. 6231

(000) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (000) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.

(RRR) "Megaproject" and "megaproject operator" have the same meanings as in section 122.17 of the Revised Code.

(SSS) (1) "Diaper" means an absorbent garment worn by

humans who are incapable of, or have difficulty, controlling 6260
their bladder or bowel movements. 6261

(2) "Children's diaper" means a diaper marketed to be worn 6262
by children. 6263

(3) "Adult diaper" means a diaper other than a children's 6264
diaper. 6265

(TTT) ~~"Sales tax holiday" means three or more dates on~~ 6266
~~which sales of all eligible tangible personal property are~~ 6267
~~exempt from the taxes levied under sections 5739.02, 5739.021,~~ 6268
~~5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of~~ 6269
~~the Revised Code~~ "Short-term rental platform" means a business 6270
platform that uses any online-enabled application, software, web 6271
site, or system to connect owners of short-term rental 6272
properties to transient guests to enable the lodging of guests 6273
for consideration. 6274

(UUU) ~~"Eligible tangible personal property" means any item~~ 6275
~~of tangible personal property that meets both of the following~~ 6276
~~requirements:—~~ 6277

~~(1) The price of the item does not exceed five hundred~~ 6278
~~dollars;—~~ 6279

~~(2) The item is not a watercraft or outboard motor~~ 6280
~~required to be titled pursuant to Chapter 1548. of the Revised~~ 6281
~~Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor~~ 6282
~~product as defined in section 5743.01 of the Revised Code, or an~~ 6283
~~item that contains marijuana as defined in section 3796.01 of~~ 6284
~~the Revised Code.—~~ 6285

~~(VVV) "Alcoholic beverages" means beverages that are~~ 6286
~~suitable for human consumption and contain one-half of one per~~ 6287
~~cent or more of alcohol by volume.—~~ 6288

~~(WWW)~~ "Tobacco" means cigarettes, cigars, chewing or pipe
tobacco, or any other item that contains tobacco"Short-term
rental property" means an establishment kept, used, maintained,
advertised, or held out to the public to be a place where
sleeping accommodations are offered to guests, in which four or
fewer rooms are used for the accommodation of such guests,
whether the rooms are in one or several structures.

~~(XXX)~~ (1) (VVV) (1) "Delivery network company" means a person
that operates a business platform, including a web site or
mobile application, to facilitate delivery network services.

(2) "Delivery network courier" means an individual
connected to a consumer through a delivery network company and
who provides delivery network services to that consumer.

(3) "Delivery network services" means both of the
following when performed as part of a single transaction:

(a) Pickup of a local product by a delivery network
courier from a local merchant that is not under common ownership
or control of the delivery network company through which the
transaction was initiated, and which may include selection,
collection, and purchase of the local product;

(b) Delivery by the delivery network courier of that local
product to a location designated by the consumer that is not
more than seventy-five miles from the local merchant's place of
business where the pickup described in division (XXX) (3) (a) of
this section occurs.

(4) "Local merchant" means a person engaged in selling
local products from a temporary or fixed place of business in
this state, including a kitchen, restaurant, grocery store,
retail store, or convenience store.

(5) "Local product" means any tangible personal property, 6318
including food, but excluding freight, mail, or a package to 6319
which postage is affixed. 6320

Sec. 5739.02. For the purpose of providing revenue with 6321
which to meet the needs of the state, for the use of the general 6322
revenue fund of the state, for the purpose of securing a 6323
thorough and efficient system of common schools throughout the 6324
state, for the purpose of affording revenues, in addition to 6325
those from general property taxes, permitted under 6326
constitutional limitations, and from other sources, for the 6327
support of local governmental functions, and for the purpose of 6328
reimbursing the state for the expense of administering this 6329
chapter, an excise tax is hereby levied on each retail sale made 6330
in this state. 6331

(A) (1) The tax shall be collected as provided in section 6332
5739.025 of the Revised Code. The rate of the tax shall be five 6333
and three-fourths per cent. The tax applies and is collectible 6334
when the sale is made, regardless of the time when the price is 6335
paid or delivered. 6336

(2) In the case of the lease or rental, with a fixed term 6337
of more than thirty days or an indefinite term with a minimum 6338
period of more than thirty days, of any motor vehicles designed 6339
by the manufacturer to carry a load of not more than one ton, 6340
watercraft, outboard motor, or aircraft, or of any tangible 6341
personal property, other than motor vehicles designed by the 6342
manufacturer to carry a load of more than one ton, to be used by 6343
the lessee or renter primarily for business purposes, the tax 6344
shall be collected by the vendor at the time the lease or rental 6345
is consummated and shall be calculated by the vendor on the 6346
basis of the total amount to be paid by the lessee or renter 6347

under the lease agreement. If the total amount of the 6348
consideration for the lease or rental includes amounts that are 6349
not calculated at the time the lease or rental is executed, the 6350
tax shall be calculated and collected by the vendor at the time 6351
such amounts are billed to the lessee or renter. In the case of 6352
an open-end lease or rental, the tax shall be calculated by the 6353
vendor on the basis of the total amount to be paid during the 6354
initial fixed term of the lease or rental, and for each 6355
subsequent renewal period as it comes due. As used in this 6356
division, "motor vehicle" has the same meaning as in section 6357
4501.01 of the Revised Code, and "watercraft" includes an 6358
outdrive unit attached to the watercraft. 6359

A lease with a renewal clause and a termination penalty or 6360
similar provision that applies if the renewal clause is not 6361
exercised is presumed to be a sham transaction. In such a case, 6362
the tax shall be calculated and paid on the basis of the entire 6363
length of the lease period, including any renewal periods, until 6364
the termination penalty or similar provision no longer applies. 6365
The taxpayer shall bear the burden, by a preponderance of the 6366
evidence, that the transaction or series of transactions is not 6367
a sham transaction. 6368

(3) Except as provided in division (A) (2) of this section, 6369
in the case of a sale, the price of which consists in whole or 6370
in part of the lease or rental of tangible personal property, 6371
the tax shall be measured by the installments of that lease or 6372
rental. 6373

(4) In the case of a sale of a physical fitness facility 6374
service or recreation and sports club service, the price of 6375
which consists in whole or in part of a membership for the 6376
receipt of the benefit of the service, the tax applicable to the 6377

sale shall be measured by the installments thereof. 6378

(B) The tax does not apply to the following: 6379

(1) Sales to the state or any of its political 6380
subdivisions, or to any other state or its political 6381
subdivisions if the laws of that state exempt from taxation 6382
sales made to this state and its political subdivisions 6383
including either of the following: 6384

(a) Sales or rentals of tangible personal property by 6385
construction contractors or subcontractors to provide temporary 6386
traffic control or temporary structures, including material and 6387
equipment used to comply with the Ohio manual of uniform traffic 6388
control devices adopted pursuant to section 4511.09 of the 6389
Revised Code, whereby the state or any of its political 6390
subdivisions take title to, or permanent or temporary possession 6391
of, such tangible personal property for use by the state or any 6392
of its political subdivisions, including for use by the general 6393
public thereof; 6394

(b) Sales of services by construction contractors or 6395
subcontractors to provide temporary traffic control or 6396
structures, including labor used to comply with the Ohio manual 6397
of uniform traffic control devices adopted pursuant to section 6398
4511.09 of the Revised Code, whereby the state or any of its 6399
political subdivisions, including the general public thereof, 6400
receive the benefit of such services. 6401

As used in divisions (B) (1) (a) and (b) of this section, 6402
"temporary structures" include temporary roads, bridges, drains, 6403
and pavement. 6404

(2) Sales of food for human consumption off the premises 6405
where sold; 6406

(3) Sales of food sold to students only in a cafeteria, 6407
dormitory, fraternity, or sorority maintained in a private, 6408
public, or parochial school, college, or university; 6409

(4) Sales of newspapers and sales or transfers of 6410
magazines distributed as controlled circulation publications; 6411

(5) The furnishing, preparing, or serving of meals without 6412
charge by an employer to an employee provided the employer 6413
records the meals as part compensation for services performed or 6414
work done; 6415

(6) (a) Sales of motor fuel upon receipt, use, 6416
distribution, or sale of which in this state a tax is imposed by 6417
the law of this state, but this exemption shall not apply to the 6418
sale of motor fuel on which a refund of the tax is allowable 6419
under division (A) of section 5735.14 of the Revised Code; and 6420
the tax commissioner may deduct the amount of tax levied by this 6421
section applicable to the price of motor fuel when granting a 6422
refund of motor fuel tax pursuant to division (A) of section 6423
5735.14 of the Revised Code and shall cause the amount deducted 6424
to be paid into the general revenue fund of this state; 6425

(b) Sales of motor fuel other than that described in 6426
division (B) (6) (a) of this section and used for powering a 6427
refrigeration unit on a vehicle other than one used primarily to 6428
provide comfort to the operator or occupants of the vehicle. 6429

(7) Sales of natural gas by a natural gas company or 6430
municipal gas utility, of water by a water-works company, or of 6431
steam by a heating company, if in each case the thing sold is 6432
delivered to consumers through pipes or conduits, and all sales 6433
of communications services by a telegraph company, all terms as 6434
defined in section 5727.01 of the Revised Code, and sales of 6435

electricity delivered through wires; 6436

(8) Casual sales by a person, or auctioneer employed 6437
directly by the person to conduct such sales, except as to such 6438
sales of motor vehicles, watercraft or outboard motors required 6439
to be titled under section 1548.06 of the Revised Code, 6440
watercraft documented with the United States coast guard, 6441
snowmobiles, and all-purpose vehicles as defined in section 6442
4519.01 of the Revised Code; 6443

(9) (a) Sales of services or tangible personal property, 6444
other than motor vehicles, mobile homes, and manufactured homes, 6445
by churches, organizations exempt from taxation under section 6446
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 6447
organizations operated exclusively for charitable purposes as 6448
defined in division (B) (12) of this section, provided that the 6449
number of days on which such tangible personal property or 6450
services, other than items never subject to the tax, are sold 6451
does not exceed six in any calendar year, except as otherwise 6452
provided in division (B) (9) (b) of this section. If the number of 6453
days on which such sales are made exceeds six in any calendar 6454
year, the church or organization shall be considered to be 6455
engaged in business and all subsequent sales by it shall be 6456
subject to the tax. In counting the number of days, all sales by 6457
groups within a church or within an organization shall be 6458
considered to be sales of that church or organization. 6459

(b) The limitation on the number of days on which tax- 6460
exempt sales may be made by a church or organization under 6461
division (B) (9) (a) of this section does not apply to sales made 6462
by student clubs and other groups of students of a primary or 6463
secondary school, or a parent-teacher association, booster 6464
group, or similar organization that raises money to support or 6465

fund curricular or extracurricular activities of a primary or 6466
secondary school. 6467

(c) Divisions (B) (9) (a) and (b) of this section do not 6468
apply to sales by a noncommercial educational radio or 6469
television broadcasting station. 6470

(10) Sales not within the taxing power of this state under 6471
the Constitution or laws of the United States or the 6472
Constitution of this state including either of the following: 6473

(a) Sales or rentals of tangible personal property by 6474
construction contractors or subcontractors to provide temporary 6475
traffic control or temporary structures, including material and 6476
equipment used to comply with the Ohio manual of uniform traffic 6477
control devices adopted pursuant to section 4511.09 of the 6478
Revised Code, whereby the United States takes title to, or 6479
permanent or temporary possession of, such tangible personal 6480
property for use by the United States including for use by the 6481
general public thereof; 6482

(b) Sales of services by construction contractors or 6483
subcontractors to provide temporary traffic control or 6484
structures, including labor used to comply with the Ohio manual 6485
of uniform traffic control devices adopted pursuant to section 6486
4511.09 of the Revised Code, whereby the United States, 6487
including the general public thereof, receives the benefit of 6488
such services. 6489

As used in divisions (B) (10) (a) and (b) of this section, 6490
"temporary structures" include temporary roads, bridges, drains, 6491
and pavement. 6492

(11) Except for transactions that are sales under division 6493
(B) (3) (p) of section 5739.01 of the Revised Code, the 6494

transportation of persons or property, unless the transportation 6495
is by a private investigation and security service; 6496

(12) Sales of tangible personal property or services to 6497
churches, to organizations exempt from taxation under section 6498
501(c)(3) of the Internal Revenue Code of 1986, and to any other 6499
nonprofit organizations operated exclusively for charitable 6500
purposes in this state, no part of the net income of which 6501
inures to the benefit of any private shareholder or individual, 6502
and no substantial part of the activities of which consists of 6503
carrying on propaganda or otherwise attempting to influence 6504
legislation; sales to offices administering one or more homes 6505
for the aged or one or more hospital facilities exempt under 6506
section 140.08 of the Revised Code; and sales to organizations 6507
described in division (D) of section 5709.12 of the Revised 6508
Code. 6509

"Charitable purposes" means the relief of poverty; the 6510
improvement of health through the alleviation of illness, 6511
disease, or injury; the operation of an organization exclusively 6512
for the provision of professional, laundry, printing, and 6513
purchasing services to hospitals or charitable institutions; the 6514
operation of a home for the aged, as defined in section 5701.13 6515
of the Revised Code; the operation of a radio or television 6516
broadcasting station that is licensed by the federal 6517
communications commission as a noncommercial educational radio 6518
or television station; the operation of a nonprofit animal 6519
adoption service or a county humane society; the promotion of 6520
education by an institution of learning that maintains a faculty 6521
of qualified instructors, teaches regular continuous courses of 6522
study, and confers a recognized diploma upon completion of a 6523
specific curriculum; the operation of a parent-teacher 6524
association, booster group, or similar organization primarily 6525

engaged in the promotion and support of the curricular or 6526
extracurricular activities of a primary or secondary school; the 6527
operation of a community or area center in which presentations 6528
in music, dramatics, the arts, and related fields are made in 6529
order to foster public interest and education therein; the 6530
production of performances in music, dramatics, and the arts; or 6531
the promotion of education by an organization engaged in 6532
carrying on research in, or the dissemination of, scientific and 6533
technological knowledge and information primarily for the 6534
public. 6535

Nothing in this division shall be deemed to exempt sales 6536
to any organization for use in the operation or carrying on of a 6537
trade or business, or sales to a home for the aged for use in 6538
the operation of independent living facilities as defined in 6539
division (A) of section 5709.12 of the Revised Code. 6540

(13) Building and construction materials and services sold 6541
to construction contractors for incorporation into a structure 6542
or improvement to real property under a construction contract 6543
with this state or a political subdivision of this state, or 6544
with the United States government or any of its agencies; 6545
building and construction materials and services sold to 6546
construction contractors for incorporation into a structure or 6547
improvement to real property that are accepted for ownership by 6548
this state or any of its political subdivisions, or by the 6549
United States government or any of its agencies at the time of 6550
completion of the structures or improvements; building and 6551
construction materials sold to construction contractors for 6552
incorporation into a horticulture structure or livestock 6553
structure for a person engaged in the business of horticulture 6554
or producing livestock; building materials and services sold to 6555
a construction contractor for incorporation into a house of 6556

public worship or religious education, or a building used 6557
exclusively for charitable purposes under a construction 6558
contract with an organization whose purpose is as described in 6559
division (B) (12) of this section; building materials and 6560
services sold to a construction contractor for incorporation 6561
into a building under a construction contract with an 6562
organization exempt from taxation under section 501(c) (3) of the 6563
Internal Revenue Code of 1986 when the building is to be used 6564
exclusively for the organization's exempt purposes; tangible 6565
personal property sold for incorporation into the construction 6566
of a sports facility under section 307.696 of the Revised Code; 6567
building and construction materials and services sold to a 6568
construction contractor for incorporation into real property 6569
outside this state if such materials and services, when sold to 6570
a construction contractor in the state in which the real 6571
property is located for incorporation into real property in that 6572
state, would be exempt from a tax on sales levied by that state; 6573
building and construction materials for incorporation into a 6574
transportation facility pursuant to a public-private agreement 6575
entered into under sections 5501.70 to 5501.83 of the Revised 6576
Code; until one calendar year after the construction of a 6577
convention center that qualifies for property tax exemption 6578
under section 5709.084 of the Revised Code is completed, 6579
building and construction materials and services sold to a 6580
construction contractor for incorporation into the real property 6581
comprising that convention center; and building and construction 6582
materials sold for incorporation into a structure or improvement 6583
to real property that is used primarily as, or primarily in 6584
support of, a manufacturing facility or research and development 6585
facility and that is to be owned by a megaproject operator upon 6586
completion and located at the site of a megaproject that 6587
satisfies the criteria described in division (A) (11) (a) (ii) of 6588

section 122.17 of the Revised Code, provided that the sale 6589
occurs during the period that the megaproject operator has an 6590
agreement for such megaproject with the tax credit authority 6591
under division (D) of section 122.17 of the Revised Code that 6592
remains in effect and has not expired or been terminated. 6593

(14) Sales of ships or vessels or rail rolling stock used 6594
or to be used principally in interstate or foreign commerce, and 6595
repairs, alterations, fuel, and lubricants for such ships or 6596
vessels or rail rolling stock; 6597

(15) Sales to persons primarily engaged in any of the 6598
activities mentioned in division (B) (42) (a), (g), or (h) of this 6599
section, to persons engaged in making retail sales, or to 6600
persons who purchase for sale from a manufacturer tangible 6601
personal property that was produced by the manufacturer in 6602
accordance with specific designs provided by the purchaser, of 6603
packages, including material, labels, and parts for packages, 6604
and of machinery, equipment, and material for use primarily in 6605
packaging tangible personal property produced for sale, 6606
including any machinery, equipment, and supplies used to make 6607
labels or packages, to prepare packages or products for 6608
labeling, or to label packages or products, by or on the order 6609
of the person doing the packaging, or sold at retail. "Packages" 6610
includes bags, baskets, cartons, crates, boxes, cans, bottles, 6611
bindings, wrappings, and other similar devices and containers, 6612
but does not include motor vehicles or bulk tanks, trailers, or 6613
similar devices attached to motor vehicles. "Packaging" means 6614
placing in a package. Division (B) (15) of this section does not 6615
apply to persons engaged in highway transportation for hire. 6616

(16) Sales of food to persons using supplemental nutrition 6617
assistance program benefits to purchase the food. As used in 6618

this division, "food" has the same meaning as in 7 U.S.C. 2012 6619
and federal regulations adopted pursuant to the Food and 6620
Nutrition Act of 2008. 6621

(17) Sales to persons engaged in farming, agriculture, 6622
horticulture, or floriculture, of tangible personal property for 6623
use or consumption primarily in the production by farming, 6624
agriculture, horticulture, or floriculture of other tangible 6625
personal property for use or consumption primarily in the 6626
production of tangible personal property for sale by farming, 6627
agriculture, horticulture, or floriculture; or material and 6628
parts for incorporation into any such tangible personal property 6629
for use or consumption in production; and of tangible personal 6630
property for such use or consumption in the conditioning or 6631
holding of products produced by and for such use, consumption, 6632
or sale by persons engaged in farming, agriculture, 6633
horticulture, or floriculture, except where such property is 6634
incorporated into real property; 6635

(18) Sales of drugs for a human being that may be 6636
dispensed only pursuant to a prescription; insulin as recognized 6637
in the official United States pharmacopoeia; urine and blood 6638
testing materials when used by diabetics or persons with 6639
hypoglycemia to test for glucose or acetone; hypodermic syringes 6640
and needles when used by diabetics for insulin injections; 6641
epoetin alfa when purchased for use in the treatment of persons 6642
with medical disease; hospital beds when purchased by hospitals, 6643
nursing homes, or other medical facilities; and medical oxygen 6644
and medical oxygen-dispensing equipment when purchased by 6645
hospitals, nursing homes, or other medical facilities; 6646

(19) Sales of prosthetic devices, durable medical 6647
equipment for home use, or mobility enhancing equipment, when 6648

made pursuant to a prescription and when such devices or 6649
equipment are for use by a human being. 6650

(20) Sales of emergency and fire protection vehicles and 6651
equipment to nonprofit organizations for use solely in providing 6652
fire protection and emergency services, including trauma care 6653
and emergency medical services, for political subdivisions of 6654
the state; 6655

(21) Sales of tangible personal property manufactured in 6656
this state, if sold by the manufacturer in this state to a 6657
retailer for use in the retail business of the retailer outside 6658
of this state and if possession is taken from the manufacturer 6659
by the purchaser within this state for the sole purpose of 6660
immediately removing the same from this state in a vehicle owned 6661
by the purchaser; 6662

(22) Sales of services provided by the state or any of its 6663
political subdivisions, agencies, instrumentalities, 6664
institutions, or authorities, or by governmental entities of the 6665
state or any of its political subdivisions, agencies, 6666
instrumentalities, institutions, or authorities; 6667

(23) Sales of motor vehicles to nonresidents of this state 6668
under the circumstances described in division (B) of section 6669
5739.029 of the Revised Code; 6670

(24) Sales to persons engaged in the preparation of eggs 6671
for sale of tangible personal property used or consumed directly 6672
in such preparation, including such tangible personal property 6673
used for cleaning, sanitizing, preserving, grading, sorting, and 6674
classifying by size; packages, including material and parts for 6675
packages, and machinery, equipment, and material for use in 6676
packaging eggs for sale; and handling and transportation 6677

equipment and parts therefor, except motor vehicles licensed to 6678
operate on public highways, used in intraplant or interplant 6679
transfers or shipment of eggs in the process of preparation for 6680
sale, when the plant or plants within or between which such 6681
transfers or shipments occur are operated by the same person. 6682
"Packages" includes containers, cases, baskets, flats, fillers, 6683
filler flats, cartons, closure materials, labels, and labeling 6684
materials, and "packaging" means placing therein. 6685

(25) (a) Sales of water to a consumer for residential use; 6686

(b) Sales of water by a nonprofit corporation engaged 6687
exclusively in the treatment, distribution, and sale of water to 6688
consumers, if such water is delivered to consumers through pipes 6689
or tubing. 6690

(26) Fees charged for inspection or reinspection of motor 6691
vehicles under section 3704.14 of the Revised Code; 6692

(27) Sales to persons licensed to conduct a food service 6693
operation pursuant to section 3717.43 of the Revised Code, of 6694
tangible personal property primarily used directly for the 6695
following: 6696

(a) To prepare food for human consumption for sale; 6697

(b) To preserve food that has been or will be prepared for 6698
human consumption for sale by the food service operator, not 6699
including tangible personal property used to display food for 6700
selection by the consumer; 6701

(c) To clean tangible personal property used to prepare or 6702
serve food for human consumption for sale. 6703

(28) Sales of animals by nonprofit animal adoption 6704
services or county humane societies; 6705

(29) Sales of services to a corporation described in 6706
division (A) of section 5709.72 of the Revised Code, and sales 6707
of tangible personal property that qualifies for exemption from 6708
taxation under section 5709.72 of the Revised Code; 6709

(30) Sales and installation of agricultural land tile, as 6710
defined in division (B) (5) (a) of section 5739.01 of the Revised 6711
Code; 6712

(31) Sales and erection or installation of portable grain 6713
bins, as defined in division (B) (5) (b) of section 5739.01 of the 6714
Revised Code; 6715

(32) The sale, lease, repair, and maintenance of, parts 6716
for, or items attached to or incorporated in, motor vehicles 6717
that are primarily used for transporting tangible personal 6718
property belonging to others by a person engaged in highway 6719
transportation for hire, except for packages and packaging used 6720
for the transportation of tangible personal property; 6721

(33) Sales to the state headquarters of any veterans' 6722
organization in this state that is either incorporated and 6723
issued a charter by the congress of the United States or is 6724
recognized by the United States veterans administration, for use 6725
by the headquarters; 6726

(34) Sales to a telecommunications service vendor, mobile 6727
telecommunications service vendor, or satellite broadcasting 6728
service vendor of tangible personal property and services used 6729
directly and primarily in transmitting, receiving, switching, or 6730
recording any interactive, one- or two-way electromagnetic 6731
communications, including voice, image, data, and information, 6732
through the use of any medium, including, but not limited to, 6733
poles, wires, cables, switching equipment, computers, and record 6734

storage devices and media, and component parts for the tangible 6735
personal property. The exemption provided in this division shall 6736
be in lieu of all other exemptions under division (B) (42) (a) or 6737
(n) of this section to which the vendor may otherwise be 6738
entitled, based upon the use of the thing purchased in providing 6739
the telecommunications, mobile telecommunications, or satellite 6740
broadcasting service. 6741

(35) (a) Sales where the purpose of the consumer is to use 6742
or consume the things transferred in making retail sales and 6743
consisting of newspaper inserts, catalogues, coupons, flyers, 6744
gift certificates, or other advertising material that prices and 6745
describes tangible personal property offered for retail sale. 6746

(b) Sales to direct marketing vendors of preliminary 6747
materials such as photographs, artwork, and typesetting that 6748
will be used in printing advertising material; and of printed 6749
matter that offers free merchandise or chances to win sweepstake 6750
prizes and that is mailed to potential customers with 6751
advertising material described in division (B) (35) (a) of this 6752
section; 6753

(c) Sales of equipment such as telephones, computers, 6754
facsimile machines, and similar tangible personal property 6755
primarily used to accept orders for direct marketing retail 6756
sales. 6757

(d) Sales of automatic food vending machines that preserve 6758
food with a shelf life of forty-five days or less by 6759
refrigeration and dispense it to the consumer. 6760

For purposes of division (B) (35) of this section, "direct 6761
marketing" means the method of selling where consumers order 6762
tangible personal property by United States mail, delivery 6763

service, or telecommunication and the vendor delivers or ships 6764
the tangible personal property sold to the consumer from a 6765
warehouse, catalogue distribution center, or similar fulfillment 6766
facility by means of the United States mail, delivery service, 6767
or common carrier. 6768

(36) Sales to a person engaged in the business of 6769
horticulture or producing livestock of materials to be 6770
incorporated into a horticulture structure or livestock 6771
structure; 6772

(37) Sales of personal computers, computer monitors, 6773
computer keyboards, modems, and other peripheral computer 6774
equipment to an individual who is licensed or certified to teach 6775
in an elementary or a secondary school in this state for use by 6776
that individual in preparation for teaching elementary or 6777
secondary school students; 6778

(38) Sales of tangible personal property that is not 6779
required to be registered or licensed under the laws of this 6780
state to a citizen of a foreign nation that is not a citizen of 6781
the United States, provided the property is delivered to a 6782
person in this state that is not a related member of the 6783
purchaser, is physically present in this state for the sole 6784
purpose of temporary storage and package consolidation, and is 6785
subsequently delivered to the purchaser at a delivery address in 6786
a foreign nation. As used in division (B)(38) of this section, 6787
"related member" has the same meaning as in section 5733.042 of 6788
the Revised Code, and "temporary storage" means the storage of 6789
tangible personal property for a period of not more than sixty 6790
days. 6791

(39) Sales of used manufactured homes and used mobile 6792
homes, as defined in section 5739.0210 of the Revised Code, made 6793

on or after January 1, 2000; 6794

(40) Sales of tangible personal property and services to a 6795
provider of electricity used or consumed directly and primarily 6796
in generating, transmitting, or distributing electricity for use 6797
by others, including property that is or is to be incorporated 6798
into and will become a part of the consumer's production, 6799
transmission, or distribution system and that retains its 6800
classification as tangible personal property after 6801
incorporation; fuel or power used in the production, 6802
transmission, or distribution of electricity; energy conversion 6803
equipment as defined in section 5727.01 of the Revised Code; and 6804
tangible personal property and services used in the repair and 6805
maintenance of the production, transmission, or distribution 6806
system, including only those motor vehicles as are specially 6807
designed and equipped for such use. The exemption provided in 6808
this division shall be in lieu of all other exemptions in 6809
division (B) (42) (a) or (n) of this section to which a provider 6810
of electricity may otherwise be entitled based on the use of the 6811
tangible personal property or service purchased in generating, 6812
transmitting, or distributing electricity. 6813

(41) Sales to a person providing services under division 6814
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 6815
personal property and services used directly and primarily in 6816
providing taxable services under that section. 6817

(42) Sales where the purpose of the purchaser is to do any 6818
of the following: 6819

(a) To incorporate the thing transferred as a material or 6820
a part into tangible personal property to be produced for sale 6821
by manufacturing, assembling, processing, or refining; or to use 6822
or consume the thing transferred directly in producing tangible 6823

personal property for sale by mining, including, without 6824
limitation, the extraction from the earth of all substances that 6825
are classed geologically as minerals, or directly in the 6826
rendition of a public utility service, except that the sales tax 6827
levied by this section shall be collected upon all meals, 6828
drinks, and food for human consumption sold when transporting 6829
persons. This paragraph does not exempt from "retail sale" or 6830
"sales at retail" the sale of tangible personal property that is 6831
to be incorporated into a structure or improvement to real 6832
property. 6833

(b) To hold the thing transferred as security for the 6834
performance of an obligation of the vendor; 6835

(c) To resell, hold, use, or consume the thing transferred 6836
as evidence of a contract of insurance; 6837

(d) To use or consume the thing directly in commercial 6838
fishing; 6839

(e) To incorporate the thing transferred as a material or 6840
a part into, or to use or consume the thing transferred directly 6841
in the production of, magazines distributed as controlled 6842
circulation publications; 6843

(f) To use or consume the thing transferred in the 6844
production and preparation in suitable condition for market and 6845
sale of printed, imprinted, overprinted, lithographic, 6846
multilithic, blueprinted, photostatic, or other productions or 6847
reproductions of written or graphic matter; 6848

(g) To use the thing transferred, as described in section 6849
5739.011 of the Revised Code, primarily in a manufacturing 6850
operation to produce tangible personal property for sale; 6851

(h) To use the benefit of a warranty, maintenance or 6852

service contract, or similar agreement, as described in division 6853
(B) (7) of section 5739.01 of the Revised Code, to repair or 6854
maintain tangible personal property, if all of the property that 6855
is the subject of the warranty, contract, or agreement would not 6856
be subject to the tax imposed by this section; 6857

(i) To use the thing transferred as qualified research and 6858
development equipment; 6859

(j) To use or consume the thing transferred primarily in 6860
storing, transporting, mailing, or otherwise handling purchased 6861
sales inventory in a warehouse, distribution center, or similar 6862
facility when the inventory is primarily distributed outside 6863
this state to retail stores of the person who owns or controls 6864
the warehouse, distribution center, or similar facility, to 6865
retail stores of an affiliated group of which that person is a 6866
member, or by means of direct marketing. This division does not 6867
apply to motor vehicles registered for operation on the public 6868
highways. As used in this division, "affiliated group" has the 6869
same meaning as in division (B) (3) (e) of section 5739.01 of the 6870
Revised Code and "direct marketing" has the same meaning as in 6871
division (B) (35) of this section. 6872

(k) To use or consume the thing transferred to fulfill a 6873
contractual obligation incurred by a warrantor pursuant to a 6874
warranty provided as a part of the price of the tangible 6875
personal property sold or by a vendor of a warranty, maintenance 6876
or service contract, or similar agreement the provision of which 6877
is defined as a sale under division (B) (7) of section 5739.01 of 6878
the Revised Code; 6879

(l) To use or consume the thing transferred in the 6880
production of a newspaper for distribution to the public; 6881

(m) To use tangible personal property to perform a service 6882
listed in division (B) (3) of section 5739.01 of the Revised 6883
Code, if the property is or is to be permanently transferred to 6884
the consumer of the service as an integral part of the 6885
performance of the service; 6886

(n) To use or consume the thing transferred primarily in 6887
producing tangible personal property for sale by farming, 6888
agriculture, horticulture, or floriculture. Persons engaged in 6889
rendering farming, agriculture, horticulture, or floriculture 6890
services for others are deemed engaged primarily in farming, 6891
agriculture, horticulture, or floriculture. This paragraph does 6892
not exempt from "retail sale" or "sales at retail" the sale of 6893
tangible personal property that is to be incorporated into a 6894
structure or improvement to real property. 6895

(o) To use or consume the thing transferred in acquiring, 6896
formatting, editing, storing, and disseminating data or 6897
information by electronic publishing; 6898

(p) To provide the thing transferred to the owner or 6899
lessee of a motor vehicle that is being repaired or serviced, if 6900
the thing transferred is a rented motor vehicle and the 6901
purchaser is reimbursed for the cost of the rented motor vehicle 6902
by a manufacturer, warrantor, or provider of a maintenance, 6903
service, or other similar contract or agreement, with respect to 6904
the motor vehicle that is being repaired or serviced; 6905

(q) To use or consume the thing transferred directly in 6906
production of crude oil and natural gas for sale. Persons 6907
engaged in rendering production services for others are deemed 6908
engaged in production. 6909

As used in division (B) (42) (q) of this section, 6910

"production" means operations and tangible personal property 6911
directly used to expose and evaluate an underground reservoir 6912
that may contain hydrocarbon resources, prepare the wellbore for 6913
production, and lift and control all substances yielded by the 6914
reservoir to the surface of the earth. 6915

(i) For the purposes of division (B) (42) (q) of this 6916
section, the "thing transferred" includes, but is not limited 6917
to, any of the following: 6918

(I) Services provided in the construction of permanent 6919
access roads, services provided in the construction of the well 6920
site, and services provided in the construction of temporary 6921
impoundments; 6922

(II) Equipment and rigging used for the specific purpose 6923
of creating with integrity a wellbore pathway to underground 6924
reservoirs; 6925

(III) Drilling and workover services used to work within a 6926
subsurface wellbore, and tangible personal property directly 6927
used in providing such services; 6928

(IV) Casing, tubulars, and float and centralizing 6929
equipment; 6930

(V) Trailers to which production equipment is attached; 6931

(VI) Well completion services, including cementing of 6932
casing, and tangible personal property directly used in 6933
providing such services; 6934

(VII) Wireline evaluation, mud logging, and perforation 6935
services, and tangible personal property directly used in 6936
providing such services; 6937

(VIII) Reservoir stimulation, hydraulic fracturing, and 6938

acidizing services, and tangible personal property directly used 6939
in providing such services, including all material pumped 6940
downhole; 6941

(IX) Pressure pumping equipment; 6942

(X) Artificial lift systems equipment; 6943

(XI) Wellhead equipment and well site equipment used to 6944
separate, stabilize, and control hydrocarbon phases and produced 6945
water; 6946

(XII) Tangible personal property directly used to control 6947
production equipment. 6948

(ii) For the purposes of division (B) (42) (q) of this 6949
section, the "thing transferred" does not include any of the 6950
following: 6951

(I) Tangible personal property used primarily in the 6952
exploration and production of any mineral resource regulated 6953
under Chapter 1509. of the Revised Code other than oil or gas; 6954

(II) Tangible personal property used primarily in storing, 6955
holding, or delivering solutions or chemicals used in well 6956
stimulation as defined in section 1509.01 of the Revised Code; 6957

(III) Tangible personal property used primarily in 6958
preparing, installing, or reclaiming foundations for drilling or 6959
pumping equipment or well stimulation material tanks; 6960

(IV) Tangible personal property used primarily in 6961
transporting, delivering, or removing equipment to or from the 6962
well site or storing such equipment before its use at the well 6963
site; 6964

(V) Tangible personal property used primarily in gathering 6965

operations occurring off the well site, including gathering 6966
pipelines transporting hydrocarbon gas or liquids away from a 6967
crude oil or natural gas production facility; 6968

(VI) Tangible personal property that is to be incorporated 6969
into a structure or improvement to real property; 6970

(VII) Well site fencing, lighting, or security systems; 6971

(VIII) Communication devices or services; 6972

(IX) Office supplies; 6973

(X) Trailers used as offices or lodging; 6974

(XI) Motor vehicles of any kind; 6975

(XII) Tangible personal property used primarily for the 6976
storage of drilling byproducts and fuel not used for production; 6977

(XIII) Tangible personal property used primarily as a 6978
safety device; 6979

(XIV) Data collection or monitoring devices; 6980

(XV) Access ladders, stairs, or platforms attached to 6981
storage tanks. 6982

The enumeration of tangible personal property in division 6983
(B) (42) (q) (ii) of this section is not intended to be exhaustive, 6984
and any tangible personal property not so enumerated shall not 6985
necessarily be construed to be a "thing transferred" for the 6986
purposes of division (B) (42) (q) of this section. 6987

The commissioner shall adopt and promulgate rules under 6988
sections 119.01 to 119.13 of the Revised Code that the 6989
commissioner deems necessary to administer division (B) (42) (q) 6990
of this section. 6991

As used in division (B) (42) of this section, "thing" 6992
includes all transactions included in divisions (B) (3) (a), (b), 6993
and (e) of section 5739.01 of the Revised Code. 6994

(43) Sales conducted through a coin operated device that 6995
activates vacuum equipment or equipment that dispenses water, 6996
whether or not in combination with soap or other cleaning agents 6997
or wax, to the consumer for the consumer's use on the premises 6998
in washing, cleaning, or waxing a motor vehicle, provided no 6999
other personal property or personal service is provided as part 7000
of the transaction. 7001

(44) Sales of replacement and modification parts for 7002
engines, airframes, instruments, and interiors in, and paint 7003
for, aircraft used primarily in a fractional aircraft ownership 7004
program, and sales of services for the repair, modification, and 7005
maintenance of such aircraft, and machinery, equipment, and 7006
supplies primarily used to provide those services. 7007

(45) Sales of telecommunications service that is used 7008
directly and primarily to perform the functions of a call 7009
center. As used in this division, "call center" means any 7010
physical location where telephone calls are placed or received 7011
in high volume for the purpose of making sales, marketing, 7012
customer service, technical support, or other specialized 7013
business activity, and that employs at least fifty individuals 7014
that engage in call center activities on a full-time basis, or 7015
sufficient individuals to fill fifty full-time equivalent 7016
positions. 7017

(46) Sales by a telecommunications service vendor of 900 7018
service to a subscriber. This division does not apply to 7019
information services. 7020

(47) Sales of value-added non-voice data service. This 7021
division does not apply to any similar service that is not 7022
otherwise a telecommunications service. 7023

(48) Sales of feminine hygiene products. 7024

(49) Sales of materials, parts, equipment, or engines used 7025
in the repair or maintenance of aircraft or avionics systems of 7026
such aircraft, and sales of repair, remodeling, replacement, or 7027
maintenance services in this state performed on aircraft or on 7028
an aircraft's avionics, engine, or component materials or parts. 7029
As used in division (B) (49) of this section, "aircraft" means 7030
aircraft of more than six thousand pounds maximum certified 7031
takeoff weight or used exclusively in general aviation. 7032

(50) Sales of full flight simulators that are used for 7033
pilot or flight-crew training, sales of repair or replacement 7034
parts or components, and sales of repair or maintenance services 7035
for such full flight simulators. "Full flight simulator" means a 7036
replica of a specific type, or make, model, and series of 7037
aircraft cockpit. It includes the assemblage of equipment and 7038
computer programs necessary to represent aircraft operations in 7039
ground and flight conditions, a visual system providing an out- 7040
of-the-cockpit view, and a system that provides cues at least 7041
equivalent to those of a three-degree-of-freedom motion system, 7042
and has the full range of capabilities of the systems installed 7043
in the device as described in appendices A and B of part 60 of 7044
chapter 1 of title 14 of the Code of Federal Regulations. 7045

(51) Any transfer or lease of tangible personal property 7046
between the state and JobsOhio in accordance with section 7047
4313.02 of the Revised Code. 7048

(52) (a) Sales to a qualifying corporation. 7049

(b) As used in division (B) (52) of this section: 7050

(i) "Qualifying corporation" means a nonprofit corporation 7051
organized in this state that leases from an eligible county 7052
land, buildings, structures, fixtures, and improvements to the 7053
land that are part of or used in a public recreational facility 7054
used by a major league professional athletic team or a class A 7055
to class AAA minor league affiliate of a major league 7056
professional athletic team for a significant portion of the 7057
team's home schedule, provided the following apply: 7058

(I) The facility is leased from the eligible county 7059
pursuant to a lease that requires substantially all of the 7060
revenue from the operation of the business or activity conducted 7061
by the nonprofit corporation at the facility in excess of 7062
operating costs, capital expenditures, and reserves to be paid 7063
to the eligible county at least once per calendar year. 7064

(II) Upon dissolution and liquidation of the nonprofit 7065
corporation, all of its net assets are distributable to the 7066
board of commissioners of the eligible county from which the 7067
corporation leases the facility. 7068

(ii) "Eligible county" has the same meaning as in section 7069
307.695 of the Revised Code. 7070

(53) Sales to or by a cable service provider, video 7071
service provider, or radio or television broadcast station 7072
regulated by the federal government of cable service or 7073
programming, video service or programming, audio service or 7074
programming, or electronically transferred digital audiovisual 7075
or audio work. As used in division (B) (53) of this section, 7076
"cable service" and "cable service provider" have the same 7077
meanings as in section 1332.01 of the Revised Code, and "video 7078

service," "video service provider," and "video programming" have 7079
the same meanings as in section 1332.21 of the Revised Code. 7080

(54) Sales of a digital audio work electronically 7081
transferred for delivery through use of a machine, such as a 7082
juke box, that does all of the following: 7083

(a) Accepts direct payments to operate; 7084

(b) Automatically plays a selected digital audio work for 7085
a single play upon receipt of a payment described in division 7086
(B) (54) (a) of this section; 7087

(c) Operates exclusively for the purpose of playing 7088
digital audio works in a commercial establishment. 7089

~~(55) (a) Sales of the following occurring on the first 7090
Friday of August and the following Saturday and Sunday of any 7091
year, except in 2024 or any subsequent year in which a sales tax 7092
holiday is held pursuant to section 5739.41 of the Revised Code: 7093~~

~~(i) An item of clothing, the price of which is seventy- 7094
five dollars or less;— 7095~~

~~(ii) An item of school supplies, the price of which is 7096
twenty dollars or less;— 7097~~

~~(iii) An item of school instructional material, the price- 7098
of which is twenty dollars or less.— 7099~~

~~(b) As used in division (B) (55) of this section:— 7100~~

~~(i) "Clothing" means all human wearing apparel suitable- 7101
for general use. "Clothing" includes, but is not limited to, 7102
aprons, household and shop; athletic supporters; baby receiving- 7103
blankets; bathing suits and caps; beach capes and coats; belts- 7104
and suspenders; boots; coats and jackets; costumes; diapers,— 7105~~

~~children and adult, including disposable diapers; earmuffs; 71106~~
~~footlets; formal wear; garters and garter belts; girdles; gloves 71107~~
~~and mittens for general use; hats and caps; hosiery; insoles for 71108~~
~~shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 71109~~
~~rubber pants; sandals; scarves; shoes and shoe laces; slippers; 71110~~
~~sneakers; socks and stockings; steel-toed shoes; underwear; 71111~~
~~uniforms, athletic and nonathletic; and wedding apparel. 71112~~
~~"Clothing" does not include items purchased for use in a trade 71113~~
~~or business; clothing accessories or equipment; protective 71114~~
~~equipment; sports or recreational equipment; belt buckles sold 71115~~
~~separately; costume masks sold separately; patches and emblems 71116~~
~~sold separately; sewing equipment and supplies including, but 71117~~
~~not limited to, knitting needles, patterns, pins, scissors, 71118~~
~~sewing machines, sewing needles, tape measures, and thimbles; 71119~~
~~and sewing materials that become part of "clothing" including, 71120~~
~~but not limited to, buttons, fabric, lace, thread, yarn, and 71121~~
~~zippers. 71122~~

~~(ii) "School supplies" means items commonly used by a 71123~~
~~student in a course of study. "School supplies" includes only 71124~~
~~the following items: binders; book bags; calculators; cellophane 71125~~
~~tape; blackboard chalk; compasses; composition books; crayons; 71126~~
~~erasers; folders, expandable, pocket, plastic, and manila; glue, 71127~~
~~paste, and paste sticks; highlighters; index cards; index card 71128~~
~~boxes; legal pads; lunch boxes; markers; notebooks; paper, 71129~~
~~loose-leaf ruled notebook paper, copy paper, graph paper, 71130~~
~~tracing paper, manila paper, colored paper, poster board, and 71131~~
~~construction paper; pencil boxes and other school supply boxes; 71132~~
~~pencil sharpeners; pencils; pens; protractors; rulers; scissors; 71133~~
~~and writing tablets. "School supplies" does not include any item 71134~~
~~purchased for use in a trade or business. 71135~~

~~(iii) "School instructional material" means written 71136~~

~~material commonly used by a student in a course of study as a~~ 7137
~~reference and to learn the subject being taught. "School~~ 7138
~~instructional material" includes only the following items:~~ 7139
~~reference books, reference maps and globes, textbooks, and~~ 7140
~~workbooks. "School instructional material" does not include any~~ 7141
~~material purchased for use in a trade or business. The fee~~ 7142
~~imposed by section 3743.22 of the Revised Code, if it is~~ 7143
~~separately stated on the invoice, bill of sale, or similar~~ 7144
~~document given by the vendor to the consumer for a retail sale~~ 7145
~~made in this state.~~ 7146

(56) (a) Sales of adult diapers or incontinence underpads 7147
sold pursuant to a prescription, for the benefit of a medicaid 7148
recipient with a diagnosis of incontinence, and by a medicaid 7149
provider that maintains a valid provider agreement under section 7150
5164.30 of the Revised Code with the department of medicaid, 7151
provided that the medicaid program covers diapers or 7152
incontinence underpads as an incontinence garment. 7153

(b) As used in division (B) (56) (a) of this section, 7154
"incontinence underpad" means an absorbent product, not worn on 7155
the body, designed to protect furniture or other tangible 7156
personal property from soiling or damage due to human 7157
incontinence. 7158

(57) Sales of investment metal bullion and investment 7159
coins. "Investment metal bullion" means any bullion described in 7160
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 7161
whether that bullion is in the physical possession of a trustee. 7162
"Investment coin" means any coin composed primarily of gold, 7163
silver, platinum, or palladium. 7164

(58) Sales of tangible personal property used primarily 7165
for any of the following purposes by a megaproject operator at 7166

the site of a megaproject that satisfies the criteria described 7167
in division (A) (11) (a) (ii) of section 122.17 of the Revised 7168
Code, provided that the sale occurs during the period that the 7169
megaproject operator has an agreement for such megaproject with 7170
the tax credit authority under division (D) of section 122.17 of 7171
the Revised Code that remains in effect and has not expired or 7172
been terminated: 7173

(a) To store, transmit, convey, distribute, recycle, 7174
circulate, or clean water, steam, or other gases used in or 7175
produced as a result of manufacturing activity, including items 7176
that support or aid in the operation of such property; 7177

(b) To clean or prepare inventory, at any stage of storage 7178
or production, or equipment used in a manufacturing activity, 7179
including chemicals, solvents, catalysts, soaps, and other items 7180
that support or aid in the operation of property; 7181

(c) To regulate, treat, filter, condition, improve, clean, 7182
maintain, or monitor environmental conditions within areas where 7183
manufacturing activities take place; 7184

(d) To handle, transport, or convey inventory during 7185
production or manufacturing. 7186

(59) Documentary services charges imposed pursuant to 7187
section 4517.261 or 4781.24 of the Revised Code. 7188

(60) Sales of children's diapers. 7189

(61) Sales of therapeutic or preventative creams and wipes 7190
marketed primarily for use on the skin of children. 7191

(62) Sales of a child restraint device or booster seat 7192
that meets the national highway traffic safety administration 7193
standard for child restraint systems under 49 C.F.R. 571.213. 7194

(63) Sales of cribs intended to provide sleeping 7195
accommodations for children that comply with the United States 7196
consumer product safety commission's safety standard for full- 7197
size baby cribs under 16 C.F.R. 1219 or the commission's safety 7198
standard for non-full-size baby cribs under 16 C.F.R. 1220. 7199

(64) Sales of strollers meant for transporting children 7200
from infancy to about thirty-six months of age that meet the 7201
United States consumer product safety commission safety standard 7202
for carriages and strollers under 16 C.F.R. 1227.2. 7203

~~(65) The fee imposed by section 3743.22 of the Revised 7204
Code, if it is separately stated on the invoice, bill of sale, 7205
or similar document given by the vendor to the consumer for a 7206
retail sale made in this state. 7207~~

~~(66) Sales of eligible tangible personal property 7208
occurring during the period of a sales tax holiday held pursuant 7209
to section 5739.41 of the Revised Code. 7210~~

(C) For the purpose of the proper administration of this 7211
chapter, and to prevent the evasion of the tax, it is presumed 7212
that all sales made in this state are subject to the tax until 7213
the contrary is established. 7214

(D) The tax collected by the vendor from the consumer 7215
under this chapter is not part of the price, but is a tax 7216
collection for the benefit of the state, and of counties levying 7217
an additional sales tax pursuant to section 5739.021 or 5739.026 7218
of the Revised Code and of transit authorities levying an 7219
additional sales tax pursuant to section 5739.023 of the Revised 7220
Code. Except for the discount authorized under section 5739.12 7221
of the Revised Code and the effects of any rounding pursuant to 7222
section 5703.055 of the Revised Code, no person other than the 7223

state or such a county or transit authority shall derive any 7224
benefit from the collection or payment of the tax levied by this 7225
section or section 5739.021, 5739.023, or 5739.026 of the 7226
Revised Code. 7227

Sec. 5739.03. (A) Except as provided in section 5739.05 or 7228
section 5739.051 of the Revised Code, the tax imposed by or 7229
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 7230
the Revised Code shall be paid by the consumer to the vendor, 7231
and each vendor shall collect from the consumer, as a trustee 7232
for the state of Ohio, the full and exact amount of the tax 7233
payable on each taxable sale, in the manner and at the times 7234
provided as follows: 7235

(1) If the price is, at or prior to the provision of the 7236
service or the delivery of possession of the thing sold to the 7237
consumer, paid in currency passed from hand to hand by the 7238
consumer or the consumer's agent to the vendor or the vendor's 7239
agent, the vendor or the vendor's agent shall collect the tax 7240
with and at the same time as the price; 7241

(2) If the price is otherwise paid or to be paid, the 7242
vendor or the vendor's agent shall, at or prior to the provision 7243
of the service or the delivery of possession of the thing sold 7244
to the consumer, charge the tax imposed by or pursuant to 7245
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 7246
Code to the account of the consumer, which amount shall be 7247
collected by the vendor from the consumer in addition to the 7248
price. Such sale shall be reported on and the amount of the tax 7249
applicable thereto shall be remitted with the return for the 7250
period in which the sale is made, and the amount of the tax 7251
shall become a legal charge in favor of the vendor and against 7252
the consumer. 7253

(B) (1) (a) If any sale is claimed to be exempt under 7254
division (E) of section 5739.01 of the Revised Code or under 7255
section 5739.02 of the Revised Code, with the exception of 7256
divisions (B) (1) to (11), (28), (48), ~~(55)~~, or (59), ~~or (66)~~ of 7257
section 5739.02 of the Revised Code, the consumer must provide 7258
to the vendor, and the vendor must obtain from the consumer, a 7259
certificate specifying the reason that the sale is not legally 7260
subject to the tax. The certificate shall be in such form, and 7261
shall be provided either in a hard copy form or electronic form, 7262
as the tax commissioner prescribes. 7263

(b) A vendor that obtains a fully completed exemption 7264
certificate from a consumer is relieved of liability for 7265
collecting and remitting tax on any sale covered by that 7266
certificate. If it is determined the exemption was improperly 7267
claimed, the consumer shall be liable for any tax due on that 7268
sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or 7269
Chapter 5741. of the Revised Code. Relief under this division 7270
from liability does not apply to any of the following: 7271

(i) A vendor that fraudulently fails to collect tax; 7272

(ii) A vendor that solicits consumers to participate in 7273
the unlawful claim of an exemption; 7274

(iii) A vendor that accepts an exemption certificate from 7275
a consumer that claims an exemption based on who purchases or 7276
who sells property or a service, when the subject of the 7277
transaction sought to be covered by the exemption certificate is 7278
actually received by the consumer at a location operated by the 7279
vendor in this state, and this state has posted to its web site 7280
an exemption certificate form that clearly and affirmatively 7281
indicates that the claimed exemption is not available in this 7282
state; 7283

(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.

(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under

division (B) (13) of section 5739.02 of the Revised Code, the 7313
contractor shall obtain certification of the claimed exemption 7314
from the contractee. This certification shall be in addition to 7315
an exemption certificate provided by the contractor to the 7316
vendor. A contractee that provides a certification under this 7317
division shall be deemed to be the consumer of all items 7318
purchased by the contractor under the claim of exemption, if it 7319
is subsequently determined that the exemption is not properly 7320
claimed. The certification shall be in such form as the tax 7321
commissioner prescribes. 7322

(7) If a transaction is claimed to be exempt under 7323
division (B) (13) of section 5739.02 of the Revised Code, the 7324
person that leases a sports facility, as defined in section 7325
307.696 of the Revised Code, wholly owned by a county may 7326
provide and sign, on behalf of the county, an exemption 7327
certificate required under this section for that exemption. 7328

(C) As used in this division, "contractee" means a person 7329
who seeks to enter or enters into a contract or agreement with a 7330
contractor or vendor for the construction of real property or 7331
for the sale and installation onto real property of tangible 7332
personal property. 7333

Any contractor or vendor may request from any contractee a 7334
certification of what portion of the property to be transferred 7335
under such contract or agreement is to be incorporated into the 7336
realty and what portion will retain its status as tangible 7337
personal property after installation is completed. The 7338
contractor or vendor shall request the certification by 7339
certified mail delivered to the contractee, return receipt 7340
requested. Upon receipt of such request and prior to entering 7341
into the contract or agreement, the contractee shall provide to 7342

the contractor or vendor a certification sufficiently detailed 7343
to enable the contractor or vendor to ascertain the resulting 7344
classification of all materials purchased or fabricated by the 7345
contractor or vendor and transferred to the contractee. This 7346
requirement applies to a contractee regardless of whether the 7347
contractee holds a direct payment permit under section 5739.031 7348
of the Revised Code or provides to the contractor or vendor an 7349
exemption certificate as provided under this section. 7350

For the purposes of the taxes levied by this chapter and 7351
Chapter 5741. of the Revised Code, the contractor or vendor may 7352
in good faith rely on the contractee's certification. 7353
Notwithstanding division (B) of section 5739.01 of the Revised 7354
Code, if the tax commissioner determines that certain property 7355
certified by the contractee as tangible personal property 7356
pursuant to this division is, in fact, real property, the 7357
contractee shall be considered to be the consumer of all 7358
materials so incorporated into that real property and shall be 7359
liable for the applicable tax, and the contractor or vendor 7360
shall be excused from any liability on those materials. 7361

If a contractee fails to provide such certification upon 7362
the request of the contractor or vendor, the contractor or 7363
vendor shall comply with the provisions of this chapter and 7364
Chapter 5741. of the Revised Code without the certification. If 7365
the tax commissioner determines that such compliance has been 7366
performed in good faith and that certain property treated as 7367
tangible personal property by the contractor or vendor is, in 7368
fact, real property, the contractee shall be considered to be 7369
the consumer of all materials so incorporated into that real 7370
property and shall be liable for the applicable tax, and the 7371
construction contractor or vendor shall be excused from any 7372
liability on those materials. 7373

This division does not apply to any contract or agreement 7374
where the tax commissioner determines as a fact that a 7375
certification under this division was made solely on the 7376
decision or advice of the contractor or vendor. 7377

(D) Notwithstanding division (B) of section 5739.01 of the 7378
Revised Code, whenever the total rate of tax imposed under this 7379
chapter is increased after the date after a construction 7380
contract is entered into, the contractee shall reimburse the 7381
construction contractor for any additional tax paid on tangible 7382
property consumed or services received pursuant to the contract. 7383

(E) A vendor who files a petition for reassessment 7384
contesting the assessment of tax on sales for which the vendor 7385
obtained no valid exemption certificates and for which the 7386
vendor failed to establish that the sales were properly not 7387
subject to the tax during the one-hundred-twenty-day period 7388
allowed under division (B) of this section, may present to the 7389
tax commissioner additional evidence to prove that the sales 7390
were properly subject to a claim of exception or exemption. The 7391
vendor shall file such evidence within ninety days of the 7392
receipt by the vendor of the notice of assessment, except that, 7393
upon application and for reasonable cause, the period for 7394
submitting such evidence shall be extended thirty days. 7395

The commissioner shall consider such additional evidence 7396
in reaching the final determination on the assessment and 7397
petition for reassessment. 7398

(F) Whenever a vendor refunds the price, minus any 7399
separately stated delivery charge, of an item of tangible 7400
personal property on which the tax imposed under this chapter 7401
has been paid, the vendor shall also refund the amount of tax 7402
paid, minus the amount of tax attributable to the delivery 7403

charge.

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Sec. 5739.05. ~~(A)(1)~~ (A) The tax commissioner shall enforce and administer sections 5739.01 to 5739.31 of the Revised Code, which are hereby declared to be sections which the commissioner is required to administer within the meaning of sections 5703.17 to 5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The commissioner may adopt and promulgate, in accordance with sections 119.01 to 119.13 of the Revised Code, such rules as the commissioner deems necessary to administer sections 5739.01 to 5739.31 of the Revised Code.

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~~(2) On or before the first day of May of each year, the commissioner shall make available to vendors a notice explaining the three-day exemption period required under division (B) (55) of section 5739.02 of the Revised Code.~~

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(B) Upon application, the commissioner may authorize a vendor to pay on a predetermined basis the tax levied by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code upon sales of things produced or distributed or services provided by such vendor, and the commissioner may waive the collection of the tax from the consumer. The commissioner shall not grant such authority unless the commissioner finds that the granting of the authority would improve compliance and increase the efficiency of the administration of the tax. The person to whom such authority is granted shall post a notice, if required by the commissioner, at the location where the product is offered for sale that the tax is included in the selling price. The commissioner may adopt rules to administer this division.

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(C) Upon application, the commissioner may authorize a vendor to remit, on the basis of a prearranged agreement under

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this division, the tax levied by section 5739.02 or pursuant to 7434
section 5739.021, 5739.023, or 5739.026 of the Revised Code. The 7435
proportions and ratios in a prearranged agreement shall be 7436
determined either by a test check conducted by the commissioner 7437
under terms and conditions agreed to by the commissioner and the 7438
vendor or by any other method agreed upon by the vendor and the 7439
commissioner. If the parties are unable to agree to the terms 7440
and conditions of the test check or other method, the 7441
application shall be denied. 7442

If used, the test check shall determine the proportion 7443
that taxable retail sales bear to all of the vendor's retail 7444
sales and the ratio which the tax required to be collected under 7445
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the 7446
Revised Code bears to the receipts from the vendor's taxable 7447
retail sales. 7448

The vendor's liability for remitting the tax shall be 7449
based solely upon the proportions and ratios established in the 7450
agreement until such time that the vendor or the commissioner 7451
believes that the nature of the vendor's business has so changed 7452
as to make the agreement no longer representative. The 7453
commissioner may give notice to the vendor at any time that the 7454
authorization is revoked or the vendor may notify the 7455
commissioner that the vendor no longer elects to report under 7456
the authorization. Such notice shall be delivered to the other 7457
party in the manner provided in section 5703.37 of the Revised 7458
Code. The revocation or cancellation is effective the last day 7459
of the month in which the vendor or the commissioner receives 7460
the notice. 7461

Sec. 5739.08. (A) A municipal corporation or township may 7462
levy an excise tax for any lawful purpose not to exceed three 7463

per cent on transactions by which lodging by a hotel or short-term rental property is or is to be furnished to transient 7464
guests in addition to the tax levied by section 5739.02 of the 7465
Revised Code. If a municipal corporation or township repeals a 7466
tax imposed under division (A) of this section, and a county in 7467
which the municipal corporation or township has territory has a 7468
tax imposed under division (M) of section 5739.09 of the Revised 7469
Code in effect, the municipal corporation or township may not 7470
reimpose its tax as long as that county tax remains in effect. A 7471
municipal corporation or township in which a tax is levied under 7472
division (B) (2) of section 351.021 of the Revised Code may not 7473
increase the rate of its tax levied under division (A) of this 7474
section to any rate that would cause the total taxes levied 7475
under both of those divisions to exceed three per cent on any 7476
lodging transaction within the municipal corporation or 7477
township. 7478
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(B) The legislative authority of a municipal corporation 7480
or the board of trustees of a township that is not wholly or 7481
partly located in a county that has in effect a resolution 7482
levying an excise tax pursuant to division (A) of section 7483
5739.09 of the Revised Code may, by ordinance or resolution, 7484
levy an additional excise tax not to exceed three per cent on 7485
transactions by which lodging by a hotel or short-term rental 7486
property is or is to be furnished to transient guests. The 7487
legislative authority of the municipal corporation or the board 7488
of trustees of the township shall deposit at least fifty per 7489
cent of the revenue from the tax levied pursuant to this 7490
division into a separate fund, which shall be spent solely to 7491
make contributions to convention and visitors' bureaus operating 7492
within the county in which the municipal corporation or township 7493
is wholly or partly located, and the balance of that revenue 7494

shall be deposited in the general fund. The municipal 7495
corporation or township shall establish all regulations 7496
necessary to provide for the administration and allocation of 7497
the tax. The regulations may prescribe the time for payment of 7498
the tax, and may provide for the imposition of a penalty or 7499
interest, or both, for late payments, provided that the penalty 7500
does not exceed ten per cent of the amount of tax due, and the 7501
rate at which interest accrues does not exceed the rate per 7502
annum prescribed pursuant to section 5703.47 of the Revised 7503
Code. The levy of a tax under this division is in addition to 7504
any tax imposed on the same transaction by a municipal 7505
corporation or a township under division (A) of this section. 7506

(C) (1) As used in division (C) of this section, "cost" has 7507
the same meaning as in section 351.01 of the Revised Code, and 7508
"convention center" has the same meaning as in section 307.695 7509
of the Revised Code. 7510

(2) The legislative authority of the most populous 7511
municipal corporation located wholly or partly in a county in 7512
which the board of county commissioners has levied a tax under 7513
division (D) of section 5739.09 of the Revised Code may amend, 7514
on or before September 30, 2002, that municipal corporation's 7515
ordinance or resolution that levies an excise tax on 7516
transactions by which lodging by a hotel or short-term rental 7517
property is or is to be furnished to transient guests, to 7518
provide for all of the following: 7519

(a) That the rate of the tax shall be increased by not 7520
more than an additional one per cent on each transaction; 7521

(b) That all of the revenue from the increase in rate 7522
shall be pledged and contributed to a convention facilities 7523
authority established by the board of county commissioners under 7524

Chapter 351. of the Revised Code on or before May 15, 2002, and 7525
be used to pay costs of constructing, expanding, maintaining, 7526
operating, or promoting a convention center in the county, 7527
including paying bonds, or notes issued in anticipation of 7528
bonds, as provided by that chapter; 7529

(c) That the increase in rate shall not be subject to 7530
diminution by initiative or referendum or by law while any 7531
bonds, or notes in anticipation of bonds, issued by the 7532
authority under Chapter 351. of the Revised Code to which the 7533
revenue is pledged, remain outstanding in accordance with their 7534
terms, unless provision is made by law, by the board of county 7535
commissioners, or by the legislative authority, for an adequate 7536
substitute therefor that is satisfactory to the trustee if a 7537
trust agreement secures the bonds. 7538

(3) The legislative authority of a municipal corporation 7539
that, pursuant to division (C) (2) of this section, has amended 7540
its ordinance or resolution to increase the rate of the tax 7541
authorized by division (B) of this section may further amend the 7542
ordinance or resolution to provide that the revenue referred to 7543
in division (C) (2) (b) of this section shall be pledged and 7544
contributed both to a convention facilities authority to pay the 7545
costs of constructing, expanding, maintaining, or operating one 7546
or more convention centers in the county, including paying 7547
bonds, or notes issued in anticipation of bonds, as provided in 7548
Chapter 351. of the Revised Code, and to a convention and 7549
visitors' bureau to pay the costs of promoting one or more 7550
convention centers in the county. 7551

(D) As used in division (D) of this section, "eligible 7552
municipal corporation" means a municipal corporation that, on 7553
September 29, 2017, levied a tax under division (B) of this 7554

section at a rate of three per cent and that is located in a 7555
county that, on that date, levied a tax under division (A) of 7556
section 5739.09 of the Revised Code at a rate of three per cent 7557
and that has, according to the most recent federal decennial 7558
census, a population exceeding three hundred thousand but not 7559
greater than three hundred fifty thousand. 7560

The legislative authority of an eligible municipal 7561
corporation may amend, on or before December 31, 2017, that 7562
municipal corporation's ordinance or resolution that levies an 7563
excise tax on transactions by which lodging by a hotel or short- 7564
term rental property is or is to be furnished to transient 7565
guests, to provide for the following: 7566

(1) That the rate of the tax shall be increased by not 7567
more than an additional three per cent on each transaction; 7568

(2) That all of the revenue from the increase in rate 7569
shall be used by the municipal corporation for economic 7570
development and tourism-related purposes. 7571

(E) (1) As used in division (E) of this section, "cost" and 7572
"facility" have the same meanings as in section 351.01 of the 7573
Revised Code, except that "facility" does not include a "sports 7574
facility," as that term is defined in that section, other than a 7575
facility intended to house a major league soccer team. 7576

(2) The legislative authority of a municipal corporation 7577
that has a population exceeding three hundred thousand but less 7578
than three hundred fifty thousand and that has adopted a 7579
resolution or ordinance levying a tax authorized by division (A) 7580
of this section may amend the resolution or ordinance to provide 7581
that all or a portion of the revenue referred to in division (A) 7582
of this section may be pledged and contributed to a convention 7583

facilities authority or a port authority to pay the costs of 7584
acquiring, constructing, renovating, expanding, maintaining, or 7585
operating one or more facilities in the county, including paying 7586
bonds, or notes issued in anticipation of bonds, or paying the 7587
expenses of maintaining, operating, or promoting one or more 7588
facilities. 7589

(3) The legislative authority of any municipal corporation 7590
that, pursuant to division (C) (2) of this section, has amended a 7591
resolution or ordinance levying the tax authorized by division 7592
(D) of section 5739.09 of the Revised Code may further amend the 7593
resolution or ordinance to provide that all or a portion of the 7594
revenue referred to in division (C) (2) (b) of this section may be 7595
pledged and contributed to an issuing authority, as defined in 7596
section 5739.093 of the Revised Code, to pay the costs of 7597
acquiring, constructing, renovating, expanding, maintaining, or 7598
operating one or more facilities in the county, including paying 7599
bonds, or notes issued in anticipation of bonds, or paying the 7600
expenses of maintaining, operating, or promoting one or more 7601
facilities. 7602

Sec. 5739.09. (A) (1) A board of county commissioners may, 7603
by resolution adopted by a majority of the members of the board, 7604
levy an excise tax not to exceed three per cent on transactions 7605
by which lodging by a hotel or short-term rental property is or 7606
is to be furnished to transient guests. The board shall 7607
establish all regulations necessary to provide for the 7608
administration and allocation of the tax. The regulations may 7609
prescribe the time for payment of the tax, and may provide for 7610
the imposition of a penalty or interest, or both, for late 7611
payments, provided that the penalty does not exceed ten per cent 7612
of the amount of tax due, and the rate at which interest accrues 7613
does not exceed the rate per annum prescribed pursuant to 7614

section 5703.47 of the Revised Code. Except as otherwise 7615
provided in this section, the regulations shall provide, after 7616
deducting the real and actual costs of administering the tax, 7617
for the return to each municipal corporation or township that 7618
does not levy an excise tax on the transactions, a uniform 7619
percentage of the tax collected in the municipal corporation or 7620
in the unincorporated portion of the township from each 7621
transaction, not to exceed thirty-three and one-third per cent. 7622
Except as provided in this section, the remainder of the revenue 7623
arising from the tax shall be deposited in a separate fund and 7624
shall be spent either (a) to make contributions to the 7625
convention and visitors' bureau operating within the county, 7626
including a pledge and contribution of any portion of the 7627
remainder pursuant to an agreement authorized by section 307.678 7628
or 307.695 of the Revised Code or (b) to pay, if authorized in 7629
the regulations, for public safety services in a resort area 7630
designated under section 5739.101 of the Revised Code. 7631

(2) If the board of county commissioners of an eligible 7632
county as defined in section 307.678 or 307.695 of the Revised 7633
Code adopts a resolution amending a resolution levying a tax 7634
under division (A) of this section to provide that revenue from 7635
the tax shall be used by the board as described in either 7636
division (D) of section 307.678 or division (H) of section 7637
307.695 of the Revised Code, the remainder of the revenue shall 7638
be used as described in the resolution making that amendment. 7639

(3) Except as provided in division (B), (C), (D), (E), 7640
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 7641
after May 10, 1994, a board of county commissioners may not levy 7642
an excise tax pursuant to division (A) of this section in any 7643
municipal corporation or township located wholly or partly 7644
within the county that has in effect an ordinance or resolution 7645

levying an excise tax pursuant to division (B) of section 7646
5739.08 of the Revised Code. 7647

(4) The board of a county that has levied a tax under 7648
division (M) of this section may, by resolution adopted within 7649
ninety days after July 15, 1985, by a majority of the members of 7650
the board, amend the resolution levying a tax under division (A) 7651
of this section to provide for a portion of that tax to be 7652
pledged and contributed in accordance with an agreement entered 7653
into under section 307.695 of the Revised Code. A tax, any 7654
revenue from which is pledged pursuant to such an agreement, 7655
shall remain in effect at the rate at which it is imposed for 7656
the duration of the period for which the revenue from the tax 7657
has been so pledged. 7658

(5) The board of county commissioners of an eligible 7659
county as defined in section 307.695 of the Revised Code may, by 7660
resolution adopted by a majority of the members of the board, 7661
amend a resolution levying a tax under division (A) of this 7662
section to provide that the revenue from the tax shall be used 7663
by the board as described in division (H) of section 307.695 of 7664
the Revised Code, in which case the tax shall remain in effect 7665
at the rate at which it was imposed for the duration of any 7666
agreement entered into by the board under section 307.695 of the 7667
Revised Code, the duration during which any securities issued by 7668
the board under that section are outstanding, or the duration of 7669
the period during which the board owns a project as defined in 7670
section 307.695 of the Revised Code, whichever duration is 7671
longest. 7672

(6) The board of county commissioners of an eligible 7673
county as defined in section 307.678 of the Revised Code may, by 7674
resolution, amend a resolution levying a tax under division (A) 7675

of this section to provide that revenue from the tax, not to 7676
exceed five hundred thousand dollars each year, may be used as 7677
described in division (E) of section 307.678 of the Revised 7678
Code. 7679

(7) Notwithstanding division (A) of this section, the 7680
board of county commissioners of a county described in division 7681
(H) (1) of this section may, by resolution, amend a resolution 7682
levying a tax under division (A) of this section to provide that 7683
all or a portion of the revenue from the tax, including any 7684
revenue otherwise required to be returned to townships or 7685
municipal corporations under that division, may be used or 7686
pledged for the payment of debt service on securities issued to 7687
pay the costs of constructing, operating, and maintaining sports 7688
facilities described in division (H) (2) of this section. 7689

(8) The board of county commissioners of a county 7690
described in division (I) of this section may, by resolution, 7691
amend a resolution levying a tax under division (A) of this 7692
section to provide that all or a portion of the revenue from the 7693
tax may be used for the purposes described in section 307.679 of 7694
the Revised Code. 7695

(B) A board of county commissioners that levies an excise 7696
tax under division (A) of this section on June 30, 1997, at a 7697
rate of three per cent, and that has pledged revenue from the 7698
tax to an agreement entered into under section 307.695 of the 7699
Revised Code or, in the case of the board of county 7700
commissioners of an eligible county as defined in section 7701
307.695 of the Revised Code, has amended a resolution levying a 7702
tax under division (M) of this section to provide that proceeds 7703
from the tax shall be used by the board as described in division 7704
(H) of section 307.695 of the Revised Code, may, at any time by 7705

a resolution adopted by a majority of the members of the board, 7706
amend the resolution levying a tax under division (A) of this 7707
section to provide for an increase in the rate of that tax up to 7708
seven per cent on each transaction; to provide that revenue from 7709
the increase in the rate shall be used as described in division 7710
(H) of section 307.695 of the Revised Code or be spent solely to 7711
make contributions to the convention and visitors' bureau 7712
operating within the county to be used specifically for 7713
promotion, advertising, and marketing of the region in which the 7714
county is located; and to provide that the rate in excess of the 7715
three per cent levied under division (A) of this section shall 7716
remain in effect at the rate at which it is imposed for the 7717
duration of the period during which any agreement is in effect 7718
that was entered into under section 307.695 of the Revised Code 7719
by the board of county commissioners levying a tax under 7720
division (A) of this section, the duration of the period during 7721
which any securities issued by the board under division (I) of 7722
section 307.695 of the Revised Code are outstanding, or the 7723
duration of the period during which the board owns a project as 7724
defined in section 307.695 of the Revised Code, whichever 7725
duration is longest. The amendment also shall provide that no 7726
portion of that revenue need be returned to townships or 7727
municipal corporations as would otherwise be required under 7728
division (A) of this section. 7729

(C) (1) As used in division (C) of this section, "cost" and 7730
"facility" have the same meanings as in section 351.01 of the 7731
Revised Code, and "convention center" has the same meaning as in 7732
section 307.695 of the Revised Code. 7733

(2) A board of county commissioners that levies a tax 7734
under division (A) of this section on March 18, 1999, at a rate 7735
of three per cent may, by resolution adopted not later than 7736

forty-five days after March 18, 1999, amend the resolution 7737
levying the tax to provide for all of the following: 7738

(a) That the rate of the tax shall be increased by not 7739
more than an additional four per cent on each transaction; 7740

(b) That all of the revenue from the increase in the rate 7741
shall be pledged and contributed to a convention facilities 7742
authority established by the board of county commissioners under 7743
Chapter 351. of the Revised Code on or before November 15, 1998, 7744
and used to pay costs of constructing, maintaining, operating, 7745
and promoting a facility in the county, including paying bonds, 7746
or notes issued in anticipation of bonds, as provided by that 7747
chapter; 7748

(c) That no portion of the revenue arising from the 7749
increase in rate need be returned to municipal corporations or 7750
townships as otherwise required under division (A) of this 7751
section; 7752

(d) That the increase in rate shall not be subject to 7753
diminution by initiative or referendum or by law while any 7754
bonds, or notes in anticipation of bonds, issued by the 7755
authority under Chapter 351. of the Revised Code to which the 7756
revenue is pledged, remain outstanding in accordance with their 7757
terms, unless provision is made by law or by the board of county 7758
commissioners for an adequate substitute therefor that is 7759
satisfactory to the trustee if a trust agreement secures the 7760
bonds. 7761

(3) Division (C) of this section does not apply to the 7762
board of county commissioners of any county in which a 7763
convention center or facility exists or is being constructed on 7764
November 15, 1998, or of any county in which a convention 7765

facilities authority levies a tax pursuant to section 351.021 of 7766
the Revised Code on that date. 7767

(D) (1) As used in division (D) of this section, "cost" has 7768
the same meaning as in section 351.01 of the Revised Code, and 7769
"convention center" has the same meaning as in section 307.695 7770
of the Revised Code. 7771

(2) A board of county commissioners that levies a tax 7772
under division (A) of this section on June 30, 2002, at a rate 7773
of three per cent may, by resolution adopted not later than 7774
September 30, 2002, amend the resolution levying the tax to 7775
provide for all of the following: 7776

(a) That the rate of the tax shall be increased by not 7777
more than an additional three and one-half per cent on each 7778
transaction; 7779

(b) That all of the revenue from the increase in rate 7780
shall be pledged and contributed to a convention facilities 7781
authority established by the board of county commissioners under 7782
Chapter 351. of the Revised Code on or before May 15, 2002, and 7783
be used to pay costs of constructing, expanding, maintaining, 7784
operating, or promoting a convention center in the county, 7785
including paying bonds, or notes issued in anticipation of 7786
bonds, as provided by that chapter; 7787

(c) That no portion of the revenue arising from the 7788
increase in rate need be returned to municipal corporations or 7789
townships as otherwise required under division (A) of this 7790
section; 7791

(d) That the increase in rate shall not be subject to 7792
diminution by initiative or referendum or by law while any 7793
bonds, or notes in anticipation of bonds, issued by the 7794

authority under Chapter 351. of the Revised Code to which the 7795
revenue is pledged, remain outstanding in accordance with their 7796
terms, unless provision is made by law or by the board of county 7797
commissioners for an adequate substitute therefor that is 7798
satisfactory to the trustee if a trust agreement secures the 7799
bonds. 7800

(3) Any board of county commissioners that, pursuant to 7801
division (D) (2) of this section, has amended a resolution 7802
levying the tax authorized by division (A) of this section may 7803
further amend the resolution to provide that the revenue 7804
referred to in division (D) (2) (b) of this section shall be 7805
pledged and contributed both to a convention facilities 7806
authority to pay the costs of constructing, expanding, 7807
maintaining, or operating one or more convention centers in the 7808
county, including paying bonds, or notes issued in anticipation 7809
of bonds, as provided in Chapter 351. of the Revised Code, and 7810
to a convention and visitors' bureau to pay the costs of 7811
promoting one or more convention centers in the county. 7812

(E) (1) As used in division (E) of this section: 7813

(a) "Port authority" means a port authority created under 7814
Chapter 4582. of the Revised Code. 7815

(b) "Port authority military-use facility" means port 7816
authority facilities on which or adjacent to which is located an 7817
installation of the armed forces of the United States, a reserve 7818
component thereof, or the national guard and at least part of 7819
which is made available for use, for consideration, by the armed 7820
forces of the United States, a reserve component thereof, or the 7821
national guard. 7822

(2) For the purpose of contributing revenue to pay 7823

operating expenses of a port authority that operates a port 7824
authority military-use facility, the board of county 7825
commissioners of a county that created, participated in the 7826
creation of, or has joined such a port authority may do one or 7827
both of the following: 7828

(a) Amend a resolution previously adopted under division 7829
(A) of this section to designate some or all of the revenue from 7830
the tax levied under the resolution to be used for that purpose, 7831
notwithstanding that division; 7832

(b) Amend a resolution previously adopted under division 7833
(A) of this section to increase the rate of the tax by not more 7834
than an additional two per cent and use the revenue from the 7835
increase exclusively for that purpose. 7836

(3) If a board of county commissioners amends a resolution 7837
to increase the rate of a tax as authorized in division (E) (2) 7838
(b) of this section, the board also may amend the resolution to 7839
specify that the increase in rate of the tax does not apply to 7840
"hotels," as otherwise defined in section 5739.01 of the Revised 7841
Code, having fewer rooms used for the accommodation of guests 7842
than a number of rooms specified by the board. This limitation 7843
on the hotels to which the tax applies does not apply on and 7844
after the first day of the first month starting thirty or more 7845
days after the effective date of this amendment. 7846

(F) (1) A board of county commissioners of a county 7847
organized under a county charter adopted pursuant to Article X, 7848
Section 3, Ohio Constitution, and that levies an excise tax 7849
under division (A) of this section at a rate of three per cent 7850
and levies an additional excise tax under division (O) of this 7851
section at a rate of one and one-half per cent may, by 7852
resolution adopted not later than January 1, 2008, by a majority 7853

of the members of the board, amend the resolution levying a tax 7854
under division (A) of this section to provide for an increase in 7855
the rate of that tax by not more than an additional one per cent 7856
on transactions by which lodging by a hotel or short-term rental 7857
property is or is to be furnished to transient guests. 7858

Notwithstanding divisions (A) and (O) of this section, the 7859
resolution shall provide that all of the revenue from the 7860
increase in rate, after deducting the real and actual costs of 7861
administering the tax, shall be used to pay the costs of 7862
improving, expanding, equipping, financing, or operating a 7863
convention center by a convention and visitors' bureau in the 7864
county. 7865

(2) The increase in rate shall remain in effect for the 7866
period specified in the resolution, not to exceed ten years, and 7867
may be extended for an additional period of time not to exceed 7868
ten years thereafter by a resolution adopted by a majority of 7869
the members of the board. 7870

(3) The increase in rate shall be subject to the 7871
regulations adopted under division (A) of this section, except 7872
that the resolution may provide that no portion of the revenue 7873
from the increase in the rate shall be returned to townships or 7874
municipal corporations as would otherwise be required under that 7875
division. 7876

(G) (1) Division (G) of this section applies only to a 7877
county with a population greater than sixty-five thousand and 7878
less than seventy thousand according to the most recent federal 7879
decennial census and in which, on December 31, 2006, an excise 7880
tax is levied under division (A) of this section at a rate not 7881
less than and not greater than three per cent, and in which the 7882
most recent increase in the rate of that tax was enacted or took 7883

effect in November 1984. 7884

(2) The board of county commissioners of a county to which 7885
division (G) of this section applies, by resolution adopted by a 7886
majority of the members of the board, may increase the rate of 7887
the tax by not more than one per cent on transactions by which 7888
lodging by a hotel or short-term rental property is or is to be 7889
furnished to transient guests. The increase in rate shall be for 7890
the purpose of paying expenses deemed necessary by the 7891
convention and visitors' bureau operating in the county to 7892
promote travel and tourism. 7893

(3) The increase in rate shall remain in effect for the 7894
period specified in the resolution, not to exceed twenty years, 7895
provided that the increase in rate may not continue beyond the 7896
time when the purpose for which the increase is levied ceases to 7897
exist. If revenue from the increase in rate is pledged to the 7898
payment of debt charges on securities, the increase in rate is 7899
not subject to diminution by initiative or referendum or by law 7900
for so long as the securities are outstanding, unless provision 7901
is made by law or by the board of county commissioners for an 7902
adequate substitute for that revenue that is satisfactory to the 7903
trustee if a trust agreement secures payment of the debt 7904
charges. 7905

(4) The increase in rate shall be subject to the 7906
regulations adopted under division (A) of this section, except 7907
that the resolution may provide that no portion of the revenue 7908
from the increase in the rate shall be returned to townships or 7909
municipal corporations as would otherwise be required under 7910
division (A) of this section. 7911

(5) A resolution adopted under division (G) of this 7912
section is subject to referendum under sections 305.31 to 305.99 7913

of the Revised Code. 7914

(H) (1) Division (H) of this section applies only to a 7915
county satisfying all of the following: 7916

(a) The population of the county is greater than one 7917
hundred seventy-five thousand and less than two hundred twenty- 7918
five thousand according to the most recent federal decennial 7919
census. 7920

(b) An amusement park with an average yearly attendance in 7921
excess of two million guests is located in the county. 7922

(c) On December 31, 2014, an excise tax was levied in the 7923
county under division (A) of this section at a rate of three per 7924
cent. 7925

(2) The board of county commissioners of a county to which 7926
division (H) of this section applies, by resolution adopted by a 7927
majority of the members of the board, may increase the rate of 7928
the tax by not more than one per cent on transactions by which 7929
lodging by a hotel or short-term rental property is or is to be 7930
furnished to transient guests. The increase in rate shall be 7931
used to pay the costs of constructing and maintaining facilities 7932
owned by the county or by a port authority created under Chapter 7933
4582. of the Revised Code, and designed to host sporting events 7934
and expenses deemed necessary by the convention and visitors' 7935
bureau operating in the county to promote travel and tourism 7936
with reference to the sports facilities, and to pay or pledge to 7937
the payment of debt service on securities issued to pay the 7938
costs of constructing, operating, and maintaining the sports 7939
facilities. 7940

(3) The increase in rate shall remain in effect for the 7941
period specified in the resolution. If revenue from the increase 7942

in rate is pledged to the payment of debt charges on securities, 7943
the increase in rate is not subject to diminution by initiative 7944
or referendum or by law for so long as the securities are 7945
outstanding, unless provision is made by law or by the board of 7946
county commissioners for an adequate substitute for that revenue 7947
that is satisfactory to the trustee if a trust agreement secures 7948
payment of the debt charges. 7949

(4) The increase in rate shall be subject to the 7950
regulations adopted under division (A) of this section, except 7951
that the resolution may provide that no portion of the revenue 7952
from the increase in the rate shall be returned to townships or 7953
municipal corporations as would otherwise be required under 7954
division (A) of this section. 7955

(I) (1) The board of county commissioners of a county with 7956
a population greater than seventy-five thousand and less than 7957
seventy-eight thousand, by resolution adopted by a majority of 7958
the members of the board not later than October 15, 2015, may 7959
increase the rate of the tax by not more than one per cent on 7960
transactions by which lodging by a hotel or short-term rental 7961
property is or is to be furnished to transient guests. The 7962
increase in rate shall be for the purposes described in section 7963
307.679 of the Revised Code or for the promotion of travel and 7964
tourism in the county, including travel and tourism to sports 7965
facilities. 7966

(2) The increase in rate shall remain in effect for the 7967
period specified in the resolution and as necessary to fulfill 7968
the county's obligations under a cooperative agreement entered 7969
into under section 307.679 of the Revised Code. If the 7970
resolution is adopted by the board before September 29, 2015, 7971
but after that enactment becomes law, the increase in rate shall 7972

become effective beginning on September 29, 2015. If revenue 7973
from the increase in rate is pledged to the payment of debt 7974
charges on securities, or to substitute for other revenues 7975
pledged to the payment of such debt, the increase in rate is not 7976
subject to diminution by initiative or referendum or by law for 7977
so long as the securities are outstanding, unless provision is 7978
made by law or by the board of county commissioners for an 7979
adequate substitute for that revenue that is satisfactory to the 7980
trustee if a trust agreement secures payment of the debt 7981
charges. 7982

(3) The increase in rate shall be subject to the 7983
regulations adopted under division (A) of this section, except 7984
that no portion of the revenue from the increase in the rate 7985
shall be returned to townships or municipal corporations as 7986
would otherwise be required under division (A) of this section. 7987

(J) (1) Division (J) of this section applies only to 7988
counties satisfying either of the following: 7989

(a) A county that, on July 1, 2015, does not levy an 7990
excise tax under division (A) of this section and that has a 7991
population of at least thirty-nine thousand but not more than 7992
forty thousand according to the 2010 federal decennial census; 7993

(b) A county that, on July 1, 2015, levies an excise tax 7994
under division (A) of this section at a rate of three per cent 7995
and that has a population of at least seventy-one thousand but 7996
not more than seventy-five thousand according to 2010 federal 7997
decennial census. 7998

(2) The board of county commissioners of a county to which 7999
division (J) of this section applies, by resolution adopted by a 8000
majority of the members of the board, may levy an excise tax at 8001

a rate not to exceed three per cent on transactions by which 8002
lodging by a hotel or short-term rental property is or is to be 8003
furnished to transient guests for the purpose of acquiring, 8004
constructing, equipping, or repairing permanent improvements, as 8005
defined in section 133.01 of the Revised Code. 8006

(3) If the board does not levy a tax under division (A) of 8007
this section, the board shall establish regulations necessary to 8008
provide for the administration of the tax, which may prescribe 8009
the time for payment of the tax and the imposition of penalty or 8010
interest subject to the limitations on penalty and interest 8011
provided in division (A) of this section. No portion of the 8012
revenue shall be returned to townships or municipal corporations 8013
in the county unless otherwise provided by resolution of the 8014
board. 8015

(4) The tax shall apply throughout the territory of the 8016
county, including in any township or municipal corporation 8017
levying an excise tax under division (A) or (B) of section 8018
5739.08 of the Revised Code. The levy of the tax is subject to 8019
referendum as provided under section 305.31 of the Revised Code. 8020

(5) The tax shall remain in effect for the period 8021
specified in the resolution. If revenue from the increase in 8022
rate is pledged to the payment of debt charges on securities, 8023
the increase in rate is not subject to diminution by initiative 8024
or referendum or by law for so long as the securities are 8025
outstanding unless provision is made by law or by the board for 8026
an adequate substitute for that revenue that is satisfactory to 8027
the trustee if a trust agreement secures payment of the debt 8028
charges. 8029

(K) (1) The board of county commissioners of an eligible 8030
county, as defined in section 307.678 of the Revised Code, that 8031

levies an excise tax under division (A) of this section on July 8032
1, 2017, at a rate of three per cent may, by resolution adopted 8033
by a majority of the members of the board, amend the resolution 8034
levying the tax to increase the rate of the tax by not more than 8035
an additional three per cent on each transaction. 8036

(2) No portion of the revenue shall be returned to 8037
townships or municipal corporations in the county unless 8038
otherwise provided by resolution of the board. Otherwise, the 8039
revenue from the increase in the rate shall be distributed and 8040
used in the same manner described under division (A) of this 8041
section or distributed or used to provide credit enhancement 8042
facilities as authorized under section 307.678 of the Revised 8043
Code. 8044

(3) The increase in rate shall remain in effect for the 8045
period specified in the resolution. If revenue from the increase 8046
in rate is pledged to the payment of debt charges on securities, 8047
the increase in rate is not subject to diminution by initiative 8048
or referendum or by law for so long as the securities are 8049
outstanding unless provision is made by law or by the board for 8050
an adequate substitute for that revenue that is satisfactory to 8051
the trustee if a trust agreement secures payment of the debt 8052
charges. 8053

(L) (1) As used in division (L) of this section: 8054

(a) "Eligible county" means a county that has a population 8055
greater than one hundred ninety thousand and less than two 8056
hundred thousand according to the 2010 federal decennial census 8057
and that levies an excise tax under division (A) of this section 8058
at a rate of three per cent. 8059

(b) "Professional sports facility" means a sports facility 8060

that is intended to house major or minor league professional 8061
athletic teams, including a stadium, together with all parking 8062
facilities, walkways, and other auxiliary facilities, real and 8063
personal property, property rights, easements, and interests 8064
that may be appropriate for, or used in connection with, the 8065
operation of the facility. 8066

(2) Subject to division (L)(3) of this section, the board 8067
of county commissioners of an eligible county, by resolution 8068
adopted by a majority of the members of the board, may increase 8069
the rate of the tax by not more than one per cent on 8070
transactions by which lodging by a hotel or short-term rental 8071
property is or is to be furnished to transient guests. Revenue 8072
from the increase in rate shall be used for the purposes of 8073
paying the costs of constructing, improving, and maintaining a 8074
professional sports facility in the county and paying expenses 8075
considered necessary by the convention and visitors' bureau 8076
operating in the county to promote travel and tourism with 8077
respect to that professional sports facility. The tax shall take 8078
effect only after the convention and visitors' bureau enters 8079
into a contract for the construction, improvement, or 8080
maintenance of a professional sports facility that is or will be 8081
located on property acquired, in whole or in part, with revenue 8082
from the increased rate, and thereafter shall remain in effect 8083
for the period specified in the resolution. If revenue from the 8084
increase in rate is pledged to the payment of debt charges on 8085
securities, the increase in rate is not subject to diminution by 8086
initiative or referendum or by law for so long as the securities 8087
are outstanding, unless a provision is made by law or by the 8088
board of county commissioners for an adequate substitute for 8089
that revenue that is satisfactory to the trustee if a trust 8090
agreement secures payment of the debt charges. The increase in 8091

rate shall be subject to the regulations adopted under division 8092
(A) of this section, except that the resolution may provide that 8093
no portion of the revenue from the increase in the rate shall be 8094
returned to townships or municipal corporations as would 8095
otherwise be required under division (A) of this section. 8096

(3) If, on December 31, 2019, the convention and visitors' 8097
bureau has not entered into a contract for the construction, 8098
improvement, or maintenance of a professional sports facility 8099
that is or will be located on property acquired, in whole or in 8100
part, with revenue from the increased rate, the authority to 8101
levy the tax under division (L) (2) of this section is hereby 8102
repealed on that date. 8103

(M) (1) For the purposes described in section 307.695 of 8104
the Revised Code and to cover the costs of administering the 8105
tax, a board of county commissioners of a county where a tax 8106
imposed under division (A) of this section is in effect may, by 8107
resolution adopted within ninety days after July 15, 1985, by a 8108
majority of the members of the board, levy an additional excise 8109
tax not to exceed three per cent on transactions by which 8110
lodging by a hotel or short-term rental property is or is to be 8111
furnished to transient guests. The tax authorized by division 8112
(M) of this section shall be in addition to any tax that is 8113
levied pursuant to divisions (A) to (L) of this section, but it 8114
shall not apply to transactions subject to a tax levied by a 8115
municipal corporation or township pursuant to section 5739.08 of 8116
the Revised Code. 8117

(2) The board shall establish all regulations necessary to 8118
provide for the administration and allocation of the tax. The 8119
regulations may prescribe the time for payment of the tax, and 8120
may provide for the imposition of a penalty or interest, or 8121

both, for late payments, provided that the penalty does not 8122
exceed ten per cent of the amount of tax due, and the rate at 8123
which interest accrues does not exceed the rate per annum 8124
prescribed pursuant to section 5703.47 of the Revised Code. 8125

(3) All revenues arising from the tax shall be expended in 8126
accordance with section 307.695 of the Revised Code. The board 8127
of county commissioners of an eligible county as defined in 8128
section 307.695 of the Revised Code may, by resolution adopted 8129
by a majority of the members of the board, amend the resolution 8130
levying a tax under this division to provide that the revenue 8131
from the tax shall be used by the board as described in division 8132
(H) of section 307.695 of the Revised Code. 8133

(4) A tax imposed under this division shall remain in 8134
effect at the rate at which it is imposed for the duration of 8135
the period during which any agreement entered into by the board 8136
under section 307.695 of the Revised Code is in effect, the 8137
duration of the period during which any securities issued by the 8138
board under division (I) of section 307.695 of the Revised Code 8139
are outstanding, or the duration of the period during which the 8140
board owns a project as defined in section 307.695 of the 8141
Revised Code, whichever duration is longest. 8142

(N) (1) For the purpose of providing contributions under 8143
division (B) (1) of section 307.671 of the Revised Code to enable 8144
the acquisition, construction, and equipping of a port authority 8145
educational and cultural facility in the county and, to the 8146
extent provided for in the cooperative agreement authorized by 8147
that section, for the purpose of paying debt service charges on 8148
bonds, or notes in anticipation of bonds, described in division 8149
(B) (1) (b) of that section, a board of county commissioners, by 8150
resolution adopted within ninety days after December 22, 1992, 8151

by a majority of the members of the board, may levy an 8152
additional excise tax not to exceed one and one-half per cent on 8153
transactions by which lodging by a hotel or short-term rental 8154
property is or is to be furnished to transient guests. The 8155
excise tax authorized by division (N) of this section shall be 8156
in addition to any tax that is levied pursuant to divisions (A) 8157
to (M) of this section, to any excise tax levied pursuant to 8158
section 5739.08 of the Revised Code, and to any excise tax 8159
levied pursuant to section 351.021 of the Revised Code. 8160

(2) The board of county commissioners shall establish all 8161
regulations necessary to provide for the administration and 8162
allocation of the tax that are not inconsistent with this 8163
section or section 307.671 of the Revised Code. The regulations 8164
may prescribe the time for payment of the tax, and may provide 8165
for the imposition of a penalty or interest, or both, for late 8166
payments, provided that the penalty does not exceed ten per cent 8167
of the amount of tax due, and the rate at which interest accrues 8168
does not exceed the rate per annum prescribed pursuant to 8169
section 5703.47 of the Revised Code. 8170

(3) All revenues arising from the tax shall be expended in 8171
accordance with section 307.671 of the Revised Code and division 8172
(N) of this section. The levy of a tax imposed under division 8173
(N) of this section may not commence prior to the first day of 8174
the month next following the execution of the cooperative 8175
agreement authorized by section 307.671 of the Revised Code by 8176
all parties to that agreement. 8177

(4) The tax shall remain in effect at the rate at which it 8178
is imposed for the period of time described in division (C) of 8179
section 307.671 of the Revised Code for which the revenue from 8180
the tax has been pledged by the county to the corporation 8181

pursuant to that section, but, to any extent provided for in the 8182
cooperative agreement, for no lesser period than the period of 8183
time required for payment of the debt service charges on bonds, 8184
or notes in anticipation of bonds, described in division (B)(1) 8185
(b) of that section. 8186

(O)(1) For the purpose of paying the costs of acquiring, 8187
constructing, equipping, and improving a municipal educational 8188
and cultural facility, including debt service charges on bonds 8189
provided for in division (B) of section 307.672 of the Revised 8190
Code, and for any additional purposes determined by the county 8191
in the resolution levying the tax or amendments to the 8192
resolution, including subsequent amendments providing for paying 8193
costs of acquiring, constructing, renovating, rehabilitating, 8194
equipping, and improving a port authority educational and 8195
cultural performing arts facility, as defined in section 307.674 8196
of the Revised Code, and including debt service charges on bonds 8197
provided for in division (B) of section 307.674 of the Revised 8198
Code, the legislative authority of a county, by resolution 8199
adopted within ninety days after June 30, 1993, by a majority of 8200
the members of the legislative authority, may levy an additional 8201
excise tax not to exceed one and one-half per cent on 8202
transactions by which lodging by a hotel or short-term rental 8203
property is or is to be furnished to transient guests. The 8204
excise tax authorized by division (O) of this section shall be 8205
in addition to any tax that is levied pursuant to divisions (A) 8206
to (N) of this section, to any excise tax levied pursuant to 8207
section 5739.08 of the Revised Code, and to any excise tax 8208
levied pursuant to section 351.021 of the Revised Code. 8209

(2) The legislative authority of the county shall 8210
establish all regulations necessary to provide for the 8211
administration and allocation of the tax. The regulations may 8212

prescribe the time for payment of the tax, and may provide for 8213
the imposition of a penalty or interest, or both, for late 8214
payments, provided that the penalty does not exceed ten per cent 8215
of the amount of tax due, and the rate at which interest accrues 8216
does not exceed the rate per annum prescribed pursuant to 8217
section 5703.47 of the Revised Code. 8218

(3) All revenues arising from the tax shall be expended in 8219
accordance with section 307.672 of the Revised Code and this 8220
division. The levy of a tax imposed under this division shall 8221
not commence prior to the first day of the month next following 8222
the execution of the cooperative agreement authorized by section 8223
307.672 of the Revised Code by all parties to that agreement. 8224
The tax shall remain in effect at the rate at which it is 8225
imposed for the period of time determined by the legislative 8226
authority of the county. That period of time shall not exceed 8227
fifteen years, except that the legislative authority of a county 8228
with a population of less than two hundred fifty thousand 8229
according to the most recent federal decennial census, by 8230
resolution adopted by a majority of its members before the 8231
original tax expires, may extend the duration of the tax for an 8232
additional period of time. The additional period of time by 8233
which a legislative authority extends a tax levied under 8234
division (O) of this section shall not exceed fifteen years. 8235

(P)(1) The legislative authority of a county that has 8236
levied a tax under division (O) of this section may, by 8237
resolution adopted within one hundred eighty days after January 8238
4, 2001, by a majority of the members of the legislative 8239
authority, amend the resolution levying a tax under that 8240
division to provide for the use of the proceeds of that tax, to 8241
the extent that it is no longer needed for its original purpose 8242
as determined by the parties to a cooperative agreement 8243

amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code.

(2) The resolution may also provide for the extension of the tax at the same rate for the longer of the period of time determined by the legislative authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code.

(3) All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (O) and (P) of this section.

(Q) (1) As used in division (Q) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division

(N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel or short-term rental property is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A) of this section, after deducting the real and actual costs of administering the

tax and the amounts required to be returned to townships and 8304
municipal corporations with respect to the first three per cent 8305
levied under division (A) of this section, shall be deposited in 8306
the county general fund, provided that such proceeds shall be 8307
used to satisfy any pledges made in connection with an agreement 8308
entered into under section 307.695 of the Revised Code. 8309

(5) No amount collected from a tax levied, extended, or 8310
required to be deposited in the county general fund under 8311
division (Q) of this section shall be contributed to a 8312
convention facilities authority, corporation, or other entity 8313
created after July 1, 2003, for the principal purpose of 8314
constructing, improving, expanding, equipping, financing, or 8315
operating a convention center unless the mayor of the municipal 8316
corporation in which the convention center is to be operated by 8317
that convention facilities authority, corporation, or other 8318
entity has consented to the creation of that convention 8319
facilities authority, corporation, or entity. Notwithstanding 8320
any contrary provision of section 351.04 of the Revised Code, if 8321
a tax is levied by a county under division (Q) of this section, 8322
the board of county commissioners of that county may determine 8323
the manner of selection, the qualifications, the number, and 8324
terms of office of the members of the board of directors of any 8325
convention facilities authority, corporation, or other entity 8326
described in division (Q) (5) of this section. 8327

(6) (a) No amount collected from a tax levied, extended, or 8328
required to be deposited in the county general fund under 8329
division (Q) of this section may be used for any purpose other 8330
than paying the direct and indirect costs of constructing, 8331
improving, expanding, equipping, financing, or operating a 8332
convention center and for the real and actual costs of 8333
administering the tax, unless, prior to the adoption of the 8334

resolution of the legislative authority of the county 8335
authorizing the levy, extension, increase, or deposit, the 8336
county and the mayor of the most populous municipal corporation 8337
in that county have entered into an agreement as to the use of 8338
such amounts, provided that such agreement has been approved by 8339
a majority of the mayors of the other municipal corporations in 8340
that county. The agreement shall provide that the amounts to be 8341
used for purposes other than paying the convention center or 8342
administrative costs described in division (Q) (6) (a) of this 8343
section be used only for the direct and indirect costs of 8344
capital improvements, including the financing of capital 8345
improvements, except that the agreement may subsequently be 8346
amended by the parties that have entered into that agreement to 8347
authorize such amounts to instead be used for any costs related 8348
to the promotion or support of tourism or tourism-related 8349
programs. 8350

(b) If the county in which the tax is levied has an 8351
association of mayors and city managers, the approval of that 8352
association of an agreement described in division (Q) (6) (a) of 8353
this section shall be considered to be the approval of the 8354
majority of the mayors of the other municipal corporations for 8355
purposes of that division. 8356

(7) Each year, the auditor of state shall conduct an audit 8357
of the uses of any amounts collected from taxes levied, 8358
extended, or deposited under division (Q) of this section and 8359
shall prepare a report of the auditor of state's findings. The 8360
auditor of state shall submit the report to the legislative 8361
authority of the county that has levied, extended, or deposited 8362
the tax, the speaker of the house of representatives, the 8363
president of the senate, and the leaders of the minority parties 8364
of the house of representatives and the senate. 8365

(R) (1) As used in division (R) of this section: 8366

(a) "Convention facilities authority" has the same meaning 8367
as in section 351.01 of the Revised Code. 8368

(b) "Convention center" has the same meaning as in section 8369
307.695 of the Revised Code. 8370

(2) Notwithstanding any contrary provision of division (N) 8371
of this section, the legislative authority of a county with a 8372
population of one million two hundred thousand or more according 8373
to the most recent federal decennial census or the most recent 8374
annual population estimate published or released by the United 8375
States census bureau at the time the resolution is adopted 8376
placing the levy on the ballot, that has levied a tax under 8377
division (N) of this section may, by resolution adopted by a 8378
majority of the members of the legislative authority, provide 8379
for the extension of such levy and may provide that the proceeds 8380
of that tax, to the extent that the proceeds are no longer 8381
needed for their original purpose as defined by a cooperative 8382
agreement entered into under section 307.671 of the Revised Code 8383
and after deducting the real and actual costs of administering 8384
the tax, shall be used for paying the direct and indirect costs 8385
of constructing, improving, expanding, equipping, financing, or 8386
operating a convention center. The resolution shall provide for 8387
the extension of the tax at a rate not to exceed the rate 8388
specified in division (N) of this section for a period of time 8389
determined by the legislative authority of the county, but not 8390
to exceed an additional forty years. 8391

(3) The legislative authority of a county with a 8392
population of one million two hundred thousand or more that has 8393
levied a tax under division (A) of this section may, by 8394
resolution adopted by a majority of the members of the 8395

legislative authority, increase the rate of the tax levied by 8396
such county under division (A) of this section to a rate not to 8397
exceed five per cent on transactions by which lodging by a hotel 8398
or short-term rental property is or is to be furnished to 8399
transient guests. Notwithstanding any contrary provision of 8400
division (A) of this section, the resolution shall provide that 8401
all collections resulting from the rate levied in excess of 8402
three per cent, after deducting the real and actual costs of 8403
administering the tax, shall be used for paying the direct and 8404
indirect costs of constructing, improving, expanding, equipping, 8405
financing, or operating a convention center. 8406

(4) The legislative authority of a county with a 8407
population of one million two hundred thousand or more that has 8408
levied a tax under division (A) of this section may, by 8409
resolution adopted on or before July 1, 2008, by a majority of 8410
the members of the legislative authority, provide that all or a 8411
portion of the proceeds of the tax levied under division (A) of 8412
this section, after deducting the real and actual costs of 8413
administering the tax and the amounts required to be returned to 8414
townships and municipal corporations with respect to the first 8415
three per cent levied under division (A) of this section, shall 8416
be used to satisfy any pledges made in connection with an 8417
agreement entered into under section 307.695 of the Revised Code 8418
or shall otherwise be used for paying the direct and indirect 8419
costs of constructing, improving, expanding, equipping, 8420
financing, or operating a convention center. 8421

(5) Any amount collected from a tax levied or extended 8422
under division (R) of this section may be contributed to a 8423
convention facilities authority created before July 1, 2005, but 8424
no amount collected from a tax levied or extended under division 8425
(R) of this section may be contributed to a convention 8426

facilities authority, corporation, or other entity created after 8427
July 1, 2005, unless the mayor of the municipal corporation in 8428
which the convention center is to be operated by that convention 8429
facilities authority, corporation, or other entity has consented 8430
to the creation of that convention facilities authority, 8431
corporation, or entity. 8432

(S) As used in division (S) of this section, "soldiers' 8433
memorial" means a memorial constructed and funded under Chapter 8434
345. of the Revised Code. 8435

The board of county commissioners of a county with a 8436
population between one hundred three thousand and one hundred 8437
seven thousand according to the most recent federal decennial 8438
census, by resolution adopted by a majority of the members of 8439
the board within six months after September 15, 2014, may levy a 8440
tax not to exceed three per cent on transactions by which a 8441
hotel or short-term rental property is or is to be furnished to 8442
transient guests. The purpose of the tax shall be to pay the 8443
costs of expanding, maintaining, or operating a soldiers' 8444
memorial and the costs of administering the tax. All revenue 8445
arising from the tax shall be credited to one or more special 8446
funds in the county treasury and shall be spent solely for the 8447
purposes of paying those costs. 8448

The board of county commissioners shall adopt all rules 8449
necessary to provide for the administration of the tax subject 8450
to the same limitations on imposing penalty or interest under 8451
division (A) of this section. 8452

(T) As used in division (T) of this section: 8453

(1) "Eligible county" means a county in which a county 8454
agricultural society or independent agricultural society is 8455

organized under section 1711.01 or 1711.02 of the Revised Code, 8456
provided the agricultural society owns a facility or site in the 8457
county at which an annual harness horse race is conducted where 8458
one-day attendance equals at least forty thousand attendees. 8459

(2) "Permanent improvements," "debt charges," and 8460
"financing costs" have the same meanings as in section 133.01 of 8461
the Revised Code. 8462

(3) "Costs of permanent improvements" include all costs 8463
allowed in section 133.15 of the Revised Code. 8464

A board of county commissioners of an eligible county, by 8465
resolution adopted by a majority of the members of the board, 8466
may levy an excise tax at the rate of up to three per cent on 8467
transactions by which lodging by a hotel or short-term rental 8468
property is or is to be furnished to transient guests for the 8469
purpose of paying the costs of permanent improvements at sites 8470
at which one or more agricultural societies conduct fairs or 8471
exhibits, including paying financing costs and debt charges on 8472
bonds, or notes in anticipation of bonds, paying the costs of 8473
maintaining or operating such permanent improvements, and paying 8474
the costs of administering the tax. 8475

A resolution adopted under division (T) of this section, 8476
other than a resolution that only extends the period of time for 8477
which the tax is levied, shall direct the board of elections to 8478
submit the question of the proposed lodging tax to the electors 8479
of the county at a special election held on the date specified 8480
by the board in the resolution, provided that the election 8481
occurs not less than ninety days after a certified copy of the 8482
resolution is transmitted to the board of elections. A 8483
resolution submitted to the electors under division (T) of this 8484
section shall not go into effect unless it is approved by a 8485

majority of those voting upon it. The resolution takes effect on 8486
the date the board of county commissioners receives notification 8487
from the board of elections of an affirmative vote. 8488

The tax shall remain in effect for the period specified in 8489
the resolution, not to exceed five years, and may be extended 8490
for an additional period of years that is at least the number of 8491
years required for payment of the debt charges on bonds or notes 8492
in anticipation of bonds authorized under this division but not 8493
in excess of fifteen years thereafter by a resolution adopted by 8494
a majority of the members of the board. A resolution extending 8495
the period of time for which the tax is in effect is not subject 8496
to approval of the electors of the county, but is subject to 8497
referendum under sections 305.31 to 305.99 of the Revised Code. 8498
All revenue arising from the tax shall be credited to one or 8499
more special funds in the county treasury and shall be spent 8500
solely for the purposes of paying the costs of such permanent 8501
improvements, including paying financing costs and debt charges 8502
on bonds, or notes in anticipation of bonds, and maintaining or 8503
operating the improvements. Revenue allocated for the use of a 8504
county agricultural society may be credited to the county 8505
agricultural society fund created in section 1711.16 of the 8506
Revised Code upon appropriation by the board. If revenue is 8507
credited to that fund, it shall be expended only as provided in 8508
that section. 8509

The board of county commissioners shall adopt all rules 8510
necessary to provide for the administration of the tax. The 8511
rules may prescribe the time for payment of the tax, and may 8512
provide for the imposition or penalty or interest, or both, for 8513
late payments, provided that the penalty does not exceed ten per 8514
cent of the amount of tax due, and the rate at which interest 8515
accrues does not exceed the rate per annum prescribed in section 8516

5703.47 of the Revised Code. 8517

The board of county commissioners may issue bonds, or 8518
notes in anticipation thereof, pursuant to Chapter 133. of the 8519
Revised Code, for the purpose of paying the costs of permanent 8520
improvements as authorized in this division and pledge the 8521
revenue arising from the tax for that purpose. The board of 8522
county commissioners may pledge or contribute the revenue 8523
arising from the tax levied under this division to a port 8524
authority created under Chapter 4582. of the Revised Code, and 8525
the port authority may issue bonds, or notes in anticipation 8526
thereof, pursuant to that chapter, for the purpose of paying the 8527
costs of permanent improvements as authorized in this division. 8528

(U) As used in division (U) of this section, "eligible 8529
county" means a county in which a tax is levied under division 8530
(A) of this section at a rate of three per cent and whose 8531
territory includes a part of Lake Erie the shoreline of which 8532
represents at least fifty per cent of the linear length of the 8533
county's border with other counties of this state. 8534

The board of county commissioners of an eligible county 8535
that has entered into an agreement with a port authority in the 8536
county under section 4582.56 of the Revised Code may levy an 8537
additional lodging tax on transactions by which lodging by a 8538
hotel or short-term rental property is or is to be furnished to 8539
transient guests for the purpose of financing lakeshore 8540
improvement projects constructed or financed by the port 8541
authority under that section. The resolution levying the tax 8542
shall specify the purpose of the tax, the rate of the tax, which 8543
shall not exceed two per cent, and the number of years the tax 8544
will be levied or that it will be levied for a continuing period 8545
of time. The tax shall be administered pursuant to the 8546

regulations adopted by the board under division (A) of this 8547
section, except that all the proceeds of the tax levied under 8548
this division shall be pledged to the payment of the costs, 8549
including debt charges, of lakeshore improvements undertaken by 8550
a port authority pursuant to the agreement under section 4582.56 8551
of the Revised Code. No revenue from the tax may be used to pay 8552
the current expenses of the port authority. 8553

A resolution levying a tax under division (U) of this 8554
section is subject to referendum under sections 305.31 to 305.41 8555
and 305.99 of the Revised Code. 8556

(V) (1) As used in division (V) of this section: 8557

(a) "Tourism development district" means a district 8558
designated by a municipal corporation under section 715.014 of 8559
the Revised Code or by a township under section 503.56 of the 8560
Revised Code. 8561

(b) "Lodging tax" means a tax levied pursuant to this 8562
section or section 5739.08 of the Revised Code. 8563

(c) "Tourism development district lodging tax proceeds" 8564
means all proceeds of a lodging tax derived from transactions by 8565
which lodging by a hotel or short-term rental property located 8566
in a tourism development district is or is to be provided to 8567
transient guests. 8568

(d) "Eligible county" has the same meaning as in section 8569
307.678 of the Revised Code. 8570

(2) (a) Notwithstanding division (A) of this section, the 8571
board of county commissioners, board of township trustees, or 8572
legislative authority of any county, township, or municipal 8573
corporation that levies a lodging tax on September 29, 2017, and 8574
in which any part of a tourism development district is located 8575

on or after that date shall amend the ordinance or resolution 8576
levying the tax to require either of the following: 8577

(i) In the case of a tax levied by a county, that all 8578
tourism development district lodging tax proceeds from that tax 8579
be used exclusively to foster and develop tourism in the tourism 8580
development district; 8581

(ii) In the case of a tax levied by a township or 8582
municipal corporation, that all tourism development district 8583
lodging tax proceeds from that tax be used exclusively to foster 8584
and develop tourism in the tourism development district. 8585

(b) Notwithstanding division (A) of this section, any 8586
ordinance or resolution levying a lodging tax adopted on or 8587
after September 29, 2017, by a county, township, or municipal 8588
corporation in which any part of a tourism development district 8589
is located on or after that date shall require that all tourism 8590
development district lodging tax proceeds from that tax be used 8591
exclusively to foster and develop tourism in the tourism 8592
development district. 8593

(c) A county shall not use any of the proceeds described 8594
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 8595
convention and visitors' bureau operating within the county 8596
approves the manner in which such proceeds are used to foster 8597
and develop tourism in the tourism development district. Upon 8598
obtaining such approval, the county may pay such proceeds to the 8599
bureau to use for the agreed-upon purpose. 8600

A municipal corporation or township shall not use any of 8601
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 8602
this section unless the convention and visitors' bureau 8603
operating within the municipal corporation or township approves 8604

the manner in which such proceeds are used to foster and develop 8605
tourism in the tourism development district. Upon obtaining such 8606
approval, the municipal corporation or township may pay such 8607
proceeds to the bureau to use for the agreed-upon purpose. 8608

(3) (a) Notwithstanding division (A) of this section, the 8609
board of county commissioners of an eligible county that levies 8610
a lodging tax on March 23, 2018, may amend the resolution 8611
levying that tax to require that all or a portion of the 8612
proceeds of that tax otherwise required to be spent solely to 8613
make contributions to the convention and visitors' bureau 8614
operating within the county shall be used to foster and develop 8615
tourism in a tourism development district. 8616

(b) Notwithstanding division (A) of this section, the 8617
board of county commissioners of an eligible county that adopts 8618
a resolution levying a lodging tax on or after March 23, 2018, 8619
may require that all or a portion of the proceeds of that tax 8620
otherwise required to be spent solely to make contributions to 8621
the convention and visitors' bureau operating within the county 8622
pursuant to division (A) of this section shall be used to foster 8623
and develop tourism in a tourism development district. 8624

(c) A county shall not use any of the proceeds in the 8625
manner described in division (V) (3) (a) or (b) of this section 8626
unless the convention and visitors' bureau operating within the 8627
county approves the manner in which such proceeds are used to 8628
foster and develop tourism in the tourism development district. 8629
Upon obtaining such approval, the county may pay such proceeds 8630
to the bureau to use for the agreed upon purpose. 8631

(W) (1) As used in division (W) of this section: 8632

(a) "Eligible county" means a county with a population 8633

greater than three hundred thousand and less than three hundred 8634
fifty thousand that levies a tax under division (A) of this 8635
section at a rate of three per cent; 8636

(b) "Cost" and "facility" have the same meanings as in 8637
section 351.01 of the Revised Code. 8638

(2) A board of county commissioners of an eligible county, 8639
by resolution adopted by a majority of the members of the board, 8640
may levy an excise tax at the rate of up to three per cent on 8641
transactions by which lodging by a hotel or short-term rental 8642
property is or is to be furnished to transient guests. All of 8643
the revenue from the tax shall be used to pay the costs of 8644
administering the tax or pledged and contributed to a convention 8645
facilities authority established by the board of county 8646
commissioners under Chapter 351. of the Revised Code and used by 8647
the authority to pay the cost of constructing a facility in the 8648
county, including paying bonds, or notes issued in anticipation 8649
of bonds, as provided by that chapter, or paying the expenses of 8650
maintaining, operating, or promoting such a facility. No portion 8651
of the revenue arising from the tax need be returned to 8652
municipal corporations or townships as required for taxes levied 8653
under division (A) of this section. 8654

(3) A resolution adopted under division (W) of this 8655
section shall direct the board of elections to submit the 8656
question of the proposed lodging tax to the electors of the 8657
county at a special election held on the date specified by the 8658
board in the resolution, provided that the election occurs not 8659
less than ninety days after a certified copy of the resolution 8660
is transmitted to the board of elections. A resolution submitted 8661
to the electors under division (W) of this section shall not go 8662
into effect unless it is approved by a majority of those voting 8663

upon it. The resolution takes effect on the date the board of 8664
county commissioners receives notification from the board of 8665
elections of an affirmative vote. 8666

(4) Once the tax is approved by the electors of the county 8667
pursuant to division (W)(3) of this section, it shall not be 8668
subject to diminution by initiative or referendum or by law 8669
while any bonds, or notes in anticipation of bonds, issued by 8670
the authority under Chapter 351. of the Revised Code to which 8671
the revenue is pledged, remain outstanding in accordance with 8672
their terms, unless provision is made by law or by the board of 8673
county commissioners for an adequate substitute therefore that 8674
is satisfactory to the trustee if a trust agreement secures the 8675
bonds. 8676

(5) The tax authorized by division (W) of this section 8677
shall be in addition to any other tax that is levied pursuant to 8678
this section. 8679

(X)(1) As used in division (X) of this section: 8680

(a) "Convention facilities authority," "cost," and 8681
"facility" have the same meanings as in section 351.01 of the 8682
Revised Code, except that "facility" does not include a "sports 8683
facility," as that term is defined in that section, other than a 8684
facility intended to house a major league soccer team. 8685

(b) "Eligible county" means a county with a population 8686
greater than eight hundred thousand but less than one million 8687
that levies a tax under division (A) of this section. 8688

(c) "Port authority" means a port authority created under 8689
Chapter 4582. of the Revised Code. 8690

(2) A board of county commissioners or the legislative 8691
authority of an eligible county may, by resolution adopted by a 8692

majority of the members of the board or legislative authority, 8693
levy an excise tax at a rate not to exceed one per cent on 8694
transactions by which lodging by a hotel or short-term rental 8695
property is or is to be furnished to transient guests. All 8696
revenue arising from the tax shall be used to pay the costs of 8697
administering the tax or pledged and contributed to the 8698
convention and visitors' bureau operating within the applicable 8699
eligible county, a convention facilities authority within the 8700
applicable eligible county, or a port authority and used by the 8701
convention and visitors' bureau, the convention facilities 8702
authority, or the port authority to pay the cost of acquiring, 8703
constructing, renovating, expanding, maintaining, or operating 8704
one or more facilities in the county, including paying bonds, or 8705
notes issued in anticipation of bonds, or paying the expenses of 8706
maintaining, operating, or promoting one or more facilities. No 8707
portion of the revenue arising from the tax need be returned to 8708
municipal corporations or townships as required for taxes levied 8709
under division (A) of this section. 8710

(3) The tax authorized by division (X) of this section 8711
shall be in addition to any other tax that is levied pursuant to 8712
this section. 8713

(4) Any board of county commissioners of an eligible 8714
county that, pursuant to division (D) (2) of this section, has 8715
amended a resolution levying the tax authorized by division (A) 8716
of this section may further amend the resolution to provide that 8717
all or a portion of the revenue referred to in division (D) (2) 8718
(b) of this section and division (A) of this section may be 8719
pledged and contributed to pay the costs of acquiring, 8720
constructing, renovating, expanding, maintaining, or operating 8721
one or more facilities in the county, including paying bonds, or 8722
notes issued in anticipation of bonds, or paying the expenses of 8723

maintaining, operating, or promoting one or more facilities. 8724

Sec. 5739.091. (A) ~~For the purposes of a tax levied by a~~ 8725
~~county, township, or municipal corporation under section 5739.08~~ 8726
~~or 5739.09 of the Revised Code, a~~ As used in this section: 8727

(1) "Legislative authority" means a board of county 8728
commissioners, board of township trustees, ~~or the legislative~~ 8729
authority of a municipal corporation ~~may adopt a resolution or~~ 8730
~~ordinance at any time specifying that "hotel," as otherwise~~ 8731
~~defined in section 5739.01 of the Revised Code, includes the~~ 8732
~~following:—~~ 8733

~~(1) Establishments in which fewer than five rooms are used~~ 8734
~~for the accommodation of guests;~~ 8735

~~(2) Establishments at which rooms are used for the~~ 8736
accommodation of guests regardless of whether each room is 8737
accessible through its own keyed entry or several rooms are 8738
accessible through the same keyed entry; and, in determining the 8739
number of rooms, all rooms are included regardless of the number 8740
of structures in which the rooms are situated or the number of 8741
parcels of land on which the structures are located if the 8742
structures are under the same ownership and the structures are 8743
not identified in advertisements of the accommodations as 8744
distinct establishments. For the purposes of division (A) (2) of 8745
this section, two or more structures are under the same 8746
ownership if they are owned by the same person, or if they are 8747
owned by two or more persons the majority of the ownership 8748
interests of which are owned by the same person. 8749

~~(B) The resolution or ordinance may apply to a tax imposed~~ 8750
~~pursuant to section 5739.08 or 5739.09 of the Revised Code prior~~ 8751
~~to the adoption of the resolution or ordinance if the resolution~~ 8752

~~or ordinance so states, but the tax shall not apply to~~ 8753
~~transactions by which lodging by such an establishment is~~ 8754
~~provided to transient guests prior to the adoption of the~~ 8755
~~resolution or ordinance.~~, the board of directors of a convention 8756
facilities authority, or the board of directors of a lake 8757
facilities authority. 8758

(2) "Existing lodging tax" means a tax levied under 8759
section 351.021, 353.06, 5739.08, or 5739.09 of the Revised Code 8760
and in effect on the day before the first day of the first month 8761
beginning thirty days after the effective date of this 8762
amendment. 8763

(3) "Elector-approved lodging tax" means an existing 8764
lodging tax levied under section 353.06 or division (T) or (W) 8765
of section 5739.09 of the Revised Code. 8766

(B) Except as provided in division (D) of this section, a 8767
legislative authority shall not levy an existing lodging tax on 8768
or after the first day of the first month beginning thirty or 8769
more days after the effective date of this amendment unless the 8770
legislative authority amends the resolution or ordinance levying 8771
the tax to comply with the enactment of division (C) of this 8772
section and the amendment of sections 351.01, 351.021, 353.06, 8773
5739.08, and 5739.09 of the Revised Code by this act. That 8774
amendment to such a resolution or ordinance is not subject to a 8775
referendum, as prescribed by sections 305.31 to 305.41 of the 8776
Revised Code. 8777

(C) A legislative authority shall require the operator of 8778
a short-term rental platform to collect and remit the tax levied 8779
under section 351.021, 353.06, 5739.08, or 5739.09 of the 8780
Revised Code on all transactions by which lodging by a hotel or 8781
short-term rental property is or is to be furnished to transient 8782

guests through use of the platform. 8783

(D) A legislative authority that levies an elector- 8784
approved lodging tax shall, after the effective date of this 8785
amendment, continue to levy that tax for the remainder of the 8786
period of time for which it was last approved. The legislative 8787
authority shall not, on or after the first day of the first 8788
month beginning thirty or more days after the effective date of 8789
this amendment, adopt a resolution to renew or extend that 8790
period of time or otherwise modify the tax unless that 8791
resolution complies with the enactment of division (C) of this 8792
section and the amendment of sections 351.01, 351.021, 353.06, 8793
5739.08, and 5739.09 of the Revised Code by this act. 8794

Sec. 5741.01. As used in this chapter: 8795

(A) "Person" includes individuals, receivers, assignees, 8796
trustees in bankruptcy, estates, firms, partnerships, 8797
associations, joint-stock companies, joint ventures, clubs, 8798
societies, corporations, business trusts, governments, and 8799
combinations of individuals of any form. 8800

(B) "Storage" means and includes any keeping or retention 8801
in this state for use or other consumption in this state. 8802

(C) "Use" means and includes the exercise of any right or 8803
power incidental to the ownership of the thing used. A thing is 8804
also "used" in this state if its consumer gives or otherwise 8805
distributes it, without charge, to recipients in this state. 8806

(D) "Purchase" means acquired or received for a 8807
consideration, whether such acquisition or receipt was effected 8808
by a transfer of title, or of possession, or of both, or a 8809
license to use or consume; whether such transfer was absolute or 8810
conditional, and by whatever means the transfer was effected; 8811

and whether the consideration was money, credit, barter, or 8812
exchange. Purchase includes production, even though the article 8813
produced was used, stored, or consumed by the producer. The 8814
transfer of copyrighted motion picture films for exhibition 8815
purposes is not a purchase, except such films as are used solely 8816
for advertising purposes. 8817

(E) "Seller" means the person from whom a purchase is 8818
made, and includes every person engaged in this state or 8819
elsewhere in the business of selling tangible personal property 8820
or providing a service for storage, use, or other consumption or 8821
benefit in this state; and when, in the opinion of the tax 8822
commissioner, it is necessary for the efficient administration 8823
of this chapter, to regard any salesperson, representative, 8824
peddler, or canvasser as the agent of a dealer, distributor, 8825
supervisor, or employer under whom the person operates, or from 8826
whom the person obtains tangible personal property, sold by the 8827
person for storage, use, or other consumption in this state, 8828
irrespective of whether or not the person is making such sales 8829
on the person's own behalf, or on behalf of such dealer, 8830
distributor, supervisor, or employer, the commissioner may 8831
regard the person as such agent, and may regard such dealer, 8832
distributor, supervisor, or employer as the seller. 8833

Except as provided in sections 5741.071 and 5747.072 of 8834
the Revised Code, a marketplace facilitator shall be treated as 8835
the "seller" with respect to all sales facilitated by the 8836
marketplace facilitator on behalf of one or more marketplace 8837
sellers on and after the first day of the first month that 8838
begins at least thirty days after the marketplace facilitator 8839
first has substantial nexus with this state. Otherwise, "seller" 8840
does not include any person to the extent the person provides a 8841
communications medium, such as, but not limited to, newspapers, 8842

magazines, radio, television, or cable television, by means of 8843
which sellers solicit purchases of their goods or services. 8844

(F) "Consumer" means any person who has purchased tangible 8845
personal property or has been provided a service for storage, 8846
use, or other consumption or benefit in this state. "Consumer" 8847
does not include a person who receives, without charge, tangible 8848
personal property or a service. 8849

A person who performs a facility management or similar 8850
service contract for a contractee is a consumer of all tangible 8851
personal property and services purchased for use in connection 8852
with the performance of such contract, regardless of whether 8853
title to any such property vests in the contractee. The purchase 8854
of such property and services is not subject to the exception 8855
for resale under division (E) of section 5739.01 of the Revised 8856
Code. 8857

(G) (1) "Price," except as provided in divisions (G) (2) to 8858
(6) of this section, has the same meaning as in division (H) (1) 8859
of section 5739.01 of the Revised Code. 8860

(2) In the case of watercraft, outboard motors, or new 8861
motor vehicles, "price" has the same meaning as in divisions (H) 8862
(2) and (3) of section 5739.01 of the Revised Code. 8863

(3) In the case of a nonresident business consumer that 8864
purchases and uses tangible personal property outside this state 8865
and subsequently temporarily stores, uses, or otherwise consumes 8866
such tangible personal property in the conduct of business in 8867
this state, the consumer or the tax commissioner may determine 8868
the price based on the value of the temporary storage, use, or 8869
other consumption, in lieu of determining the price pursuant to 8870
division (G) (1) of this section. A price determination made by 8871

the consumer is subject to review and redetermination by the 8872
commissioner. 8873

(4) In the case of tangible personal property held in this 8874
state as inventory for sale or lease, and that is temporarily 8875
stored, used, or otherwise consumed in a taxable manner, the 8876
price is the value of the temporary use. A price determination 8877
made by the consumer is subject to review and redetermination by 8878
the commissioner. 8879

(5) In the case of tangible personal property originally 8880
purchased and used by the consumer outside this state, and that 8881
becomes permanently stored, used, or otherwise consumed in this 8882
state more than six months after its acquisition by the 8883
consumer, the consumer or the commissioner may determine the 8884
price based on the current value of such tangible personal 8885
property, in lieu of determining the price pursuant to division 8886
(G) (1) of this section. A price determination made by the 8887
consumer is subject to review and redetermination by the 8888
commissioner. 8889

(6) If a consumer produces tangible personal property for 8890
sale and removes that property from inventory for the consumer's 8891
own use, the price is the produced cost of that tangible 8892
personal property. 8893

(H) "Nexus with this state" means that the seller engages 8894
in continuous and widespread solicitation of purchases from 8895
residents of this state or otherwise purposefully directs its 8896
business activities at residents of this state. 8897

(I) (1) "Substantial nexus with this state" means that the 8898
seller has sufficient contact with this state, in accordance 8899
with Section 8 of Article I of the Constitution of the United 8900

States, to allow the state to require the seller to collect and 8901
remit use tax on sales of tangible personal property or services 8902
made to consumers in this state. 8903

(2) "Substantial nexus with this state" is presumed to 8904
exist when the seller does any of the following: 8905

(a) Uses an office, distribution facility, warehouse, 8906
storage facility, or similar place of business within this 8907
state, whether operated by the seller or any other person, other 8908
than a common carrier acting in its capacity as a common 8909
carrier. 8910

(b) Regularly uses employees, agents, representatives, 8911
solicitors, installers, repairers, salespersons, or other 8912
persons in this state for the purpose of conducting the business 8913
of the seller or either to engage in a business with the same or 8914
a similar industry classification as the seller selling a 8915
similar product or line of products as the seller, or to use 8916
trademarks, service marks, or trade names in this state that are 8917
the same or substantially similar to those used by the seller. 8918

(c) Uses any person, other than a common carrier acting in 8919
its capacity as a common carrier, in this state for any of the 8920
following purposes: 8921

(i) Receiving or processing orders of the seller's goods 8922
or services; 8923

(ii) Using that person's employees or facilities in this 8924
state to advertise, promote, or facilitate sales by the seller 8925
to customers; 8926

(iii) Delivering, installing, assembling, or performing 8927
maintenance services for the seller's customers; 8928

(iv) Facilitating the seller's delivery of tangible 8929
personal property to customers in this state by allowing the 8930
seller's customers to pick up property sold by the seller at an 8931
office, distribution facility, warehouse, storage facility, or 8932
similar place of business. 8933

(d) Makes regular deliveries of tangible personal property 8934
into this state by means other than common carrier. 8935

(e) Has an affiliated person that has substantial nexus 8936
with this state. 8937

(f) Owns tangible personal property that is rented or 8938
leased to a consumer in this state, or offers tangible personal 8939
property, on approval, to consumers in this state. 8940

(g) Has gross receipts in excess of one hundred thousand 8941
dollars in the current or preceding calendar year from the sale 8942
of tangible personal property for storage, use, or consumption 8943
in this state or from providing services the benefit of which is 8944
realized in this state. 8945

(h) Engages, in the current or preceding calendar year, in 8946
two hundred or more separate transactions selling tangible 8947
personal property for storage, use, or consumption in this state 8948
or providing services the benefit of which is realized in this 8949
state. 8950

(i) Is the operator of a short-term rental platform that 8951
furnishes lodging in short-term rental properties located in 8952
this state to transient guests. 8953

(3) A seller presumed to have substantial nexus with this 8954
state under divisions (I) (2) (a) to (f), (g), and (h) of this 8955
section may rebut that presumption by demonstrating that 8956
activities described in any of those divisions that are 8957

conducted by a person in this state on the seller's behalf are 8958
not significantly associated with the seller's ability to 8959
establish or maintain a market in this state for the seller's 8960
sales. 8961

(4) A marketplace facilitator is presumed to have 8962
substantial nexus with this state if either of the following 8963
apply in the current or preceding calendar year: 8964

(a) The aggregate gross receipts derived from sales of 8965
tangible personal property for storage, use, or consumption in 8966
this state or services the benefit of which is realized in this 8967
state, including sales made by the marketplace facilitator on 8968
its own behalf and sales facilitated by the marketplace 8969
facilitator on behalf of one or more marketplace sellers, exceed 8970
one hundred thousand dollars; 8971

(b) The marketplace facilitator engages in on its own 8972
behalf, or facilitates on behalf of one or more marketplace 8973
sellers, two hundred or more separate transactions selling 8974
tangible personal property for storage, use, or consumption in 8975
this state or services the benefit of which is realized in this 8976
state. 8977

(5) A seller that does not have substantial nexus with 8978
this state, and any affiliated person of the seller, before 8979
selling or leasing tangible personal property or services to a 8980
state agency, shall register with the tax commissioner in the 8981
same manner as a seller described in division (A)(1) of section 8982
5741.17 of the Revised Code. 8983

(6) As used in division (I) of this section: 8984

(a) "Affiliated person" means any person that is a member 8985
of the same controlled group of corporations as the seller or 8986

any other person that, notwithstanding the form of organization, 8987
bears the same ownership relationship to the seller as a 8988
corporation that is a member of the same controlled group of 8989
corporations. 8990

(b) "Controlled group of corporations" has the same 8991
meaning as in section 1563(a) of the Internal Revenue Code. 8992

(c) "State agency" has the same meaning as in section 1.60 8993
of the Revised Code. 8994

(J) "Fiscal officer" means, with respect to a regional 8995
transit authority, the secretary-treasurer thereof, and with 8996
respect to a county which is a transit authority, the fiscal 8997
officer of the county transit board appointed pursuant to 8998
section 306.03 of the Revised Code or, if the board of county 8999
commissioners operates the county transit system, the county 9000
auditor. 9001

(K) "Territory of the transit authority" means all of the 9002
area included within the territorial boundaries of a transit 9003
authority as they from time to time exist. Such territorial 9004
boundaries must at all times include all the area of a single 9005
county or all the area of the most populous county which is a 9006
part of such transit authority. County population shall be 9007
measured by the most recent census taken by the United States 9008
census bureau. 9009

(L) "Transit authority" means a regional transit authority 9010
created pursuant to section 306.31 of the Revised Code or a 9011
county in which a county transit system is created pursuant to 9012
section 306.01 of the Revised Code. For the purposes of this 9013
chapter, a transit authority must extend to at least the entire 9014
area of a single county. A transit authority which includes 9015

territory in more than one county must include all the area of 9016
the most populous county which is a part of such transit 9017
authority. County population shall be measured by the most 9018
recent census taken by the United States census bureau. 9019

(M) "Providing a service" has the same meaning as in 9020
section 5739.01 of the Revised Code. 9021

(N) "Other consumption" includes receiving the benefits of 9022
a service. 9023

(O) "Lease" or "rental" has the same meaning as in section 9024
5739.01 of the Revised Code. 9025

(P) "Certified service provider" has the same meaning as 9026
in section 5740.01 of the Revised Code. 9027

(Q) "Marketplace facilitator" means a person that owns, 9028
operates, or controls a physical or electronic marketplace 9029
through which retail sales or delivery network services, or 9030
both, are facilitated on behalf of one or more marketplace 9031
sellers, or an affiliate of such a person. "Marketplace 9032
facilitator" does not include a person that provides advertising 9033
services, including tangible personal property or services 9034
listed for sale, if the advertising service platform or forum 9035
does not engage directly or indirectly through one or more 9036
affiliated persons in the activities described in division (T) 9037
(2) of this section. 9038

(R) "Marketplace seller" means a person on behalf of which 9039
a marketplace facilitator facilitates the sale of tangible 9040
personal property for storage, use, or consumption in this state 9041
or services the benefit of which are realized in this state, 9042
regardless of whether or not the person has a substantial nexus 9043
with this state. 9044

(S) "Electronic marketplace" includes digital distribution 9045
services, digital distribution platforms, online portals, 9046
application stores, computer software applications, in-app 9047
purchase mechanisms, or other digital products. 9048

(T) A sale is "facilitated" by a marketplace facilitator 9049
on behalf of a marketplace seller if it satisfies divisions (T) 9050
(1), (2), and (3) of this section: 9051

(1) The marketplace facilitator, directly or indirectly, 9052
does any of the following: 9053

(a) Lists, makes available, or advertises the tangible 9054
personal property or services that are the subject of the sale 9055
in a physical or electronic marketplace owned, operated, or 9056
controlled by the marketplace facilitator; 9057

(b) Transmits or otherwise communicates an offer or 9058
acceptance of the sale between the marketplace seller and the 9059
purchaser in a shop, store, booth, catalog, internet site, or 9060
other similar forum; 9061

(c) Owns, rents, licenses, makes available, or operates 9062
any electronic or physical infrastructure or any property, 9063
process, method, copyright, trademark, or patent that connects 9064
the marketplace seller to the purchaser for the purpose of 9065
making sales; 9066

(d) Provides the marketplace in which the sale was made or 9067
otherwise facilitates the sale regardless of ownership or 9068
control of the tangible personal property or services that are 9069
the subject of the sale; 9070

(e) Provides software development or research and 9071
development services directly related to a physical or 9072
electronic marketplace that is involved in one or more of the 9073

activities described in division (T)(1) of this section; 9074

(f) Provides fulfillment or storage services for the 9075
marketplace seller that are related to the tangible personal 9076
property or services that are the subject of the sale; 9077

(g) Sets the price of the sale on behalf of the 9078
marketplace seller; 9079

(h) Provides or offers customer service to the marketplace 9080
seller or the marketplace seller's customers, or accepts or 9081
assists with taking orders, returns, or exchanges of the 9082
tangible personal property or services that are the subject of 9083
the sale; 9084

(i) Brands or otherwise identifies the sale as a sale of 9085
the marketplace facilitator. 9086

(2) The marketplace facilitator, directly or indirectly, 9087
does any of the following: 9088

(a) Collects the price of the tangible personal property 9089
or services sold to the consumer; 9090

(b) Provides payment processing services for the sale; 9091

(c) Collects payment in connection with the sale from the 9092
consumer through terms and conditions, agreements, or 9093
arrangements with a third party, and transmits that payment to 9094
the marketplace seller, regardless of whether the person 9095
collecting and transmitting such payment receives compensation 9096
or other consideration in exchange for the service; 9097

(d) Provides virtual currency that consumers are allowed 9098
or required to use to purchase the tangible personal property or 9099
services that are the subject of the sale. 9100

(3) The subject of the sale is tangible personal property 9101
or services other than lodging by a hotel that is or is to be 9102
furnished to transient guests. 9103

(U) "Delivery network company," "delivery network 9104
services," and "local merchant" have the same meanings as in 9105
section 5739.01 of the Revised Code. 9106

(V) "Short-term rental platform," "short-term rental 9107
property," and "transient guest" have the same meanings as in 9108
section 5739.01 of the Revised Code. 9109

Sec. 5747.01. Except as otherwise expressly provided or 9110
clearly appearing from the context, any term used in this 9111
chapter that is not otherwise defined in this section has the 9112
same meaning as when used in a comparable context in the laws of 9113
the United States relating to federal income taxes or if not 9114
used in a comparable context in those laws, has the same meaning 9115
as in section 5733.40 of the Revised Code. Any reference in this 9116
chapter to the Internal Revenue Code includes other laws of the 9117
United States relating to federal income taxes. 9118

As used in this chapter: 9119

(A) "Adjusted gross income" or "Ohio adjusted gross 9120
income" means federal adjusted gross income, as defined and used 9121
in the Internal Revenue Code, adjusted as provided in this 9122
section: 9123

(1) Add interest or dividends on obligations or securities 9124
of any state or of any political subdivision or authority of any 9125
state, other than this state and its subdivisions and 9126
authorities. 9127

(2) Add interest or dividends on obligations of any 9128
authority, commission, instrumentality, territory, or possession 9129

of the United States to the extent that the interest or 9130
dividends are exempt from federal income taxes but not from 9131
state income taxes. 9132

(3) Deduct interest or dividends on obligations of the 9133
United States and its territories and possessions or of any 9134
authority, commission, or instrumentality of the United States 9135
to the extent that the interest or dividends are included in 9136
federal adjusted gross income but exempt from state income taxes 9137
under the laws of the United States. 9138

(4) Deduct disability and survivor's benefits to the 9139
extent included in federal adjusted gross income. 9140

(5) Deduct the following, to the extent not otherwise 9141
deducted or excluded in computing federal or Ohio adjusted gross 9142
income: 9143

(a) Benefits under Title II of the Social Security Act and 9144
tier 1 railroad retirement; 9145

(b) Railroad retirement benefits, other than tier 1 9146
railroad retirement benefits, to the extent such amounts are 9147
exempt from state taxation under federal law. 9148

(6) Deduct the amount of wages and salaries, if any, not 9149
otherwise allowable as a deduction but that would have been 9150
allowable as a deduction in computing federal adjusted gross 9151
income for the taxable year, had the work opportunity tax credit 9152
allowed and determined under sections 38, 51, and 52 of the 9153
Internal Revenue Code not been in effect. 9154

(7) Deduct any interest or interest equivalent on public 9155
obligations and purchase obligations to the extent that the 9156
interest or interest equivalent is included in federal adjusted 9157
gross income. 9158

(8) Add any loss or deduct any gain resulting from the 9159
sale, exchange, or other disposition of public obligations to 9160
the extent that the loss has been deducted or the gain has been 9161
included in computing federal adjusted gross income. 9162

(9) Deduct or add amounts, as provided under section 9163
5747.70 of the Revised Code, related to contributions made to or 9164
tuition units purchased under a qualified tuition program 9165
established pursuant to section 529 of the Internal Revenue 9166
Code. 9167

(10)(a) Deduct, to the extent not otherwise allowable as a 9168
deduction or exclusion in computing federal or Ohio adjusted 9169
gross income for the taxable year, the amount the taxpayer paid 9170
during the taxable year for medical care insurance and qualified 9171
long-term care insurance for the taxpayer, the taxpayer's 9172
spouse, and dependents. No deduction for medical care insurance 9173
under division (A)(10)(a) of this section shall be allowed 9174
either to any taxpayer who is eligible to participate in any 9175
subsidized health plan maintained by any employer of the 9176
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 9177
entitled to, or on application would be entitled to, benefits 9178
under part A of Title XVIII of the "Social Security Act," 49 9179
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 9180
division (A)(10)(a) of this section, "subsidized health plan" 9181
means a health plan for which the employer pays any portion of 9182
the plan's cost. The deduction allowed under division (A)(10)(a) 9183
of this section shall be the net of any related premium refunds, 9184
related premium reimbursements, or related insurance premium 9185
dividends received during the taxable year. 9186

(b) Deduct, to the extent not otherwise deducted or 9187
excluded in computing federal or Ohio adjusted gross income 9188

during the taxable year, the amount the taxpayer paid during the 9189
taxable year, not compensated for by any insurance or otherwise, 9190
for medical care of the taxpayer, the taxpayer's spouse, and 9191
dependents, to the extent the expenses exceed seven and one-half 9192
per cent of the taxpayer's federal adjusted gross income. 9193

(c) For purposes of division (A)(10) of this section, 9194
"medical care" has the meaning given in section 213 of the 9195
Internal Revenue Code, subject to the special rules, 9196
limitations, and exclusions set forth therein, and "qualified 9197
long-term care" has the same meaning given in section 7702B(c) 9198
of the Internal Revenue Code. Solely for purposes of division 9199
(A)(10)(a) of this section, "dependent" includes a person who 9200
otherwise would be a "qualifying relative" and thus a 9201
"dependent" under section 152 of the Internal Revenue Code but 9202
for the fact that the person fails to meet the income and 9203
support limitations under section 152(d)(1)(B) and (C) of the 9204
Internal Revenue Code. 9205

(11)(a) Deduct any amount included in federal adjusted 9206
gross income solely because the amount represents a 9207
reimbursement or refund of expenses that in any year the 9208
taxpayer had deducted as an itemized deduction pursuant to 9209
section 63 of the Internal Revenue Code and applicable United 9210
States department of the treasury regulations. The deduction 9211
otherwise allowed under division (A)(11)(a) of this section 9212
shall be reduced to the extent the reimbursement is attributable 9213
to an amount the taxpayer deducted under this section in any 9214
taxable year. 9215

(b) Add any amount not otherwise included in Ohio adjusted 9216
gross income for any taxable year to the extent that the amount 9217
is attributable to the recovery during the taxable year of any 9218

amount deducted or excluded in computing federal or Ohio 9219
adjusted gross income in any taxable year. 9220

(12) Deduct any portion of the deduction described in 9221
section 1341(a) (2) of the Internal Revenue Code, for repaying 9222
previously reported income received under a claim of right, that 9223
meets both of the following requirements: 9224

(a) It is allowable for repayment of an item that was 9225
included in the taxpayer's adjusted gross income for a prior 9226
taxable year and did not qualify for a credit under division (A) 9227
or (B) of section 5747.05 of the Revised Code for that year; 9228

(b) It does not otherwise reduce the taxpayer's adjusted 9229
gross income for the current or any other taxable year. 9230

(13) Deduct an amount equal to the deposits made to, and 9231
net investment earnings of, a medical savings account during the 9232
taxable year, in accordance with section 3924.66 of the Revised 9233
Code. The deduction allowed by division (A) (13) of this section 9234
does not apply to medical savings account deposits and earnings 9235
otherwise deducted or excluded for the current or any other 9236
taxable year from the taxpayer's federal adjusted gross income. 9237

(14) (a) Add an amount equal to the funds withdrawn from a 9238
medical savings account during the taxable year, and the net 9239
investment earnings on those funds, when the funds withdrawn 9240
were used for any purpose other than to reimburse an account 9241
holder for, or to pay, eligible medical expenses, in accordance 9242
with section 3924.66 of the Revised Code; 9243

(b) Add the amounts distributed from a medical savings 9244
account under division (A) (2) of section 3924.68 of the Revised 9245
Code during the taxable year. 9246

(15) Add any amount claimed as a credit under section 9247

5747.059 of the Revised Code to the extent that such amount 9248
satisfies either of the following: 9249

(a) The amount was deducted or excluded from the 9250
computation of the taxpayer's federal adjusted gross income as 9251
required to be reported for the taxpayer's taxable year under 9252
the Internal Revenue Code; 9253

(b) The amount resulted in a reduction of the taxpayer's 9254
federal adjusted gross income as required to be reported for any 9255
of the taxpayer's taxable years under the Internal Revenue Code. 9256

(16) Deduct the amount contributed by the taxpayer to an 9257
individual development account program established by a county 9258
department of job and family services pursuant to sections 9259
329.11 to 329.14 of the Revised Code for the purpose of matching 9260
funds deposited by program participants. On request of the tax 9261
commissioner, the taxpayer shall provide any information that, 9262
in the tax commissioner's opinion, is necessary to establish the 9263
amount deducted under division (A)(16) of this section. 9264

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 9265
(v) of this section, add five-sixths of the amount of 9266
depreciation expense allowed by subsection (k) of section 168 of 9267
the Internal Revenue Code, including the taxpayer's 9268
proportionate or distributive share of the amount of 9269
depreciation expense allowed by that subsection to a pass- 9270
through entity in which the taxpayer has a direct or indirect 9271
ownership interest. 9272

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) 9273
of this section, add five-sixths of the amount of qualifying 9274
section 179 depreciation expense, including the taxpayer's 9275
proportionate or distributive share of the amount of qualifying 9276

section 179 depreciation expense allowed to any pass-through 9277
entity in which the taxpayer has a direct or indirect ownership 9278
interest. 9279

(iii) Subject to division (A) (17) (a) (v) of this section, 9280
for taxable years beginning in 2012 or thereafter, if the 9281
increase in income taxes withheld by the taxpayer is equal to or 9282
greater than ten per cent of income taxes withheld by the 9283
taxpayer during the taxpayer's immediately preceding taxable 9284
year, "two-thirds" shall be substituted for "five-sixths" for 9285
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 9286

(iv) Subject to division (A) (17) (a) (v) of this section, 9287
for taxable years beginning in 2012 or thereafter, a taxpayer is 9288
not required to add an amount under division (A) (17) of this 9289
section if the increase in income taxes withheld by the taxpayer 9290
and by any pass-through entity in which the taxpayer has a 9291
direct or indirect ownership interest is equal to or greater 9292
than the sum of (I) the amount of qualifying section 179 9293
depreciation expense and (II) the amount of depreciation expense 9294
allowed to the taxpayer by subsection (k) of section 168 of the 9295
Internal Revenue Code, and including the taxpayer's 9296
proportionate or distributive shares of such amounts allowed to 9297
any such pass-through entities. 9298

(v) If a taxpayer directly or indirectly incurs a net 9299
operating loss for the taxable year for federal income tax 9300
purposes, to the extent such loss resulted from depreciation 9301
expense allowed by subsection (k) of section 168 of the Internal 9302
Revenue Code and by qualifying section 179 depreciation expense, 9303
"the entire" shall be substituted for "five-sixths of the" for 9304
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 9305

The tax commissioner, under procedures established by the 9306

commissioner, may waive the add-backs related to a pass-through 9307
entity if the taxpayer owns, directly or indirectly, less than 9308
five per cent of the pass-through entity. 9309

(b) Nothing in division (A)(17) of this section shall be 9310
construed to adjust or modify the adjusted basis of any asset. 9311

(c) To the extent the add-back required under division (A) 9312
(17)(a) of this section is attributable to property generating 9313
nonbusiness income or loss allocated under section 5747.20 of 9314
the Revised Code, the add-back shall be situated to the same 9315
location as the nonbusiness income or loss generated by the 9316
property for the purpose of determining the credit under 9317
division (A) of section 5747.05 of the Revised Code. Otherwise, 9318
the add-back shall be apportioned, subject to one or more of the 9319
four alternative methods of apportionment enumerated in section 9320
5747.21 of the Revised Code. 9321

(d) For the purposes of division (A)(17)(a)(v) of this 9322
section, net operating loss carryback and carryforward shall not 9323
include the allowance of any net operating loss deduction 9324
carryback or carryforward to the taxable year to the extent such 9325
loss resulted from depreciation allowed by section 168(k) of the 9326
Internal Revenue Code and by the qualifying section 179 9327
depreciation expense amount. 9328

(e) For the purposes of divisions (A)(17) and (18) of this 9329
section: 9330

(i) "Income taxes withheld" means the total amount 9331
withheld and remitted under sections 5747.06 and 5747.07 of the 9332
Revised Code by an employer during the employer's taxable year. 9333

(ii) "Increase in income taxes withheld" means the amount 9334
by which the amount of income taxes withheld by an employer 9335

during the employer's current taxable year exceeds the amount of 9336
income taxes withheld by that employer during the employer's 9337
immediately preceding taxable year. 9338

(iii) "Qualifying section 179 depreciation expense" means 9339
the difference between (I) the amount of depreciation expense 9340
directly or indirectly allowed to a taxpayer under section 179 9341
of the Internal Revised Code, and (II) the amount of 9342
depreciation expense directly or indirectly allowed to the 9343
taxpayer under section 179 of the Internal Revenue Code as that 9344
section existed on December 31, 2002. 9345

(18)(a) If the taxpayer was required to add an amount 9346
under division (A)(17)(a) of this section for a taxable year, 9347
deduct one of the following: 9348

(i) One-fifth of the amount so added for each of the five 9349
succeeding taxable years if the amount so added was five-sixths 9350
of qualifying section 179 depreciation expense or depreciation 9351
expense allowed by subsection (k) of section 168 of the Internal 9352
Revenue Code; 9353

(ii) One-half of the amount so added for each of the two 9354
succeeding taxable years if the amount so added was two-thirds 9355
of such depreciation expense; 9356

(iii) One-sixth of the amount so added for each of the six 9357
succeeding taxable years if the entire amount of such 9358
depreciation expense was so added. 9359

(b) If the amount deducted under division (A)(18)(a) of 9360
this section is attributable to an add-back allocated under 9361
division (A)(17)(c) of this section, the amount deducted shall 9362
be situated to the same location. Otherwise, the add-back shall 9363
be apportioned using the apportionment factors for the taxable 9364

year in which the deduction is taken, subject to one or more of 9365
the four alternative methods of apportionment enumerated in 9366
section 5747.21 of the Revised Code. 9367

(c) No deduction is available under division (A) (18) (a) of 9368
this section with regard to any depreciation allowed by section 9369
168(k) of the Internal Revenue Code and by the qualifying 9370
section 179 depreciation expense amount to the extent that such 9371
depreciation results in or increases a federal net operating 9372
loss carryback or carryforward. If no such deduction is 9373
available for a taxable year, the taxpayer may carry forward the 9374
amount not deducted in such taxable year to the next taxable 9375
year and add that amount to any deduction otherwise available 9376
under division (A) (18) (a) of this section for that next taxable 9377
year. The carryforward of amounts not so deducted shall continue 9378
until the entire addition required by division (A) (17) (a) of 9379
this section has been deducted. 9380

(19) Deduct, to the extent not otherwise deducted or 9381
excluded in computing federal or Ohio adjusted gross income for 9382
the taxable year, the amount the taxpayer received during the 9383
taxable year as reimbursement for life insurance premiums under 9384
section 5919.31 of the Revised Code. 9385

(20) Deduct, to the extent not otherwise deducted or 9386
excluded in computing federal or Ohio adjusted gross income for 9387
the taxable year, the amount the taxpayer received during the 9388
taxable year as a death benefit paid by the adjutant general 9389
under section 5919.33 of the Revised Code. 9390

(21) Deduct, to the extent included in federal adjusted 9391
gross income and not otherwise allowable as a deduction or 9392
exclusion in computing federal or Ohio adjusted gross income for 9393
the taxable year, military pay and allowances received by the 9394

taxpayer during the taxable year for active duty service in the 9395
United States army, air force, navy, marine corps, or coast 9396
guard or reserve components thereof or the national guard. The 9397
deduction may not be claimed for military pay and allowances 9398
received by the taxpayer while the taxpayer is stationed in this 9399
state. 9400

(22) Deduct, to the extent not otherwise allowable as a 9401
deduction or exclusion in computing federal or Ohio adjusted 9402
gross income for the taxable year and not otherwise compensated 9403
for by any other source, the amount of qualified organ donation 9404
expenses incurred by the taxpayer during the taxable year, not 9405
to exceed ten thousand dollars. A taxpayer may deduct qualified 9406
organ donation expenses only once for all taxable years 9407
beginning with taxable years beginning in 2007. 9408

For the purposes of division (A) (22) of this section: 9409

(a) "Human organ" means all or any portion of a human 9410
liver, pancreas, kidney, intestine, or lung, and any portion of 9411
human bone marrow. 9412

(b) "Qualified organ donation expenses" means travel 9413
expenses, lodging expenses, and wages and salary forgone by a 9414
taxpayer in connection with the taxpayer's donation, while 9415
living, of one or more of the taxpayer's human organs to another 9416
human being. 9417

(23) Deduct, to the extent not otherwise deducted or 9418
excluded in computing federal or Ohio adjusted gross income for 9419
the taxable year, amounts received by the taxpayer as retired 9420
personnel pay for service in the uniformed services or reserve 9421
components thereof, or the national guard, or received by the 9422
surviving spouse or former spouse of such a taxpayer under the 9423

survivor benefit plan on account of such a taxpayer's death. If 9424
the taxpayer receives income on account of retirement paid under 9425
the federal civil service retirement system or federal employees 9426
retirement system, or under any successor retirement program 9427
enacted by the congress of the United States that is established 9428
and maintained for retired employees of the United States 9429
government, and such retirement income is based, in whole or in 9430
part, on credit for the taxpayer's uniformed service, the 9431
deduction allowed under this division shall include only that 9432
portion of such retirement income that is attributable to the 9433
taxpayer's uniformed service, to the extent that portion of such 9434
retirement income is otherwise included in federal adjusted 9435
gross income and is not otherwise deducted under this section. 9436
Any amount deducted under division (A) (23) of this section is 9437
not included in a taxpayer's adjusted gross income for the 9438
purposes of section 5747.055 of the Revised Code. No amount may 9439
be deducted under division (A) (23) of this section on the basis 9440
of which a credit was claimed under section 5747.055 of the 9441
Revised Code. 9442

(24) Deduct, to the extent not otherwise deducted or 9443
excluded in computing federal or Ohio adjusted gross income for 9444
the taxable year, the amount the taxpayer received during the 9445
taxable year from the military injury relief fund created in 9446
section 5902.05 of the Revised Code. 9447

(25) Deduct, to the extent not otherwise deducted or 9448
excluded in computing federal or Ohio adjusted gross income for 9449
the taxable year, the amount the taxpayer received as a veterans 9450
bonus during the taxable year from the Ohio department of 9451
veterans services as authorized by Section 2r of Article VIII, 9452
Ohio Constitution. 9453

(26) Deduct, to the extent not otherwise deducted or 9454
excluded in computing federal or Ohio adjusted gross income for 9455
the taxable year, any income derived from a transfer agreement 9456
or from the enterprise transferred under that agreement under 9457
section 4313.02 of the Revised Code. 9458

(27) Deduct, to the extent not otherwise deducted or 9459
excluded in computing federal or Ohio adjusted gross income for 9460
the taxable year, Ohio college opportunity or federal Pell grant 9461
amounts received by the taxpayer or the taxpayer's spouse or 9462
dependent pursuant to section 3333.122 of the Revised Code or 20 9463
U.S.C. 1070a, et seq., and used to pay room or board furnished 9464
by the educational institution for which the grant was awarded 9465
at the institution's facilities, including meal plans 9466
administered by the institution. For the purposes of this 9467
division, receipt of a grant includes the distribution of a 9468
grant directly to an educational institution and the crediting 9469
of the grant to the enrollee's account with the institution. 9470

(28) Deduct from the portion of an individual's federal 9471
adjusted gross income that is business income, to the extent not 9472
otherwise deducted or excluded in computing federal adjusted 9473
gross income for the taxable year, one hundred twenty-five 9474
thousand dollars for each spouse if spouses file separate 9475
returns under section 5747.08 of the Revised Code or two hundred 9476
fifty thousand dollars for all other individuals. 9477

(29) Deduct, as provided under section 5747.78 of the 9478
Revised Code, contributions to ABLE savings accounts made in 9479
accordance with sections 113.50 to 113.56 of the Revised Code. 9480

(30) (a) Deduct, to the extent not otherwise deducted or 9481
excluded in computing federal or Ohio adjusted gross income 9482
during the taxable year, all of the following: 9483

(i) Compensation paid to a qualifying employee described 9484
in division (A) (14) (a) of section 5703.94 of the Revised Code to 9485
the extent such compensation is for disaster work conducted in 9486
this state during a disaster response period pursuant to a 9487
qualifying solicitation received by the employee's employer; 9488

(ii) Compensation paid to a qualifying employee described 9489
in division (A) (14) (b) of section 5703.94 of the Revised Code to 9490
the extent such compensation is for disaster work conducted in 9491
this state by the employee during the disaster response period 9492
on critical infrastructure owned or used by the employee's 9493
employer; 9494

(iii) Income received by an out-of-state disaster business 9495
for disaster work conducted in this state during a disaster 9496
response period, or, if the out-of-state disaster business is a 9497
pass-through entity, a taxpayer's distributive share of the 9498
pass-through entity's income from the business conducting 9499
disaster work in this state during a disaster response period, 9500
if, in either case, the disaster work is conducted pursuant to a 9501
qualifying solicitation received by the business. 9502

(b) All terms used in division (A) (30) of this section 9503
have the same meanings as in section 5703.94 of the Revised 9504
Code. 9505

(31) For a taxpayer who is a qualifying Ohio educator, 9506
deduct, to the extent not otherwise deducted or excluded in 9507
computing federal or Ohio adjusted gross income for the taxable 9508
year, the lesser of two hundred fifty dollars or the amount of 9509
expenses described in subsections (a) (2) (D) (i) and (ii) of 9510
section 62 of the Internal Revenue Code paid or incurred by the 9511
taxpayer during the taxpayer's taxable year in excess of the 9512
amount the taxpayer is authorized to deduct for that taxable 9513

year under subsection (a) (2) (D) of that section. 9514

(32) Deduct, to the extent not otherwise deducted or 9515
excluded in computing federal or Ohio adjusted gross income for 9516
the taxable year, amounts received by the taxpayer as a 9517
disability severance payment, computed under 10 U.S.C. 1212, 9518
following discharge or release under honorable conditions from 9519
the armed forces of the United States, as defined in section 9520
5907.01 of the Revised Code. 9521

(33) Deduct, to the extent not otherwise deducted or 9522
excluded in computing federal adjusted gross income or Ohio 9523
adjusted gross income, amounts not subject to tax due to an 9524
agreement entered into under division (A) (2) of section 5747.05 9525
of the Revised Code. 9526

(34) Deduct amounts as provided under section 5747.79 of 9527
the Revised Code related to the taxpayer's qualifying capital 9528
gains and deductible payroll. 9529

~~To the extent a qualifying capital gain described under 9530
division (A) (34) of this section is business income, the 9531
taxpayer shall deduct those gains under this division before 9532
deducting any such gains under division (A) (28) of this section. 9533~~

(35) (a) For taxable years beginning in or after 2026, 9534
deduct, to the extent not otherwise deducted or excluded in 9535
computing federal or Ohio adjusted gross income for the taxable 9536
year: 9537

(i) One hundred per cent of the capital gain received by 9538
the taxpayer in the taxable year from a qualifying interest in 9539
an Ohio venture capital operating company attributable to the 9540
company's investments in Ohio businesses during the period for 9541
which the company was an Ohio venture operating company; and 9542

(ii) Fifty per cent of the capital gain received by the 9543
taxpayer in the taxable year from a qualifying interest in an 9544
Ohio venture capital operating company attributable to the 9545
company's investments in all other businesses during the period 9546
for which the company was an Ohio venture operating company. 9547

(b) Add amounts previously deducted by the taxpayer under 9548
division (A) (35) (a) of this section if the director of 9549
development certifies to the tax commissioner that the 9550
requirements for the deduction were not met. 9551

(c) All terms used in division (A) (35) of this section 9552
have the same meanings as in section 122.851 of the Revised 9553
Code. 9554

~~(d) To the extent a capital gain described in division (A)~~ 9555
~~(35) (a) of this section is business income, the taxpayer shall~~ 9556
~~apply that division before applying division (A) (28) of this~~ 9557
~~section.~~ 9558

(36) Add, to the extent not otherwise included in 9559
computing federal or Ohio adjusted gross income for any taxable 9560
year, the taxpayer's proportionate share of the amount of the 9561
tax levied under section 5747.38 of the Revised Code and paid by 9562
an electing pass-through entity for the taxable year. 9563

Notwithstanding any provision of the Revised Code to the 9564
contrary, the portion of the addition required by division (A) 9565
(36) of this section related to the apportioned business income 9566
of the pass-through entity shall be considered business income 9567
under division (B) of this section. Such addition is eligible 9568
for the deduction in division (A) (28) of this section, subject 9569
to the applicable dollar limitations, and the tax rate 9570
prescribed by division (A) (4) (a) of section 5747.02 of the 9571

Revised Code. The taxpayer shall provide, upon request of the 9572
tax commissioner, any documentation necessary to verify the 9573
portion of the addition that is business income under this 9574
division. 9575

(37) Deduct, to the extent not otherwise deducted or 9576
excluded in computing federal or Ohio adjusted gross income for 9577
the taxable year, amounts delivered to a qualifying institution 9578
pursuant to section 3333.128 of the Revised Code for the benefit 9579
of the taxpayer or the taxpayer's spouse or dependent. 9580

(38) Deduct, to the extent not otherwise deducted or 9581
excluded in computing federal or Ohio adjusted gross income for 9582
the taxable year, amounts received under the Ohio adoption grant 9583
program pursuant to section 5101.191 of the Revised Code. 9584

(39) Deduct, to the extent included in federal adjusted 9585
gross income, income attributable to amounts provided to a 9586
taxpayer for any of the purposes for which an exclusion would 9587
have been authorized under section 139 of the Internal Revenue 9588
Code if the train derailment near the city of East Palestine on 9589
February 3, 2023, had been a qualified disaster pursuant to that 9590
section, or to compensate for lost business resulting from that 9591
derailment, if such amounts are provided by any of the 9592
following: 9593

(a) A federal, state, or local government agency; 9594

(b) A railroad company, as that term is defined in section 9595
5727.01 of the Revised Code; 9596

(c) Any subsidiary, insurer, or agent of a railroad 9597
company or any related person. 9598

Notwithstanding any provision to the contrary, the 9599
derailment is not required to meet the definition of a 9600

"qualified disaster" pursuant to section 139 of the Internal 9601
Revenue Code to qualify for the deduction under this section. 9602

(40) Deduct, to the extent included in federal adjusted 9603
gross income, income attributable to loan repayments on behalf 9604
of the taxpayer under the rural practice incentive program under 9605
section 3333.135 of the Revised Code. 9606

(41) Add any income taxes deducted in computing federal or 9607
Ohio adjusted gross income to the extent the income taxes were 9608
derived from income subject to a tax levied in another state or 9609
the District of Columbia when such tax was enacted for purposes 9610
of complying with internal revenue service notice 2020-75. 9611

Notwithstanding any provision of the Revised Code to the 9612
contrary, the portion of the addition required by division (A) 9613
(41) of this section related to the apportioned business income 9614
of the pass-through entity shall be considered business income 9615
under division (B) of this section. Such addition is eligible 9616
for the deduction in division (A) (28) of this section, subject 9617
to the applicable dollar limitations, and the tax rate 9618
prescribed by division (A) (4) (a) of section 5747.02 of the 9619
Revised Code. The taxpayer shall provide, upon request of the 9620
tax commissioner, any documentation necessary to verify the 9621
portion of the addition that is business income under this 9622
division. 9623

(42) Deduct amounts contributed to a homeownership savings 9624
account and calculated pursuant to divisions (B) and (C) of 9625
section 5747.85 of the Revised Code. 9626

(43) If the taxpayer is the account owner, add the amount 9627
of funds withdrawn from a homeownership savings account not used 9628
for eligible expenses, regardless of who deposited those funds. 9629

As used in division (A) (43) of this section, "homeownership 9630
savings account," "account owner," and "eligible expenses" have 9631
the same meanings as in section 5747.85 of the Revised Code. 9632

(B) "Business income" means income, including gain or 9633
loss, arising from transactions, activities, and sources in the 9634
regular course of a trade or business and includes income, gain, 9635
or loss from real property, tangible property, and intangible 9636
property if the acquisition, rental, management, and disposition 9637
of the property constitute integral parts of the regular course 9638
of a trade or business operation. "Business income" includes 9639
income, including gain or loss, from a partial or complete 9640
liquidation of a business, including, but not limited to, gain 9641
or loss from the sale or other disposition of goodwill or the 9642
sale of an equity or ownership interest in a business. 9643

As used in this division, the "sale of an equity or 9644
ownership interest in a business" means sales to which either or 9645
both of the following apply: 9646

(1) The sale is treated for federal income tax purposes as 9647
the sale of assets. 9648

(2) The seller materially participated, as described in 26 9649
C.F.R. 1.469-5T, in the activities of the business during the 9650
taxable year in which the sale occurs or during any of the five 9651
preceding taxable years. 9652

(C) "Nonbusiness income" means all income other than 9653
business income and may include, but is not limited to, 9654
compensation, rents and royalties from real or tangible personal 9655
property, capital gains, interest, dividends and distributions, 9656
patent or copyright royalties, or lottery winnings, prizes, and 9657
awards. 9658

(D) "Compensation" means any form of remuneration paid to an employee for personal services. 9659
9660

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate. 9661
9662
9663

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. 9664
9665

(G) "Individual" means any natural person. 9666

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 9667
9668

(I) "Resident" means any of the following: 9669

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 9670
9671

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I) (2) of this section. 9672
9673
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 9676
9677
9678

For the purposes of division (I) (3) of this section: 9679

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I) (3) (d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 9680
9681
9682
9683
9684
9685

(i) A person, a court, or a governmental entity or 9686
instrumentality on account of the death of a decedent, but only 9687
if the trust is described in division (I)(3)(e)(i) or (ii) of 9688
this section; 9689

(ii) A person who was domiciled in this state for the 9690
purposes of this chapter when the person directly or indirectly 9691
transferred assets to an irrevocable trust, but only if at least 9692
one of the trust's qualifying beneficiaries is domiciled in this 9693
state for the purposes of this chapter during all or some 9694
portion of the trust's current taxable year; 9695

(iii) A person who was domiciled in this state for the 9696
purposes of this chapter when the trust document or instrument 9697
or part of the trust document or instrument became irrevocable, 9698
but only if at least one of the trust's qualifying beneficiaries 9699
is a resident domiciled in this state for the purposes of this 9700
chapter during all or some portion of the trust's current 9701
taxable year. If a trust document or instrument became 9702
irrevocable upon the death of a person who at the time of death 9703
was domiciled in this state for purposes of this chapter, that 9704
person is a person described in division (I)(3)(a)(iii) of this 9705
section. 9706

(b) A trust is irrevocable to the extent that the 9707
transferor is not considered to be the owner of the net assets 9708
of the trust under sections 671 to 678 of the Internal Revenue 9709
Code. 9710

(c) With respect to a trust other than a charitable lead 9711
trust, "qualifying beneficiary" has the same meaning as 9712
"potential current beneficiary" as defined in section 1361(e)(2) 9713
of the Internal Revenue Code, and with respect to a charitable 9714
lead trust "qualifying beneficiary" is any current, future, or 9715

contingent beneficiary, but with respect to any trust 9716
"qualifying beneficiary" excludes a person or a governmental 9717
entity or instrumentality to any of which a contribution would 9718
qualify for the charitable deduction under section 170 of the 9719
Internal Revenue Code. 9720

(d) For the purposes of division (I)(3)(a) of this 9721
section, the extent to which a trust consists directly or 9722
indirectly, in whole or in part, of assets, net of any related 9723
liabilities, that were transferred directly or indirectly, in 9724
whole or part, to the trust by any of the sources enumerated in 9725
that division shall be ascertained by multiplying the fair 9726
market value of the trust's assets, net of related liabilities, 9727
by the qualifying ratio, which shall be computed as follows: 9728

(i) The first time the trust receives assets, the 9729
numerator of the qualifying ratio is the fair market value of 9730
those assets at that time, net of any related liabilities, from 9731
sources enumerated in division (I)(3)(a) of this section. The 9732
denominator of the qualifying ratio is the fair market value of 9733
all the trust's assets at that time, net of any related 9734
liabilities. 9735

(ii) Each subsequent time the trust receives assets, a 9736
revised qualifying ratio shall be computed. The numerator of the 9737
revised qualifying ratio is the sum of (1) the fair market value 9738
of the trust's assets immediately prior to the subsequent 9739
transfer, net of any related liabilities, multiplied by the 9740
qualifying ratio last computed without regard to the subsequent 9741
transfer, and (2) the fair market value of the subsequently 9742
transferred assets at the time transferred, net of any related 9743
liabilities, from sources enumerated in division (I)(3)(a) of 9744
this section. The denominator of the revised qualifying ratio is 9745

the fair market value of all the trust's assets immediately 9746
after the subsequent transfer, net of any related liabilities. 9747

(iii) Whether a transfer to the trust is by or from any of 9748
the sources enumerated in division (I) (3) (a) of this section 9749
shall be ascertained without regard to the domicile of the 9750
trust's beneficiaries. 9751

(e) For the purposes of division (I) (3) (a) (i) of this 9752
section: 9753

(i) A trust is described in division (I) (3) (e) (i) of this 9754
section if the trust is a testamentary trust and the testator of 9755
that testamentary trust was domiciled in this state at the time 9756
of the testator's death for purposes of the taxes levied under 9757
Chapter 5731. of the Revised Code. 9758

(ii) A trust is described in division (I) (3) (e) (ii) of 9759
this section if the transfer is a qualifying transfer described 9760
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 9761
trust is an irrevocable inter vivos trust, and at least one of 9762
the trust's qualifying beneficiaries is domiciled in this state 9763
for purposes of this chapter during all or some portion of the 9764
trust's current taxable year. 9765

(f) For the purposes of division (I) (3) (e) (ii) of this 9766
section, a "qualifying transfer" is a transfer of assets, net of 9767
any related liabilities, directly or indirectly to a trust, if 9768
the transfer is described in any of the following: 9769

(i) The transfer is made to a trust, created by the 9770
decedent before the decedent's death and while the decedent was 9771
domiciled in this state for the purposes of this chapter, and, 9772
prior to the death of the decedent, the trust became irrevocable 9773
while the decedent was domiciled in this state for the purposes 9774

of this chapter. 9775

(ii) The transfer is made to a trust to which the 9776
decedent, prior to the decedent's death, had directly or 9777
indirectly transferred assets, net of any related liabilities, 9778
while the decedent was domiciled in this state for the purposes 9779
of this chapter, and prior to the death of the decedent the 9780
trust became irrevocable while the decedent was domiciled in 9781
this state for the purposes of this chapter. 9782

(iii) The transfer is made on account of a contractual 9783
relationship existing directly or indirectly between the 9784
transferor and either the decedent or the estate of the decedent 9785
at any time prior to the date of the decedent's death, and the 9786
decedent was domiciled in this state at the time of death for 9787
purposes of the taxes levied under Chapter 5731. of the Revised 9788
Code. 9789

(iv) The transfer is made to a trust on account of a 9790
contractual relationship existing directly or indirectly between 9791
the transferor and another person who at the time of the 9792
decedent's death was domiciled in this state for purposes of 9793
this chapter. 9794

(v) The transfer is made to a trust on account of the will 9795
of a testator who was domiciled in this state at the time of the 9796
testator's death for purposes of the taxes levied under Chapter 9797
5731. of the Revised Code. 9798

(vi) The transfer is made to a trust created by or caused 9799
to be created by a court, and the trust was directly or 9800
indirectly created in connection with or as a result of the 9801
death of an individual who, for purposes of the taxes levied 9802
under Chapter 5731. of the Revised Code, was domiciled in this 9803

state at the time of the individual's death. 9804

(g) The tax commissioner may adopt rules to ascertain the 9805
part of a trust residing in this state. 9806

(J) "Nonresident" means an individual or estate that is 9807
not a resident. An individual who is a resident for only part of 9808
a taxable year is a nonresident for the remainder of that 9809
taxable year. 9810

(K) "Pass-through entity" has the same meaning as in 9811
section 5733.04 of the Revised Code. 9812

(L) "Return" means the notifications and reports required 9813
to be filed pursuant to this chapter for the purpose of 9814
reporting the tax due and includes declarations of estimated tax 9815
when so required. 9816

(M) "Taxable year" means the calendar year or the 9817
taxpayer's fiscal year ending during the calendar year, or 9818
fractional part thereof, upon which the adjusted gross income is 9819
calculated pursuant to this chapter. 9820

(N) "Taxpayer" means any person subject to the tax imposed 9821
by section 5747.02 of the Revised Code or any pass-through 9822
entity that makes the election under division (D) of section 9823
5747.08 of the Revised Code. 9824

(O) "Dependents" means one of the following: 9825

(1) For taxable years beginning on or after January 1, 9826
2018, and before January 1, 2026, dependents as defined in the 9827
Internal Revenue Code; 9828

(2) For all other taxable years, dependents as defined in 9829
the Internal Revenue Code and as claimed in the taxpayer's 9830
federal income tax return for the taxable year or which the 9831

taxpayer would have been permitted to claim had the taxpayer 9832
filed a federal income tax return. 9833

(P) "Principal county of employment" means, in the case of 9834
a nonresident, the county within the state in which a taxpayer 9835
performs services for an employer or, if those services are 9836
performed in more than one county, the county in which the major 9837
portion of the services are performed. 9838

(Q) As used in sections 5747.50 to 5747.55 of the Revised 9839
Code: 9840

(1) "Subdivision" means any county, municipal corporation, 9841
park district, or township. 9842

(2) "Essential local government purposes" includes all 9843
functions that any subdivision is required by general law to 9844
exercise, including like functions that are exercised under a 9845
charter adopted pursuant to the Ohio Constitution. 9846

(R) "Overpayment" means any amount already paid that 9847
exceeds the figure determined to be the correct amount of the 9848
tax. 9849

(S) "Taxable income" or "Ohio taxable income" applies only 9850
to estates and trusts, and means federal taxable income, as 9851
defined and used in the Internal Revenue Code, adjusted as 9852
follows: 9853

(1) Add interest or dividends, net of ordinary, necessary, 9854
and reasonable expenses not deducted in computing federal 9855
taxable income, on obligations or securities of any state or of 9856
any political subdivision or authority of any state, other than 9857
this state and its subdivisions and authorities, but only to the 9858
extent that such net amount is not otherwise includible in Ohio 9859
taxable income and is described in either division (S)(1)(a) or 9860

(b) of this section: 9861

(a) The net amount is not attributable to the S portion of 9862
an electing small business trust and has not been distributed to 9863
beneficiaries for the taxable year; 9864

(b) The net amount is attributable to the S portion of an 9865
electing small business trust for the taxable year. 9866

(2) Add interest or dividends, net of ordinary, necessary, 9867
and reasonable expenses not deducted in computing federal 9868
taxable income, on obligations of any authority, commission, 9869
instrumentality, territory, or possession of the United States 9870
to the extent that the interest or dividends are exempt from 9871
federal income taxes but not from state income taxes, but only 9872
to the extent that such net amount is not otherwise includible 9873
in Ohio taxable income and is described in either division (S) 9874
(1) (a) or (b) of this section; 9875

(3) Add the amount of personal exemption allowed to the 9876
estate pursuant to section 642(b) of the Internal Revenue Code; 9877

(4) Deduct interest or dividends, net of related expenses 9878
deducted in computing federal taxable income, on obligations of 9879
the United States and its territories and possessions or of any 9880
authority, commission, or instrumentality of the United States 9881
to the extent that the interest or dividends are exempt from 9882
state taxes under the laws of the United States, but only to the 9883
extent that such amount is included in federal taxable income 9884
and is described in either division (S) (1) (a) or (b) of this 9885
section; 9886

(5) Deduct the amount of wages and salaries, if any, not 9887
otherwise allowable as a deduction but that would have been 9888
allowable as a deduction in computing federal taxable income for 9889

the taxable year, had the work opportunity tax credit allowed 9890
under sections 38, 51, and 52 of the Internal Revenue Code not 9891
been in effect, but only to the extent such amount relates 9892
either to income included in federal taxable income for the 9893
taxable year or to income of the S portion of an electing small 9894
business trust for the taxable year; 9895

(6) Deduct any interest or interest equivalent, net of 9896
related expenses deducted in computing federal taxable income, 9897
on public obligations and purchase obligations, but only to the 9898
extent that such net amount relates either to income included in 9899
federal taxable income for the taxable year or to income of the 9900
S portion of an electing small business trust for the taxable 9901
year; 9902

(7) Add any loss or deduct any gain resulting from sale, 9903
exchange, or other disposition of public obligations to the 9904
extent that such loss has been deducted or such gain has been 9905
included in computing either federal taxable income or income of 9906
the S portion of an electing small business trust for the 9907
taxable year; 9908

(8) Except in the case of the final return of an estate, 9909
add any amount deducted by the taxpayer on both its Ohio estate 9910
tax return pursuant to section 5731.14 of the Revised Code, and 9911
on its federal income tax return in determining federal taxable 9912
income; 9913

(9) (a) Deduct any amount included in federal taxable 9914
income solely because the amount represents a reimbursement or 9915
refund of expenses that in a previous year the decedent had 9916
deducted as an itemized deduction pursuant to section 63 of the 9917
Internal Revenue Code and applicable treasury regulations. The 9918
deduction otherwise allowed under division (S) (9) (a) of this 9919

section shall be reduced to the extent the reimbursement is 9920
attributable to an amount the taxpayer or decedent deducted 9921
under this section in any taxable year. 9922

(b) Add any amount not otherwise included in Ohio taxable 9923
income for any taxable year to the extent that the amount is 9924
attributable to the recovery during the taxable year of any 9925
amount deducted or excluded in computing federal or Ohio taxable 9926
income in any taxable year, but only to the extent such amount 9927
has not been distributed to beneficiaries for the taxable year. 9928

(10) Deduct any portion of the deduction described in 9929
section 1341(a)(2) of the Internal Revenue Code, for repaying 9930
previously reported income received under a claim of right, that 9931
meets both of the following requirements: 9932

(a) It is allowable for repayment of an item that was 9933
included in the taxpayer's taxable income or the decedent's 9934
adjusted gross income for a prior taxable year and did not 9935
qualify for a credit under division (A) or (B) of section 9936
5747.05 of the Revised Code for that year. 9937

(b) It does not otherwise reduce the taxpayer's taxable 9938
income or the decedent's adjusted gross income for the current 9939
or any other taxable year. 9940

(11) Add any amount claimed as a credit under section 9941
5747.059 of the Revised Code to the extent that the amount 9942
satisfies either of the following: 9943

(a) The amount was deducted or excluded from the 9944
computation of the taxpayer's federal taxable income as required 9945
to be reported for the taxpayer's taxable year under the 9946
Internal Revenue Code; 9947

(b) The amount resulted in a reduction in the taxpayer's 9948

federal taxable income as required to be reported for any of the 9949
taxpayer's taxable years under the Internal Revenue Code. 9950

(12) Deduct any amount, net of related expenses deducted 9951
in computing federal taxable income, that a trust is required to 9952
report as farm income on its federal income tax return, but only 9953
if the assets of the trust include at least ten acres of land 9954
satisfying the definition of "land devoted exclusively to 9955
agricultural use" under section 5713.30 of the Revised Code, 9956
regardless of whether the land is valued for tax purposes as 9957
such land under sections 5713.30 to 5713.38 of the Revised Code. 9958
If the trust is a pass-through entity investor, section 5747.231 9959
of the Revised Code applies in ascertaining if the trust is 9960
eligible to claim the deduction provided by division (S)(12) of 9961
this section in connection with the pass-through entity's farm 9962
income. 9963

Except for farm income attributable to the S portion of an 9964
electing small business trust, the deduction provided by 9965
division (S)(12) of this section is allowed only to the extent 9966
that the trust has not distributed such farm income. 9967

(13) Add the net amount of income described in section 9968
641(c) of the Internal Revenue Code to the extent that amount is 9969
not included in federal taxable income. 9970

(14) Deduct the amount the taxpayer would be required to 9971
deduct under division (A)(18) of this section if the taxpayer's 9972
Ohio taxable income ~~were~~was computed in the same manner as an 9973
individual's Ohio adjusted gross income is computed under this 9974
section. 9975

(15) Add, to the extent not otherwise included in 9976
computing taxable income or Ohio taxable income for any taxable 9977

year, the taxpayer's proportionate share of the amount of the 9978
tax levied under section 5747.38 of the Revised Code and paid by 9979
an electing pass-through entity for the taxable year. 9980

(16) Add any income taxes deducted in computing federal 9981
taxable income or Ohio taxable income to the extent the income 9982
taxes were derived from income subject to a tax levied in 9983
another state or the District of Columbia when such tax was 9984
enacted for purposes of complying with internal revenue service 9985
notice 2020-75. 9986

(T) "School district income" and "school district income 9987
tax" have the same meanings as in section 5748.01 of the Revised 9988
Code. 9989

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 9990
(7) of this section, "public obligations," "purchase 9991
obligations," and "interest or interest equivalent" have the 9992
same meanings as in section 5709.76 of the Revised Code. 9993

(V) "Limited liability company" means any limited 9994
liability company formed under former Chapter 1705. of the 9995
Revised Code as that chapter existed prior to February 11, 2022, 9996
Chapter 1706. of the Revised Code, or the laws of any other 9997
state. 9998

(W) "Pass-through entity investor" means any person who, 9999
during any portion of a taxable year of a pass-through entity, 10000
is a partner, member, shareholder, or equity investor in that 10001
pass-through entity. 10002

(X) "Banking day" has the same meaning as in section 10003
1304.01 of the Revised Code. 10004

(Y) "Month" means a calendar month. 10005

(Z) "Quarter" means the first three months, the second 10006
three months, the third three months, or the last three months 10007
of the taxpayer's taxable year. 10008

(AA)(1) "Modified business income" means the business 10009
income included in a trust's Ohio taxable income after such 10010
taxable income is first reduced by the qualifying trust amount, 10011
if any. 10012

(2) "Qualifying trust amount" of a trust means capital 10013
gains and losses from the sale, exchange, or other disposition 10014
of equity or ownership interests in, or debt obligations of, a 10015
qualifying investee to the extent included in the trust's Ohio 10016
taxable income, but only if the following requirements are 10017
satisfied: 10018

(a) The book value of the qualifying investee's physical 10019
assets in this state and everywhere, as of the last day of the 10020
qualifying investee's fiscal or calendar year ending immediately 10021
prior to the date on which the trust recognizes the gain or 10022
loss, is available to the trust. 10023

(b) The requirements of section 5747.011 of the Revised 10024
Code are satisfied for the trust's taxable year in which the 10025
trust recognizes the gain or loss. 10026

Any gain or loss that is not a qualifying trust amount is 10027
modified business income, qualifying investment income, or 10028
modified nonbusiness income, as the case may be. 10029

(3) "Modified nonbusiness income" means a trust's Ohio 10030
taxable income other than modified business income, other than 10031
the qualifying trust amount, and other than qualifying 10032
investment income, as defined in section 5747.012 of the Revised 10033
Code, to the extent such qualifying investment income is not 10034

otherwise part of modified business income. 10035

(4) "Modified Ohio taxable income" applies only to trusts, 10036
and means the sum of the amounts described in divisions (AA) (4) 10037
(a) to (c) of this section: 10038

(a) The fraction, calculated under section 5747.013, and 10039
applying section 5747.231 of the Revised Code, multiplied by the 10040
sum of the following amounts: 10041

(i) The trust's modified business income; 10042

(ii) The trust's qualifying investment income, as defined 10043
in section 5747.012 of the Revised Code, but only to the extent 10044
the qualifying investment income does not otherwise constitute 10045
modified business income and does not otherwise constitute a 10046
qualifying trust amount. 10047

(b) The qualifying trust amount multiplied by a fraction, 10048
the numerator of which is the sum of the book value of the 10049
qualifying investee's physical assets in this state on the last 10050
day of the qualifying investee's fiscal or calendar year ending 10051
immediately prior to the day on which the trust recognizes the 10052
qualifying trust amount, and the denominator of which is the sum 10053
of the book value of the qualifying investee's total physical 10054
assets everywhere on the last day of the qualifying investee's 10055
fiscal or calendar year ending immediately prior to the day on 10056
which the trust recognizes the qualifying trust amount. If, for 10057
a taxable year, the trust recognizes a qualifying trust amount 10058
with respect to more than one qualifying investee, the amount 10059
described in division (AA) (4) (b) of this section shall equal the 10060
sum of the products so computed for each such qualifying 10061
investee. 10062

(c) (i) With respect to a trust or portion of a trust that 10063

is a resident as ascertained in accordance with division (I) (3) 10064
(d) of this section, its modified nonbusiness income. 10065

(ii) With respect to a trust or portion of a trust that is 10066
not a resident as ascertained in accordance with division (I) (3) 10067
(d) of this section, the amount of its modified nonbusiness 10068
income satisfying the descriptions in divisions (B) (2) to (5) of 10069
section 5747.20 of the Revised Code, except as otherwise 10070
provided in division (AA) (4) (c) (ii) of this section. With 10071
respect to a trust or portion of a trust that is not a resident 10072
as ascertained in accordance with division (I) (3) (d) of this 10073
section, the trust's portion of modified nonbusiness income 10074
recognized from the sale, exchange, or other disposition of a 10075
debt interest in or equity interest in a section 5747.212 10076
entity, as defined in section 5747.212 of the Revised Code, 10077
without regard to division (A) of that section, shall not be 10078
allocated to this state in accordance with section 5747.20 of 10079
the Revised Code but shall be apportioned to this state in 10080
accordance with division (B) of section 5747.212 of the Revised 10081
Code without regard to division (A) of that section. 10082

If the allocation and apportionment of a trust's income 10083
under divisions (AA) (4) (a) and (c) of this section do not fairly 10084
represent the modified Ohio taxable income of the trust in this 10085
state, the alternative methods described in division (C) of 10086
section 5747.21 of the Revised Code may be applied in the manner 10087
and to the same extent provided in that section. 10088

(5) (a) Except as set forth in division (AA) (5) (b) of this 10089
section, "qualifying investee" means a person in which a trust 10090
has an equity or ownership interest, or a person or unit of 10091
government the debt obligations of either of which are owned by 10092
a trust. For the purposes of division (AA) (2) (a) of this section 10093

and for the purpose of computing the fraction described in 10094
division (AA) (4) (b) of this section, all of the following apply: 10095

(i) If the qualifying investee is a member of a qualifying 10096
controlled group on the last day of the qualifying investee's 10097
fiscal or calendar year ending immediately prior to the date on 10098
which the trust recognizes the gain or loss, then "qualifying 10099
investee" includes all persons in the qualifying controlled 10100
group on such last day. 10101

(ii) If the qualifying investee, or if the qualifying 10102
investee and any members of the qualifying controlled group of 10103
which the qualifying investee is a member on the last day of the 10104
qualifying investee's fiscal or calendar year ending immediately 10105
prior to the date on which the trust recognizes the gain or 10106
loss, separately or cumulatively own, directly or indirectly, on 10107
the last day of the qualifying investee's fiscal or calendar 10108
year ending immediately prior to the date on which the trust 10109
recognizes the qualifying trust amount, more than fifty per cent 10110
of the equity of a pass-through entity, then the qualifying 10111
investee and the other members are deemed to own the 10112
proportionate share of the pass-through entity's physical assets 10113
which the pass-through entity directly or indirectly owns on the 10114
last day of the pass-through entity's calendar or fiscal year 10115
ending within or with the last day of the qualifying investee's 10116
fiscal or calendar year ending immediately prior to the date on 10117
which the trust recognizes the qualifying trust amount. 10118

(iii) For the purposes of division (AA) (5) (a) (iii) of this 10119
section, "upper level pass-through entity" means a pass-through 10120
entity directly or indirectly owning any equity of another pass- 10121
through entity, and "lower level pass-through entity" means that 10122
other pass-through entity. 10123

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (AA)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust 10155
recognizes a gain or loss from the sale, exchange, or other 10156
disposition of equity or ownership interests in, or debt 10157
obligations of, the C corporation. 10158

(ii) Such gain or loss constitutes nonbusiness income. 10159

(6) "Available" means information is such that a person is 10160
able to learn of the information by the due date plus 10161
extensions, if any, for filing the return for the taxable year 10162
in which the trust recognizes the gain or loss. 10163

(BB) "Qualifying controlled group" has the same meaning as 10164
in section 5733.04 of the Revised Code. 10165

(CC) "Related member" has the same meaning as in section 10166
5733.042 of the Revised Code. 10167

(DD) (1) For the purposes of division (DD) of this section: 10168

(a) "Qualifying person" means any person other than a 10169
qualifying corporation. 10170

(b) "Qualifying corporation" means any person classified 10171
for federal income tax purposes as an association taxable as a 10172
corporation, except either of the following: 10173

(i) A corporation that has made an election under 10174
subchapter S, chapter one, subtitle A, of the Internal Revenue 10175
Code for its taxable year ending within, or on the last day of, 10176
the investor's taxable year; 10177

(ii) A subsidiary that is wholly owned by any corporation 10178
that has made an election under subchapter S, chapter one, 10179
subtitle A of the Internal Revenue Code for its taxable year 10180
ending within, or on the last day of, the investor's taxable 10181
year. 10182

(2) For the purposes of this chapter, unless expressly
stated otherwise, no qualifying person indirectly owns any asset
directly or indirectly owned by any qualifying corporation.

(EE) For purposes of this chapter and Chapter 5751. of the
Revised Code:

(1) "Trust" does not include a qualified pre-income tax
trust.

(2) A "qualified pre-income tax trust" is any pre-income
tax trust that makes a qualifying pre-income tax trust election
as described in division (EE) (3) of this section.

(3) A "qualifying pre-income tax trust election" is an
election by a pre-income tax trust to subject to the tax imposed
by section 5751.02 of the Revised Code the pre-income tax trust
and all pass-through entities of which the trust owns or
controls, directly, indirectly, or constructively through
related interests, five per cent or more of the ownership or
equity interests. The trustee shall notify the tax commissioner
in writing of the election on or before April 15, 2006. The
election, if timely made, shall be effective on and after
January 1, 2006, and shall apply for all tax periods and tax
years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all
of the following requirements:

(a) The document or instrument creating the trust was
executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the
trust; and

(c) The grantor was domiciled in this state at the time

the trust was created. 10211

(FF) "Uniformed services" means all of the following: 10212

(1) "Armed forces of the United States" as defined in 10213
section 5907.01 of the Revised Code; 10214

(2) The commissioned corps of the national oceanic and 10215
atmospheric administration; 10216

(3) The commissioned corps of the public health service. 10217

(GG) "~~Taxable~~ Qualifying business income" means the amount 10218
by which an individual's business income that is included in 10219
federal adjusted gross income exceeds the amount of business 10220
income the individual is authorized to deduct under division (A) 10221
(28) of this section for the taxable year. 10222

(HH) "Employer" does not include a franchisor with respect 10223
to the franchisor's relationship with a franchisee or an 10224
employee of a franchisee, unless the franchisor agrees to assume 10225
that role in writing or a court of competent jurisdiction 10226
determines that the franchisor exercises a type or degree of 10227
control over the franchisee or the franchisee's employees that 10228
is not customarily exercised by a franchisor for the purpose of 10229
protecting the franchisor's trademark, brand, or both. For 10230
purposes of this division, "franchisor" and "franchisee" have 10231
the same meanings as in 16 C.F.R. 436.1. 10232

(II) "Modified adjusted gross income" means Ohio adjusted 10233
gross income plus any amount deducted under divisions (A) (28) 10234
and (34) of this section for the taxable year. 10235

(JJ) "Qualifying Ohio educator" means an individual who, 10236
for a taxable year, qualifies as an eligible educator, as that 10237
term is defined in section 62 of the Internal Revenue Code, and 10238

who holds a certificate, license, or permit described in Chapter 10239
3319. or section 3301.071 of the Revised Code. 10240

(KK) (1) "Nonpassive business income" means business income 10241
that is nonpassive income, provided that all of the following 10242
apply with respect to the taxpayer: 10243

(a) The taxpayer materially participates in the trade or 10244
business from which that income is derived. 10245

(b) The taxpayer, or the pass-through entity in which the 10246
taxpayer is a direct or indirect investor, employs at least one 10247
person who is not the taxpayer or an owner of the pass-through 10248
entity. 10249

(c) Employees described in division (KK) (1) (b) of this 10250
section perform at least one thousand two hundred aggregate 10251
hours of work in this state during the taxpayer's taxable year 10252
or the pass-through entity's taxable year that ends in the 10253
taxpayer's taxable year. For the purpose of determining whether 10254
this requirement is met, only hours worked in a week in which an 10255
employee works at least thirty hours may be considered. 10256

(2) As used in division (KK) of this section: 10257

(a) "Material participation" has the same meaning as in 10258
section 469 of the Internal Revenue Code. 10259

(b) "Nonpassive income" means income other than income 10260
from passive activity as determined under section 469 of the 10261
Internal Revenue Code, but does not include wages, interest, 10262
dividends, or capital gains. 10263

Sec. 5747.02. (A) For the purpose of providing revenue for 10264
the support of schools and local government functions, to 10265
provide relief to property taxpayers, to provide revenue for the 10266

general revenue fund, and to meet the expenses of administering 10267
the tax levied by this chapter, there is hereby levied on every 10268
individual, trust, and estate residing in or earning or 10269
receiving income in this state, on every individual, trust, and 10270
estate earning or receiving lottery winnings, prizes, or awards 10271
pursuant to Chapter 3770. of the Revised Code, on every 10272
individual, trust, and estate earning or receiving winnings on 10273
casino or sports gaming, and on every individual, trust, and 10274
estate otherwise having nexus with or in this state under the 10275
Constitution of the United States, an annual tax measured as 10276
prescribed in divisions (A) (1) to (4) of this section. 10277

(1) In the case of trusts, the tax imposed by this section 10278
shall be measured by modified Ohio taxable income under division 10279
(D) of this section and levied in the same amount as the tax is 10280
imposed on estates as prescribed in division (A) (2) of this 10281
section. 10282

(2) In the case of estates, the tax imposed by this 10283
section shall be measured by Ohio taxable income. The tax shall 10284
be levied at the rate of 1.38462% for the first twenty-six 10285
thousand fifty dollars of such income and, for income in excess 10286
of that amount, the tax shall be levied at the same rates 10287
prescribed in division (A) (3) of this section for individuals. 10288

(3) In the case of individuals, the tax imposed by this 10289
section on income other than ~~taxable~~ qualifying business income 10290
shall be measured by Ohio adjusted gross income, less ~~taxable~~ 10291
qualifying business income and less an exemption for the 10292
taxpayer, the taxpayer's spouse, and each dependent as provided 10293
in section 5747.025 of the Revised Code. If the balance thus 10294
obtained is equal to or less than twenty-six thousand fifty 10295
dollars, no tax shall be imposed on that balance. If the balance 10296

thus obtained is greater than twenty-six thousand fifty dollars, 10297
the tax is hereby levied as follows: 10298

(a) For taxable years beginning in 2023: 10299
10300

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A OHIO ADJUSTED GROSS INCOME LESS TAX
~~TAXABLE~~ QUALIFYING BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS) OR MODIFIED
OHIO TAXABLE INCOME (TRUSTS) OR OHIO
TAXABLE INCOME (ESTATES)

B More than \$26,050 but not more than \$360.69 plus 2.75% of the
\$100,000 amount in excess of \$26,050

C More than \$100,000 but not more than \$2,394.32 plus 3.688% of the
\$115,300 amount in excess of \$100,000

D More than \$115,300 \$2,958.58 plus 3.75% of the
amount in excess of \$115,300

(b) For taxable years beginning in 2024 and thereafter: 10301

10302

10303

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A OHIO ADJUSTED GROSS INCOME LESS ~~TAXABLE~~ TAX
QUALIFYING BUSINESS INCOME AND EXEMPTIONS
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE
INCOME (TRUSTS) OR OHIO TAXABLE INCOME
(ESTATES)

B More than \$26,050 but not more than \$360.69 plus 2.75% of the
 \$100,000 amount in excess of
 \$26,050

C More than \$100,000 \$2,394.32 plus 3.5% of
 the amount in excess of
 \$100,000

(4) (a) In the case of individuals, the tax imposed by this 10304
section on ~~taxable~~-qualifying business income shall equal three 10305
per cent of the result obtained by subtracting any amount 10306
allowed under division (A) (4) (b) of this section from the 10307
individual's ~~taxable~~-qualifying business income. 10308

(b) If the exemptions allowed to an individual under 10309
division (A) (3) of this section exceed the taxpayer's Ohio 10310
adjusted gross income less ~~taxable~~-qualifying business income, 10311
the excess shall be deducted from ~~taxable~~-qualifying business 10312
income before computing the tax under division (A) (4) (a) of this 10313
section. 10314

(5) Except as otherwise provided in this division, in 10315
August of each year, the tax commissioner shall make a new 10316
adjustment to the income amounts prescribed in divisions (A) (2) 10317
and (3) of this section by multiplying the percentage increase 10318
in the gross domestic product deflator computed that year under 10319
section 5747.025 of the Revised Code by each of the income 10320
amounts resulting from the adjustment under this division in the 10321
preceding year, adding the resulting product to the 10322
corresponding income amount resulting from the adjustment in the 10323
preceding year, and rounding the resulting sum to the nearest 10324
multiple of fifty dollars. The tax commissioner also shall 10325
recompute each of the tax dollar amounts to the extent necessary 10326

to reflect the new adjustment of the income amounts. To 10327
recompute the tax dollar amount corresponding to the lowest tax 10328
rate in division (A) (3) of this section, the commissioner shall 10329
multiply the tax rate prescribed in division (A) (2) of this 10330
section by the income amount specified in that division and as 10331
adjusted according to this paragraph. The rates of taxation 10332
shall not be adjusted. 10333

The adjusted amounts apply to taxable years beginning in 10334
the calendar year in which the adjustments are made and to 10335
taxable years beginning in each ensuing calendar year until a 10336
calendar year in which a new adjustment is made pursuant to this 10337
division. The tax commissioner shall not make a new adjustment 10338
in any year in which the amount resulting from the adjustment 10339
would be less than the amount resulting from the adjustment in 10340
the preceding year. 10341

~~(B) If the director of budget and management makes a 10342~~
~~certification to the tax commissioner under division (B) of 10343~~
~~section 131.44 of the Revised Code, the amount of tax as 10344~~
~~determined under divisions (A) (1) to (3) of this section shall 10345~~
~~be reduced by the percentage prescribed in that certification 10346~~
~~for taxable years beginning in the calendar year in which that 10347~~
~~certification is made. 10348~~

~~(C)~~ (1) The tax imposed by this section on a trust shall be 10349
computed by multiplying the Ohio modified taxable income of the 10350
trust by the rates prescribed by division (A) of this section. 10351

(2) A resident trust may claim a credit against the tax 10352
computed under division ~~(C)~~ (B) of this section equal to the 10353
lesser of (a) the tax paid to another state or the District of 10354
Columbia on the resident trust's modified nonbusiness income, 10355
other than the portion of the resident trust's nonbusiness 10356

income that is qualifying investment income as defined in 10357
section 5747.012 of the Revised Code, or (b) the effective tax 10358
rate, based on modified Ohio taxable income, multiplied by the 10359
resident trust's modified nonbusiness income other than the 10360
portion of the resident trust's nonbusiness income that is 10361
qualifying investment income. The credit applies before any 10362
other applicable credits. 10363

(3) Any credit authorized against the tax imposed by this 10364
section applies to a trust subject to division ~~(C)~~ (B) of this 10365
section only if the trust otherwise qualifies for the credit. To 10366
the extent that the trust distributes income for the taxable 10367
year for which a credit is available to the trust, the credit 10368
shall be shared by the trust and its beneficiaries. The tax 10369
commissioner and the trust shall be guided by applicable 10370
regulations of the United States treasury regarding the sharing 10371
of credits. 10372

~~(D)~~ (C) For the purposes of this section, "trust" means any 10373
trust described in Subchapter J of Chapter 1 of the Internal 10374
Revenue Code, excluding trusts that are not irrevocable as 10375
defined in division (I) (3) (b) of section 5747.01 of the Revised 10376
Code and that have no modified Ohio taxable income for the 10377
taxable year, charitable remainder trusts, qualified funeral 10378
trusts and preneed funeral contract trusts established pursuant 10379
to sections 4717.31 to 4717.38 of the Revised Code that are not 10380
qualified funeral trusts, endowment and perpetual care trusts, 10381
qualified settlement trusts and funds, designated settlement 10382
trusts and funds, and trusts exempted from taxation under 10383
section 501(a) of the Internal Revenue Code. 10384

~~(E)~~ (D) Nothing in division (A) (3) of this section shall 10385
prohibit an individual with an Ohio adjusted gross income, less 10386

~~taxable-qualifying~~ business income and exemptions, of twenty-six 10387
thousand fifty dollars or less from filing a return under this 10388
chapter to receive a refund of taxes withheld or to claim any 10389
refundable credit allowed under this chapter. 10390

Sec. 5747.03. (A) (1) All money collected under this 10391
chapter arising from the taxes imposed by section 5747.02, 10392
5747.38, or 5747.41 of the Revised Code shall be credited to the 10393
general revenue fund and distributed pursuant to ~~division (F) of~~ 10394
~~section 321.24 and~~ section 323.156 of the Revised Code; to make 10395
subsidy payments to institutions of higher education from 10396
appropriations to the department of higher education; to support 10397
expenditures for programs and services for persons with mental 10398
illnesses, persons with developmental disabilities, and the 10399
elderly; for primary and secondary education; for medical 10400
assistance; and for any other purposes authorized by law, 10401
subject to the limitation that at least fifty per cent of the 10402
income tax collected by the state from the tax imposed by 10403
section 5747.02 of the Revised Code shall be returned pursuant 10404
to Section 9 of Article XII, Ohio Constitution. 10405

(2) To ensure that such constitutional requirement is 10406
satisfied the tax commissioner shall, on or before the thirtieth 10407
day of June of each year, from the best information available to 10408
the tax commissioner, determine and certify for each county to 10409
the director of budget and management the amount of taxes 10410
collected under this chapter from the tax imposed under section 10411
5747.02 of the Revised Code during the preceding calendar year 10412
that are required to be returned to the county by Section 9 of 10413
Article XII, Ohio Constitution. The director shall provide for 10414
payment from the general revenue fund to the county in the 10415
amount, if any, that the sum of the amount so certified for that 10416
county exceeds the sum of the following: 10417

(a) The sum of the payments from the general revenue fund 10418
for the preceding calendar year credited to the county's 10419
undivided income tax fund pursuant to ~~division (F) of section~~ 10420
~~321.24 and~~ section 323.156 of the Revised Code or made directly 10421
from the general revenue fund to political subdivisions located 10422
in the county; 10423

(b) The sum of the amounts from the general revenue fund 10424
distributed in the county during the preceding calendar year for 10425
subsidy payments to institutions of higher education from 10426
appropriations to the department of higher education; for 10427
programs and services for persons with mental illnesses, persons 10428
with developmental disabilities, and elderly persons; for 10429
primary and secondary education; and for medical assistance. 10430

(c) In the case of payments made by the director under 10431
this division in 2007, the total amount distributed to the 10432
county during the preceding calendar year from the local 10433
government fund and the local government revenue assistance 10434
fund, and, in the case of payments made by the director under 10435
this division in subsequent calendar years, the amount 10436
distributed to the county from the local government fund; 10437

(d) In the case of payments made by the director under 10438
this division, the total amount distributed to the county during 10439
the preceding calendar year from the public library fund. 10440

Payments under this division shall be credited to the 10441
county's undivided income tax fund, except that, notwithstanding 10442
section 5705.14 of the Revised Code, such payments may be 10443
transferred by the board of county commissioners to the county 10444
general fund by resolution adopted with the affirmative vote of 10445
two-thirds of the members thereof. 10446

(B) All payments received in each month from taxes imposed under Chapter 5748. of the Revised Code and any penalties or interest thereon shall be paid into the school district income tax fund, which is hereby created in the state treasury, except that an amount equal to the following portion of such payments shall be paid into the general school district income tax administrative fund, which is hereby created in the state treasury:

(1) One and three-quarters of one per cent of those received in fiscal year 1996;

(2) One and one-half per cent of those received in fiscal year 1997 and thereafter.

Money in the school district income tax administrative fund shall be used by the tax commissioner to defray costs incurred in administering the school district's income tax, including the cost of providing employers with information regarding the rate of tax imposed by any school district. Any moneys remaining in the fund after such use shall be deposited in the school district income tax fund.

All interest earned on moneys in the school district income tax fund shall be credited to the fund.

(C) (1) (a) Within thirty days of the end of each calendar quarter ending on the last day of March, June, September, and December, the director of budget and management shall make a payment from the school district income tax fund to each school district for which school district income tax revenue was received during that quarter. The amount of the payment shall equal the balance in the school district's account at the end of that quarter.

(b) After a school district ceases to levy an income tax, 10476
the director of budget and management shall adjust the payments 10477
under division (C) (1) (a) of this section to retain sufficient 10478
money in the school district's account to pay refunds. For the 10479
calendar quarters ending on the last day of March and December 10480
of the calendar year following the last calendar year the tax is 10481
levied, the director shall make the payments in the amount 10482
required under division (C) (1) (a) of this section. For the 10483
calendar quarter ending on the last day of June of the calendar 10484
year following the last calendar year the tax is levied, the 10485
director shall make a payment equal to nine-tenths of the 10486
balance in the account at the end of that quarter. For the 10487
calendar quarter ending on the last day of September of the 10488
calendar year following the last calendar year the tax is 10489
levied, the director shall make no payment. For the second and 10490
succeeding calendar years following the last calendar year the 10491
tax is levied, the director shall make one payment each year, 10492
within thirty days of the last day of June, in an amount equal 10493
to the balance in the district's account on the last day of 10494
June. 10495

(2) Moneys paid to a school district under this division 10496
shall be deposited in its school district income tax fund. All 10497
interest earned on moneys in the school district income tax fund 10498
shall be apportioned by the tax commissioner pro rata among the 10499
school districts in the proportions and at the times the 10500
districts are entitled to receive payments under this division. 10501

Sec. 5747.031. For annual returns filed for taxable years 10502
beginning on or after January 1, 2017, the department of 10503
taxation shall determine and provide to the office of budget and 10504
management a report of the tax liability, before the application 10505
of any credits, under section 5747.02 of the Revised Code that 10506

arises from ~~taxable-qualifying~~ business income, the tax 10507
liability, before the application of any credits, that arises 10508
from income, other than ~~taxable-qualifying~~ business income, as 10509
measured and taxed under divisions(A) (1), (2), or (3) of that 10510
section, and the total amount of credits claimed against the tax 10511
levied under that section. 10512

In providing actual and estimates of revenue pursuant to 10513
Chapter 126. of the Revised Code, the office of budget and 10514
management shall separately list the tax liability, before the 10515
application of any credits, under section 5747.02 of the Revised 10516
Code that arises from ~~taxable-qualifying~~ business income, the 10517
tax liability, before the application of any credits, that 10518
arises from income, other than ~~taxable-qualifying~~ business 10519
income, as measured and taxed under divisions (A) (1), (2), or 10520
(3) of that section, and the total amount of credits claimed 10521
against the tax levied under that section. 10522

Sec. 5747.08. An annual return with respect to the tax 10523
imposed by section 5747.02 of the Revised Code and each tax 10524
imposed under Chapter 5748. of the Revised Code shall be made by 10525
every taxpayer for any taxable year for which the taxpayer is 10526
liable for the tax imposed by that section or under that 10527
chapter, unless the total credits allowed under division (E) of 10528
section 5747.05 and divisions (F) and (G) of section 5747.055 of 10529
the Revised Code for the year are equal to or exceed the tax 10530
imposed by section 5747.02 of the Revised Code, in which case no 10531
return shall be required unless the taxpayer is liable for a tax 10532
imposed pursuant to Chapter 5748. of the Revised Code. 10533

(A) If an individual is deceased, any return or notice 10534
required of that individual under this chapter shall be made and 10535
filed by that decedent's executor, administrator, or other 10536

person charged with the property of that decedent. 10537

(B) If an individual is unable to make a return or notice 10538
required by this chapter, the return or notice required of that 10539
individual shall be made and filed by the individual's duly 10540
authorized agent, guardian, conservator, fiduciary, or other 10541
person charged with the care of the person or property of that 10542
individual. 10543

(C) Returns or notices required of an estate or a trust 10544
shall be made and filed by the fiduciary of the estate or trust. 10545

(D) (1) (a) Except as otherwise provided in division (D) (1) 10546
(b) of this section, any pass-through entity may file a single 10547
return on behalf of one or more of the entity's investors other 10548
than an investor that is a person subject to the tax imposed 10549
under section 5733.06 of the Revised Code. The single return 10550
shall set forth the name, address, and social security number or 10551
other identifying number of each of those pass-through entity 10552
investors and shall indicate the distributive share of each of 10553
those pass-through entity investor's income taxable in this 10554
state in accordance with sections 5747.20 to 5747.231 of the 10555
Revised Code. Such pass-through entity investors for whom the 10556
pass-through entity elects to file a single return are not 10557
entitled to the exemption or credit provided for by sections 10558
5747.02 and 5747.022 of the Revised Code; shall calculate the 10559
tax before business credits at the highest rate of tax set forth 10560
in section 5747.02 of the Revised Code for the taxable year for 10561
which the return is filed; and are entitled to only their 10562
distributive share of the business credits as defined in 10563
division (D) (2) of this section. A single check drawn by the 10564
pass-through entity shall accompany the return in full payment 10565
of the tax due, as shown on the single return, for such 10566

investors, other than investors who are persons subject to the 10567
tax imposed under section 5733.06 of the Revised Code. 10568

(b) (i) A pass-through entity shall not include in such a 10569
single return any investor that is a trust to the extent that 10570
any direct or indirect current, future, or contingent 10571
beneficiary of the trust is a person subject to the tax imposed 10572
under section 5733.06 of the Revised Code. 10573

(ii) A pass-through entity shall not include in such a 10574
single return any investor that is itself a pass-through entity 10575
to the extent that any direct or indirect investor in the second 10576
pass-through entity is a person subject to the tax imposed under 10577
section 5733.06 of the Revised Code. 10578

(c) Except as provided by division (L) of this section, 10579
nothing in division (D) of this section precludes the tax 10580
commissioner from requiring such investors to file the return 10581
and make the payment of taxes and related interest, penalty, and 10582
interest penalty required by this section or section 5747.02, 10583
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 10584
of this section precludes such an investor from filing the 10585
annual return under this section, utilizing the refundable 10586
credit equal to the investor's proportionate share of the tax 10587
paid by the pass-through entity on behalf of the investor under 10588
division (I) of this section, and making the payment of taxes 10589
imposed under section 5747.02 of the Revised Code. Nothing in 10590
division (D) of this section shall be construed to provide to 10591
such an investor or pass-through entity any additional deduction 10592
or credit, other than the credit provided by division (I) of 10593
this section, solely on account of the entity's filing a return 10594
in accordance with this section. Such a pass-through entity also 10595
shall make the filing and payment of estimated taxes on behalf 10596

of the pass-through entity investors other than an investor that 10597
is a person subject to the tax imposed under section 5733.06 of 10598
the Revised Code. 10599

(2) For the purposes of this section, "business credits" 10600
means the credits listed in section 5747.98 of the Revised Code 10601
excluding the following credits: 10602

(a) The retirement income credit under division (B) of 10603
section 5747.055 of the Revised Code; 10604

(b) The senior citizen credit under division (F) of 10605
section 5747.055 of the Revised Code; 10606

(c) The lump sum distribution credit under division (G) of 10607
section 5747.055 of the Revised Code; 10608

(d) The dependent care credit under section 5747.054 of 10609
the Revised Code; 10610

(e) The lump sum retirement income credit under division 10611
(C) of section 5747.055 of the Revised Code; 10612

(f) The lump sum retirement income credit under division 10613
(D) of section 5747.055 of the Revised Code; 10614

(g) The lump sum retirement income credit under division 10615
(E) of section 5747.055 of the Revised Code; 10616

(h) The credit for displaced workers who pay for job 10617
training under section 5747.27 of the Revised Code; 10618

(i) The twenty-dollar personal exemption credit under 10619
section 5747.022 of the Revised Code; 10620

(j) The joint filing credit under division (E) of section 10621
5747.05 of the Revised Code; 10622

(k) The nonresident credit under division (A) of section 10623

5747.05 of the Revised Code; 10624

(l) The credit for a resident's out-of-state income under 10625
division (B) of section 5747.05 of the Revised Code; 10626

(m) The earned income tax credit under section 5747.71 of 10627
the Revised Code; 10628

(n) The lead abatement credit under section 5747.26 of the 10629
Revised Code; 10630

(o) The credit for education expenses under section 10631
5747.72 of the Revised Code; 10632

(p) The credit for tuition paid to a nonchartered 10633
nonpublic school under section 5747.75 of the Revised Code; 10634

(q) The credit for property taxes or rent-equivalent taxes 10635
paid under section 5747.87 of the Revised Code. 10636

(3) The election provided for under division (D) of this 10637
section applies only to the taxable year for which the election 10638
is made by the pass-through entity. Unless the tax commissioner 10639
provides otherwise, this election, once made, is binding and 10640
irrevocable for the taxable year for which the election is made. 10641
Nothing in this division shall be construed to provide for any 10642
deduction or credit that would not be allowable if a nonresident 10643
pass-through entity investor were to file an annual return. 10644

(4) If a pass-through entity makes the election provided 10645
for under division (D) of this section, the pass-through entity 10646
shall be liable for any additional taxes, interest, interest 10647
penalty, or penalties imposed by this chapter if the tax 10648
commissioner finds that the single return does not reflect the 10649
correct tax due by the pass-through entity investors covered by 10650
that return. Nothing in this division shall be construed to 10651

limit or alter the liability, if any, imposed on pass-through 10652
entity investors for unpaid or underpaid taxes, interest, 10653
interest penalty, or penalties as a result of the pass-through 10654
entity's making the election provided for under division (D) of 10655
this section. For the purposes of division (D) of this section, 10656
"correct tax due" means the tax that would have been paid by the 10657
pass-through entity had the single return been filed in a manner 10658
reflecting the commissioner's findings. Nothing in division (D) 10659
of this section shall be construed to make or hold a pass- 10660
through entity liable for tax attributable to a pass-through 10661
entity investor's income from a source other than the pass- 10662
through entity electing to file the single return. 10663

(E) If a husband and wife file a joint federal income tax 10664
return for a taxable year, they shall file a joint return under 10665
this section for that taxable year, and their liabilities are 10666
joint and several, but, if the federal income tax liability of 10667
either spouse is determined on a separate federal income tax 10668
return, they shall file separate returns under this section. 10669

If either spouse is not required to file a federal income 10670
tax return and either or both are required to file a return 10671
pursuant to this chapter, they may elect to file separate or 10672
joint returns, and, pursuant to that election, their liabilities 10673
are separate or joint and several. If a husband and wife file 10674
separate returns pursuant to this chapter, each must claim the 10675
taxpayer's own exemption, but not both, as authorized under 10676
section 5747.02 of the Revised Code on the taxpayer's own 10677
return. 10678

(F) Each return or notice required to be filed under this 10679
section shall contain the signature of the taxpayer or the 10680
taxpayer's duly authorized agent and of the person who prepared 10681

the return for the taxpayer, and shall include the taxpayer's 10682
social security number. Each return shall be verified by a 10683
declaration under the penalties of perjury. The tax commissioner 10684
shall prescribe the form that the signature and declaration 10685
shall take. 10686

(G) Each return or notice required to be filed under this 10687
section shall be made and filed as required by section 5747.04 10688
of the Revised Code, on or before the fifteenth day of April of 10689
each year, on forms that the tax commissioner shall prescribe, 10690
together with remittance made payable to the treasurer of state 10691
in the combined amount of the state and all school district 10692
income taxes shown to be due on the form. 10693

Upon good cause shown, the commissioner may extend the 10694
period for filing any notice or return required to be filed 10695
under this section and may adopt rules relating to extensions. 10696
If the extension results in an extension of time for the payment 10697
of any state or school district income tax liability with 10698
respect to which the return is filed, the taxpayer shall pay at 10699
the time the tax liability is paid an amount of interest 10700
computed at the rate per annum prescribed by section 5703.47 of 10701
the Revised Code on that liability from the time that payment is 10702
due without extension to the time of actual payment. Except as 10703
provided in section 5747.132 of the Revised Code, in addition to 10704
all other interest charges and penalties, all taxes imposed 10705
under this chapter or Chapter 5748. of the Revised Code and 10706
remaining unpaid after they become due, except combined amounts 10707
due of one dollar or less, bear interest at the rate per annum 10708
prescribed by section 5703.47 of the Revised Code until paid or 10709
until the day an assessment is issued under section 5747.13 of 10710
the Revised Code, whichever occurs first. 10711

If the commissioner considers it necessary in order to 10712
ensure the payment of the tax imposed by section 5747.02 of the 10713
Revised Code or any tax imposed under Chapter 5748. of the 10714
Revised Code, the commissioner may require returns and payments 10715
to be made otherwise than as provided in this section. 10716

To the extent that any provision in this division 10717
conflicts with any provision in section 5747.026 of the Revised 10718
Code, the provision in that section prevails. 10719

(H) The amounts withheld pursuant to section 5747.06, 10720
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 10721
Revised Code shall be allowed to the ultimate recipient of the 10722
income as credits against payment of the appropriate taxes 10723
imposed on the ultimate recipient by section 5747.02 and under 10724
Chapter 5748. of the Revised Code. As used in this division, 10725
"ultimate recipient" means the person who is required to report 10726
income from which amounts are withheld pursuant to section 10727
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 10728
the Revised Code on the annual return required to be filed under 10729
this section. 10730

(I) If a pass-through entity elects to file a single 10731
return under division (D) of this section and if any investor is 10732
required to file the annual return and make the payment of taxes 10733
required by this chapter on account of the investor's other 10734
income that is not included in a single return filed by a pass- 10735
through entity or any other investor elects to file the annual 10736
return, the investor is entitled to a refundable credit equal to 10737
the investor's proportionate share of the tax paid by the pass- 10738
through entity on behalf of the investor. The investor shall 10739
claim the credit for the investor's taxable year in which or 10740
with which ends the taxable year of the pass-through entity. 10741

Nothing in this chapter shall be construed to allow any credit 10742
provided in this chapter to be claimed more than once. For the 10743
purpose of computing any interest, penalty, or interest penalty, 10744
the investor shall be deemed to have paid the refundable credit 10745
provided by this division on the day that the pass-through 10746
entity paid the estimated tax or the tax giving rise to the 10747
credit. 10748

(J) The tax commissioner shall ensure that each return 10749
required to be filed under this section includes a box that the 10750
taxpayer may check to authorize a paid tax preparer who prepared 10751
the return to communicate with the department of taxation about 10752
matters pertaining to the return. The return or instructions 10753
accompanying the return shall indicate that by checking the box 10754
the taxpayer authorizes the department of taxation to contact 10755
the preparer concerning questions that arise during the 10756
processing of the return and authorizes the preparer only to 10757
provide the department with information that is missing from the 10758
return, to contact the department for information about the 10759
processing of the return or the status of the taxpayer's refund 10760
or payments, and to respond to notices about mathematical 10761
errors, offsets, or return preparation that the taxpayer has 10762
received from the department and has shown to the preparer. 10763

(K) The tax commissioner shall permit individual taxpayers 10764
to instruct the department of taxation to cause any refund of 10765
overpaid taxes to be deposited directly into a checking account, 10766
savings account, or an individual retirement account or 10767
individual retirement annuity, or preexisting college savings 10768
plan or program account offered by the Ohio tuition trust 10769
authority under Chapter 3334. of the Revised Code, as designated 10770
by the taxpayer, when the taxpayer files the annual return 10771
required by this section electronically. 10772

(L) If, for the taxable year, a nonresident or trust that
is the owner of an electing pass-through entity, as defined in
section 5747.38 of the Revised Code, does not have Ohio adjusted
gross income or, in the case of a trust, modified Ohio taxable
income other than from one or more electing pass-through
entities, the nonresident or trust shall not be required to file
an annual return under this section. Nothing in this division
precludes such an owner from filing the annual return under this
section, utilizing the refundable credit under section 5747.39
of the Revised Code equal to the owner's proportionate share of
the tax levied under section 5747.38 of the Revised Code and
paid by the electing pass-through entity, and making the payment
of taxes imposed under section 5747.02 of the Revised Code.

(M) The tax commissioner may adopt rules to administer
this section.

Sec. 5747.10. (A) As used in this section:

(1) "Audited partnership" means a partnership subject to
an examination by the internal revenue service pursuant to
subchapter C, chapter 63, subtitle F of the Internal Revenue
Code resulting in a federal adjustment.

(2) (a) "Direct investor" means a partner or other investor
that holds a direct interest in a pass-through entity.

(b) "Indirect investor" means a partner or other investor
that holds an interest in a pass-through entity that itself
holds an interest, directly or through another indirect partner
or other investor, in a pass-through entity.

(3) "Exempt partner" means a partner that is neither a
pass-through entity nor a person subject to the tax imposed by
section 5747.02 of the Revised Code.

(4) "Federal adjustment" means a change to an item or amount required to be determined under the Internal Revenue Code that directly or indirectly affects a taxpayer's aggregate tax liability under section 5747.02 or Chapter 5748. of the Revised Code and that results from an action or examination by the internal revenue service, or from the filing of an amended federal tax return, a claim for a federal tax refund, or an administrative adjustment request filed by a partnership under section 6227 of the Internal Revenue Code.

(5) "Federal adjustments return" means the form or other document prescribed by the tax commissioner for use by a taxpayer in reporting final federal adjustments.

(6) "State partnership representative" means either of the following:

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit;

(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division.

(7) A federal adjustment is "final" or "agreed to or finally determined for federal income tax purposes" on any of the following:

(a) The day after which the period for appeal of a federal assessment has expired;

(b) The date on a refund check issued by the internal 10831
revenue service; or 10832

(c) For agreements required to be signed by the internal 10833
revenue service and the taxpayer or audited partnership, the 10834
date on which the last party signed the agreement. 10835

(B) (1) If any of the facts, figures, computations, or 10836
attachments required in a taxpayer's annual return to determine 10837
the tax charged by this chapter or Chapter 5748. of the Revised 10838
Code must be altered as the result of a final federal 10839
adjustment, and the federal adjustment is not required to be 10840
reported under division (C) of this section, the taxpayer shall 10841
file an amended return with the tax commissioner in such form as 10842
the commissioner requires. The amended return shall be filed not 10843
later than ninety days after the federal adjustment has been 10844
agreed to or finally determined for federal income tax purposes. 10845

(2) "One hundred eighty" shall be substituted for "ninety" 10846
in divisions (B) (1) and (E) (1) of this section if, for any 10847
taxable year, the final federal adjustment results from taxes 10848
paid by the taxpayer on an amount described in division (A) (32) 10849
of section 5747.01 of the Revised Code. 10850

(C) Except for adjustments required to be reported for 10851
federal purposes pursuant to section 6225(a) (2) of the Internal 10852
Revenue Code and adjustments that are taken into account on a 10853
federal amended return or similar report filed pursuant to 10854
section 6225(c) (2) of the Internal Revenue Code, partnerships 10855
and partners shall report final federal adjustments and make 10856
payments as required under division (C) of this section. 10857

(1) With respect to an action required or permitted to be 10858
taken by a partnership under this section, and any petition for 10859

reassessment or appeal to the board of tax appeals or any court 10860
with respect to such an action, the state partnership 10861
representative shall have the sole authority to act on behalf of 10862
the audited partnership, and the partnership's direct and 10863
indirect investors shall be bound by those actions. 10864

(2) Unless an audited partnership makes the election under 10865
division (C) (3) of this section: 10866

(a) The audited partnership, through its state partnership 10867
representative, shall do all of the following within ninety days 10868
after the federal adjustment is final: 10869

(i) File a federal adjustments return with the tax 10870
commissioner, including a copy of the notifications provided 10871
under division (C) (2) (a) (ii) of this section; 10872

(ii) Notify each of its direct investors, on a form 10873
prescribed by the commissioner, of the investor's distributive 10874
share of the final federal adjustments; 10875

(iii) File an amended tax return on behalf of its 10876
nonresident direct investors and pay any additional tax that 10877
would have been due under sections 5733.41 and 5747.41, or 10878
division (D) of section 5747.08, of the Revised Code with 10879
respect to those direct investors had the final federal 10880
adjustments been reported properly on the original filing. 10881

(b) Each direct investor that is subject to the tax 10882
imposed by section 5747.02 of the Revised Code shall file an 10883
original or amended tax return to include the investor's 10884
distributive share of the adjustments reported to the direct 10885
investor under division (C) (2) (a) of this section, and pay any 10886
additional tax due, within ninety days after the audited 10887
partnership files its federal adjustments return with the 10888

commissioner. 10889

(c) (i) Each direct and indirect investor of an audited 10890
partnership that is a pass-through entity and all investors in 10891
such a pass-through entity that are subject to the filing and 10892
payment requirements of Chapters 5733. and 5747. of the Revised 10893
Code are subject to the reporting and payment requirements of 10894
division (C) (2) or, upon a timely election, division (C) (3) of 10895
this section. 10896

(ii) Such direct and indirect investors shall make the 10897
required returns and payments within ninety days after the 10898
deadline for filing and furnishing statements under section 10899
6226(b) (4) of the Internal Revenue Code and applicable treasury 10900
regulations. 10901

(3) If an audited partnership makes the election under 10902
this division, the audited partnership, through its state 10903
partnership representative, shall do all of the following within 10904
ninety days after all federal adjustments are final: 10905

(a) File a federal adjustments return with the tax 10906
commissioner indicating the partnership has made the election 10907
under division (C) (3) of this section; 10908

(b) Pay the amount of combined additional tax due under 10909
division (D) (2) of this section, calculated by multiplying the 10910
highest rate of tax set forth in section 5747.02 of the Revised 10911
Code by the sum of the following: 10912

(i) The distributive shares of the final federal 10913
adjustments that are allocable or apportionable to this state of 10914
each investor who is a nonresident taxpayer or pass-through 10915
entity; 10916

(ii) The distributive share of the final federal 10917

adjustments for each investor who is a resident taxpayer. 10918

(c) Notify each of its direct investors, on a form 10919
prescribed by the commissioner, of the investor's distributive 10920
share of the final federal adjustments and the amount paid on 10921
their behalf pursuant to division (C) (3) (b) of this section. 10922

(4) (a) A direct investor of an audited partnership is not 10923
required to file an amended return or pay tax otherwise due 10924
under section 5747.02 of the Revised Code if the audited 10925
partnership properly reports and pays the tax under division (C) 10926
(3) of this section. 10927

(b) (i) Nothing in division (C) of this section precludes a 10928
direct or indirect investor in the audited partnership from 10929
filing a return to report the investor's share of the final 10930
federal adjustments. Such an investor who files a return and 10931
reports the income related to the final federal adjustments is 10932
entitled to a refundable credit for taxes paid by the audited 10933
partnership under division (C) (3) (b) of this section. The credit 10934
shall be computed and claimed in the same manner as the credit 10935
allowed under division (I) of section 5747.08 of the Revised 10936
Code. 10937

(ii) Notwithstanding division (C) (4) (b) (i) of this 10938
section, an exempt partner, whether a direct or indirect 10939
investor, may file an application for refund of its 10940
proportionate share of the amounts erroneously paid by the 10941
audited partnership pursuant to division (C) (3) (b) of this 10942
section on the exempt partner's behalf. 10943

(5) Upon request by an audited partnership, the tax 10944
commissioner may agree, in writing, to allow an alternative 10945
method of reporting and payment than required by division (C) (2) 10946

or (3) of this section. The request must be submitted to the 10947
commissioner in writing before the applicable deadline for 10948
filing a return under division (C) (2) (a) or (3) of this section. 10949
The commissioner's decision on whether to enter into an 10950
agreement under this division is not subject to further 10951
administrative review or appeal. 10952

(6) Nothing in division (C) of this section precludes 10953
either of the following: 10954

(a) A resident taxpayer from filing a return to claim the 10955
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 10956
(B) (2) of section 5747.02 of the Revised Code based upon any 10957
amounts paid by the audited partnership on such investor's 10958
behalf to another state. 10959

(b) The tax commissioner from issuing an assessment under 10960
this chapter against any direct or indirect investor for taxes 10961
due from the investor if an audited partnership, or direct and 10962
indirect investor of an audited partnership that is a pass- 10963
through entity, fails to timely file any return or remit any 10964
payment required by this section or underreports income or 10965
underpays tax on behalf of an indirect investor who is a 10966
resident taxpayer. 10967

(D) In the case of an underpayment, and unless otherwise 10968
agreed to in writing by the tax commissioner: 10969

(1) The taxpayer's amended return shall be accompanied by 10970
payment of any combined additional tax due together with 10971
interest thereon. An amended return required by this section is 10972
a return subject to assessment under section 5747.13 of the 10973
Revised Code for the purpose of assessing any additional tax due 10974
under this section, together with any applicable penalty and 10975

interest. It shall not reopen those facts, figures, 10976
computations, or attachments from a previously filed return no 10977
longer subject to assessment that are not affected, either 10978
directly or indirectly, by the final federal adjustment to the 10979
taxpayer's federal income tax return. 10980

(2) The audited partnership's federal adjustments return 10981
shall be accompanied by payment of any combined additional tax 10982
due together with interest thereon. The federal adjustments 10983
return required by this section is a return subject to 10984
assessment under section 5747.13 of the Revised Code for the 10985
purpose of assessing any additional tax due under this section, 10986
together with any applicable penalty and interest. It shall not 10987
reopen those facts, figures, computations, or attachments from a 10988
previously filed return no longer subject to assessment that are 10989
not affected, either directly or indirectly, by the final 10990
federal adjustment. 10991

(3) The tax commissioner may accept estimated payments of 10992
the tax arising from pending federal adjustments before the date 10993
for filing a federal adjustments return. The commissioner may 10994
adopt rules for the payment of such estimated taxes. 10995

(E) In the case of an overpayment, and unless otherwise 10996
agreed to in writing by the tax commissioner: 10997

(1) A taxpayer may file an application for refund under 10998
this division within the ninety-day period prescribed for filing 10999
the amended return even if it is filed beyond the period 11000
prescribed in section 5747.11 of the Revised Code if it 11001
otherwise conforms to the requirements of such section. An 11002
application filed under this division shall claim refund of 11003
overpayments resulting from alterations to only those facts, 11004
figures, computations, or attachments required in the taxpayer's 11005

annual return that are affected, either directly or indirectly, 11006
by the final federal adjustment to the taxpayer's federal income 11007
tax return unless it is also filed within the time prescribed in 11008
section 5747.11 of the Revised Code. It shall not reopen those 11009
facts, figures, computations, or attachments that are not 11010
affected, either directly or indirectly, by the adjustment to 11011
the taxpayer's federal income tax return. 11012

(2) (a) Except as otherwise provided in division (E) (2) (b) 11013
of this section, an audited partnership may file an application 11014
for a refund under this division within the ninety-day period 11015
prescribed for filing the federal adjustments return, even if it 11016
is filed beyond the period prescribed by section 5747.11 of the 11017
Revised Code, if it otherwise conforms to the requirements of 11018
that section. An application filed under this division may claim 11019
a refund of overpayments resulting only from final federal 11020
adjustments unless it is also filed within the time prescribed 11021
by section 5747.11 of the Revised Code. It shall not reopen 11022
those facts, figures, computations, or attachments that are not 11023
affected, either directly or indirectly, by the federal 11024
adjustment. 11025

(b) An audited partnership may not file an application for 11026
refund under division (E) of this section based on final federal 11027
adjustments described in section 6225(a) (2) of the Internal 11028
Revenue Code. 11029

(3) Any refund granted to a pass-through entity filing an 11030
application for refund under division (E) of this section shall 11031
be reduced by amounts previously claimed as a credit under 11032
section 5747.059 or division (I) of section 5747.08 of the 11033
Revised Code by the pass-through entity's direct or indirect 11034
investors. 11035

(F) Excluding the deadline in division (C) (2) (c) (ii) of 11036
this section, an audited partnership, or a direct or indirect 11037
investor of an audited partnership that is a pass-through 11038
entity, may automatically extend the deadline for reporting, 11039
payments, and refunds under this section by sixty days if the 11040
entity has ten thousand or more direct investors and notifies 11041
the commissioner of such extension, in writing, before the 11042
unextended deadline. 11043

Sec. 5747.38. (A) As used in this section and section 11044
5747.39 of the Revised Code and in other sections of Chapter 11045
5747. of the Revised Code in the context of the tax imposed 11046
under this section: 11047

(1) "Electing pass-through entity" means a qualifying 11048
pass-through entity that elects to be subject to the tax levied 11049
under this section for a taxable year pursuant to division (C) 11050
of this section. 11051

(2) "Owner" means a person that is a partner, member, 11052
shareholder, or investor in an electing pass-through entity for 11053
any portion of the taxable year. 11054

(3) "Income" means the sum of owners' distributive shares 11055
of the income, gain, expense, or loss of an electing pass- 11056
through entity for the taxable year, as reported for federal 11057
income tax purposes. 11058

(4) "Qualifying taxable income" means the sum of the 11059
following: 11060

(a) The portion of an electing pass-through entity's 11061
income that is business income, subject to the applicable 11062
adjustments in divisions (A) (2) to (7) of section 5733.40 of the 11063
Revised Code, multiplied by the fraction described in division 11064

(B) (1) of that section; 11065

(b) The portion of the electing pass-through entity's 11066
income that is nonbusiness income allocated to this state under 11067
section 5747.20 of the Revised Code. 11068

(B) For the same purposes for which the tax is levied 11069
under section 5747.02 of the Revised Code, a tax is hereby 11070
levied on each electing pass-through entity on the entity's 11071
qualifying taxable income for the taxable year, at the following 11072
rates: 11073

(1) For an electing pass-through entity's taxable year 11074
that begins in 2022, five per cent; 11075

(2) For an electing pass-through entity's taxable year 11076
that begins in 2023 and in any year thereafter, the rate equal 11077
to the tax rate imposed on ~~taxable~~ qualifying business income 11078
under division (A) (4) (a) of section 5747.02 of the Revised Code 11079
applicable to that taxable year. 11080

(C) A pass-through entity that is not a disregarded 11081
entity, as defined in section 5733.01 of the Revised Code, may 11082
elect to be subject to the tax levied under this section by 11083
filing with the tax commissioner a form prescribed by the 11084
commissioner making such election on or before the deadline to 11085
file the return under section 5747.42 of the Revised Code for 11086
the taxable year. Such election applies only to the taxable year 11087
for which the election is made and is, once made, irrevocable 11088
for that year. 11089

(D) The tax levied under this section shall be calculated 11090
without regard to any deductions or credits otherwise permitted 11091
to be claimed by an owner of the electing pass-through entity in 11092
computing the owner's aggregate tax liability under section 11093

5747.02 of the Revised Code. 11094

(E) The tax levied under this section is intended to 11095
comply with the provisions of internal revenue service notice 11096
2020-75 in which such tax paid by an electing pass-through 11097
entity is deductible to the entity for federal income tax 11098
purposes. 11099

(F) The tax commissioner shall adopt rules to administer 11100
the tax levied under this section. Such rules shall include a 11101
description of how the adjustments to income under divisions (A) 11102
(36) and (S) (15) of section 5747.01 of the Revised Code and the 11103
credit under section 5747.39 of the Revised Code apply to direct 11104
or indirect owners of an electing pass-through entity based on 11105
various ownership structures. Any rule adopted under this 11106
section is not a regulatory restriction for the purpose of 11107
section 121.95 of the Revised Code. 11108

Sec. 5747.41. For the same purposes for which the tax is 11109
levied under section 5747.02 of the Revised Code, there is 11110
hereby levied a withholding tax on every qualifying pass-through 11111
entity having at least one qualifying investor who is an 11112
individual and on every qualifying trust having at least one 11113
qualifying beneficiary who is an individual. The withholding tax 11114
imposed by this section is imposed on the sum of the adjusted 11115
qualifying amounts of a qualifying pass-through entity's 11116
qualifying investors who are individuals and on the sum of the 11117
adjusted qualifying amounts of a qualifying trust's qualifying 11118
beneficiaries, at a rate equal to the tax rate imposed on 11119
~~taxable~~ qualifying business income under division (A) (4) (a) of 11120
section 5747.02 of the Revised Code. 11121

The tax imposed by this section applies only if the 11122
qualifying entity has nexus with this state under the 11123

Constitution of the United States for any portion of the 11124
qualifying entity's qualifying taxable year, and the sum of the 11125
qualifying entity's adjusted qualifying amounts exceeds one 11126
thousand dollars for the qualifying entity's qualifying taxable 11127
year. 11128

The tax imposed under this section does not apply to a 11129
qualifying pass-through entity that makes an election under 11130
division (C) of section 5747.38 of the Revised Code to be 11131
subject to the tax levied under that section for the entity's 11132
qualifying taxable year. 11133

Sec. 5747.71. ~~There is hereby allowed a nonrefundable~~ 11134
~~credit against a taxpayer's aggregate tax liability under~~ 11135
~~section 5747.02 of the Revised Code for a~~ A taxpayer who is an 11136
"eligible individual" as defined in section 32 of the Internal 11137
Revenue Code may elect to claim a credit under either division 11138
(A) or (B) of this section against the taxpayer's aggregate tax 11139
liability under section 5747.02 of the Revised Code: 11140

(A) A nonrefundable credit equal to thirty per cent of the 11141
federal credit allowed for the taxable year; 11142

(B) A refundable credit equal to twelve per cent of the 11143
federal credit allowed for the taxable year, if the taxpayer has 11144
a dependent under the age of three at the end of the taxable 11145
year, or nine per cent of the federal credit allowed for the 11146
taxable year, in the case of all other taxpayers. ~~The credit~~ 11147
~~shall equal thirty per cent of the federal credit allowed for~~ 11148
~~the taxable year. The credit shall not exceed the aggregate~~ 11149
~~amount of tax otherwise due under section 5747.02 of the Revised~~ 11150
~~Code after deducting any other nonrefundable credits that~~ 11151
~~precede the credit allowed under this section in the order~~ 11152
~~prescribed by section 5747.98 of the Revised Code.~~ 11153

The A credit allowed under this section shall be claimed 11154
in the order prescribed by section 5747.98 of the Revised Code. 11155
In the case of the credit allowed under division (A) of this 11156
section, the credit shall not exceed the aggregate amount of tax 11157
otherwise due under section 5747.02 of the Revised Code after 11158
deducting any other nonrefundable credits that precede the 11159
credit allowed under this section in the order prescribed by 11160
section 5747.98 of the Revised Code. In the case of the credit 11161
allowed under division (B) of this section, if the credit amount 11162
exceeds the aggregate amount of tax otherwise due under section 11163
5747.02 of the Revised Code after deducting all other credits in 11164
that order, the excess shall be refunded. 11165

Sec. 5747.87. (A) As used in this section: 11166

(1) "Claim year" means, for individuals required to file 11167
an income tax return pursuant to this chapter, the individual's 11168
taxable year and, for all other individuals, the calendar year 11169
preceding the year in which an application for credit is filed 11170
under this section. 11171

(2) "Eligible claimant" means an individual who has 11172
occupied a homestead as an owner or lessee for at least six 11173
months of the claim year and whose total household resources do 11174
not exceed the threshold described in division (G) of this 11175
section. 11176

(3) "Gross rent" means the total rent paid during the 11177
claim year by a lessee for the right to occupy a homestead 11178
pursuant to an arm's length transaction with the property owner 11179
or the owner's representative. 11180

(4) "Qualifying homestead" means a dwelling, including a 11181
manufactured or mobile home or a unit in a multiple-unit 11182

dwelling or housing cooperative, that is located in this state, 11183
that is not fully exempt from property taxation for the claim 11184
year, and that meets one of the following requirements: 11185

(a) The dwelling is owned by an individual who occupies 11186
the dwelling as a primary residence and the true value of the 11187
property, as listed on the tax list for the tax year ending in 11188
the individual's claim year, does not exceed the home value 11189
limit for that claim year; 11190

(b) The dwelling is leased by an individual who occupies 11191
the dwelling as a primary residence and the gross rent paid by 11192
the lessee during the claim year did not exceed the product 11193
obtained by multiplying the rent limit for that claim year by 11194
the number of months the lessee occupied the dwelling as a 11195
primary residence. 11196

(5) "Household" means an individual and the individual's 11197
spouse. 11198

(6) "Income" means federal adjusted gross income, plus all 11199
income excluded or exempt from the computation of federal 11200
adjusted gross income, subtracted by all of the following: 11201

(a) Up to three hundred dollars of gifts in cash or kind 11202
from nongovernmental sources; 11203

(b) Up to three hundred dollars of lottery, casino gaming, 11204
or sports gaming winnings; 11205

(c) Benefits provided under the supplemental nutrition 11206
assistance program administered by the department of job and 11207
family services pursuant to section 5101.54 of the Revised Code; 11208

(d) Government payments made to a third party on behalf of 11209
an individual; 11210

<u>(e) State or municipal tax refunds or tax credits;</u>	11211
<u>(f) Any government grant that a property owner must use</u>	11212
<u>for the rehabilitation of the owner's homestead;</u>	11213
<u>(g) Stipends received by a person who is acting as a</u>	11214
<u>foster grandparent under the foster grandparent program</u>	11215
<u>authorized pursuant to 42 U.S.C 5011 or as a senior companion</u>	11216
<u>pursuant to 42 U.S.C 5013;</u>	11217
<u>(h) Amounts deducted from benefits provided under Title II</u>	11218
<u>of the Social Security Act or from railroad retirement benefits</u>	11219
<u>for premiums paid pursuant to the medicare program established</u>	11220
<u>by Title XVIII of the Social Security Act;</u>	11221
<u>(i) Contributions by an employer to life, accident, or</u>	11222
<u>health insurance plans;</u>	11223
<u>(j) Any money received from a low-income customer</u>	11224
<u>assistance program, as defined in section 4928.01 of the Revised</u>	11225
<u>Code;</u>	11226
<u>(k) Loan proceeds;</u>	11227
<u>(l) Inheritance or life insurance benefits from a spouse;</u>	11228
<u>(m) Payments from a long-term care policy made to a</u>	11229
<u>nursing home or other care facility;</u>	11230
<u>(n) Accident or health insurance plan premiums paid by an</u>	11231
<u>employer for a plan that covers a member of the household or the</u>	11232
<u>member's family;</u>	11233
<u>(o) Compensation for wrongful imprisonment.</u>	11234
<u>(7) "Property tax due" means the property taxes or</u>	11235
<u>manufactured home taxes charged and payable against the</u>	11236
<u>homestead for the tax year ending in the eligible claimant's</u>	11237

claim year, after any reductions allowed under the Revised Code. 11238
"Property tax due" does not include taxes that appeared on the 11239
general tax list or manufactured home tax list for any preceding 11240
tax year or any penalties, interest, or special assessments. 11241

(8) "Rent-equivalent tax paid" means fifteen per cent of 11242
gross rent. 11243

(9) "Total household resources" means all income received 11244
by all individuals of a household in the claim year while 11245
members of the household, increased by the following deductions 11246
from federal gross income: 11247

(a) Any net operating loss; 11248

(b) Any net rental or royalty loss; 11249

(c) Any carryback or carryforward of a net operating loss. 11250

(10) "Home value limit" means the median home value of 11251
owner-occupied housing units in the county in this state that 11252
has the highest such median home value according to the most 11253
recent one-year data published in the American community survey. 11254

(11) "Rent limit" means the median gross rent in the 11255
county in this state that has the highest such median gross rent 11256
according to the most recent one-year data published in the 11257
American community survey. 11258

(12) "American community survey" means the supplementary 11259
statistics collected and published annually by the United States 11260
census bureau in accordance with 13 U.S.C. 141 and 193. 11261

(B) A refundable credit or rebate is allowed to eligible 11262
claimants. In the case of eligible claimants required to file an 11263
annual return under this chapter for the claim year, a credit is 11264
allowed against the claimant's aggregate tax liability under 11265

section 5747.02 of the Revised Code. For all other eligible 11266
claimants, a rebate may be claimed on the form prescribed by the 11267
tax commissioner pursuant to division (E) of this section. 11268
Subject to division (C) of this section, the credit or rebate 11269
shall equal one of the following: 11270

(1) For eligible claimants who own the homestead for which 11271
the claim is made, the amount by which the eligible claimant's 11272
property tax due exceeds five per cent of the eligible 11273
claimant's total household resources for that claim year. 11274

(2) For eligible claimants who lease the homestead for 11275
which the claim is made, the amount by which the eligible 11276
claimant's rent-equivalent tax paid in the claim year exceeds 11277
five per cent of the eligible claimant's total household 11278
resources for that year. 11279

(C) The credit or rebate allowed under this section for a 11280
claim year shall not exceed a specified limit. For the first 11281
claim year ending on or after the effective date of this 11282
section, the limit equals one thousand dollars. For each 11283
succeeding claim year, the limit shall be adjusted as provided 11284
in division (G) of this section. 11285

(D) For eligible claimants required to file an annual 11286
return under this chapter for the claim year, the credit shall 11287
be claimed in the order required under section 5747.98 of the 11288
Revised Code. If the amount of the credit under this section 11289
exceeds the aggregate amount of tax otherwise due under section 11290
5747.02 of the Revised Code after deduction of all other credits 11291
in that order, the taxpayer is entitled to a refund of the 11292
excess. 11293

(E) (1) The tax commissioner shall prescribe a form on 11294

which eligible claimants who are not required to file an annual 11295
return under this chapter may apply for the rebate authorized 11296
under this section. Except as provided in division (E) (2) of 11297
this section, such eligible claimants shall apply for the rebate 11298
on that form after the first day of January following the end of 11299
the claim year but before the fifteenth day of the fourth month 11300
following the end of that claim year. 11301

(2) An eligible claimant may request an extension of the 11302
time to file a rebate application under division (E) (1) of this 11303
section, on a form prescribed by the commissioner. Upon receipt 11304
of such a request, the commissioner shall extend the due date 11305
for filing the application to the fifteenth day of the tenth 11306
month after the last day of the claim year. 11307

(F) (1) The credit or rebate authorized under this section 11308
shall be allowed to only one eligible claimant per homestead. 11309

(2) Only the lessee shall claim a credit or rebate with 11310
respect to property that is rented or leased as a homestead. 11311

(G) For the first claim year ending on or after the 11312
effective date of this section, an individual qualifies as an 11313
eligible claimant only if the individual's total household 11314
resources do not exceed sixty thousand dollars. For each 11315
following claim year, the tax commissioner shall adjust this 11316
total household resources limit and the credit or rebate limit 11317
described in division (C) of this section by completing the 11318
following calculations in September of each year: 11319

(1) Determine the percentage increase in the gross 11320
domestic product deflator determined by the bureau of economic 11321
analysis of the United States department of commerce from the 11322
first day of January of the preceding year to the last day of 11323

December of the preceding year; 11324

(2) Multiply that percentage increase by the total 11325
household resources limit and the credit or rebate limit for the 11326
current year; 11327

(3) Add the resulting products to the respective limits 11328
for the current year; 11329

(4) Round the resulting sums to the nearest multiple of 11330
one thousand dollars, in the case of the total household 11331
resources limit, or nearest multiple of ten dollars, in the case 11332
of the credit limit. 11333

The adjusted amounts apply to claim years beginning in the 11334
calendar year in which the adjustment is made and to claim years 11335
beginning in each ensuing calendar year until a calendar year in 11336
which a new adjustment is made pursuant to this division. The 11337
commissioner shall not make a new adjustment in any calendar 11338
year in which the amount resulting from the adjustment would be 11339
less than the amount resulting from the adjustment in the 11340
preceding calendar year. 11341

(H) If a credit or rebate allowed under this section was 11342
based on an amount of property tax due that differs from the 11343
actual amount of such taxes paid by the eligible claimant for 11344
the tax year ending in that claim year, the eligible claimant 11345
shall file an annual return or application under division (E) of 11346
this section for the ensuing claim year that reports the 11347
difference. The claimant shall adjust the credit or rebate 11348
claimed for the ensuing year by the amount of the difference. If 11349
the claimant is not eligible for the credit or rebate for the 11350
ensuing claim year, the claimant shall pay or may request 11351
payment of the difference, as applicable. 11352

(I) On or before the first day of November of each year, 11353
the tax commissioner shall determine and publish a home value 11354
limit and rent limit. The limits shall apply to claim years 11355
beginning in the calendar year in which the limits are 11356
determined. 11357

Sec. 5747.98. (A) To provide a uniform procedure for 11358
calculating a taxpayer's aggregate tax liability under section 11359
5747.02 of the Revised Code, a taxpayer shall claim any credits 11360
to which the taxpayer is entitled in the following order: 11361

Either the retirement income credit under division (B) of 11362
section 5747.055 of the Revised Code or the lump sum retirement 11363
income credits under divisions (C), (D), and (E) of that 11364
section; 11365

Either the senior citizen credit under division (F) of 11366
section 5747.055 of the Revised Code or the lump sum 11367
distribution credit under division (G) of that section; 11368

The dependent care credit under section 5747.054 of the 11369
Revised Code; 11370

The credit for displaced workers who pay for job training 11371
under section 5747.27 of the Revised Code; 11372

The campaign contribution credit under section 5747.29 of 11373
the Revised Code; 11374

The twenty-dollar personal exemption credit under section 11375
5747.022 of the Revised Code; 11376

The joint filing credit under division ~~(G)~~(E) of section 11377
5747.05 of the Revised Code; 11378

The nonrefundable earned income credit under division (A) 11379
of section 5747.71 of the Revised Code; 11380

The nonrefundable credit for education expenses under	11381
section 5747.72 of the Revised Code;	11382
The nonrefundable credit for donations to scholarship	11383
granting organizations under section 5747.73 of the Revised	11384
Code;	11385
The nonrefundable credit for tuition paid to a	11386
nonchartered nonpublic school under section 5747.75 of the	11387
Revised Code;	11388
The nonrefundable vocational job credit under section	11389
5747.057 of the Revised Code;	11390
The nonrefundable job retention credit under division (B)	11391
of section 5747.058 of the Revised Code;	11392
The enterprise zone credit under section 5709.66 of the	11393
Revised Code;	11394
The credit for beginning farmers who participate in a	11395
financial management program under division (B) of section	11396
5747.77 of the Revised Code;	11397
The credit for commercial vehicle operator training	11398
expenses under section 5747.82 of the Revised Code;	11399
The nonrefundable welcome home Ohio (WHO) program credit	11400
under section 122.633 of the Revised Code;	11401
The credit for selling or renting agricultural assets to	11402
beginning farmers under division (A) of section 5747.77 of the	11403
Revised Code;	11404
The credit for purchases of qualifying grape production	11405
property under section 5747.28 of the Revised Code;	11406
The small business investment credit under section 5747.81	11407

of the Revised Code;	11408
The nonrefundable lead abatement credit under section	11409
5747.26 of the Revised Code;	11410
The opportunity zone investment credit under section	11411
5747.86 of the Revised Code;	11412
The enterprise zone credits under section 5709.65 of the	11413
Revised Code;	11414
The research and development credit under section 5747.331	11415
of the Revised Code;	11416
The credit for rehabilitating a historic building under	11417
section 5747.76 of the Revised Code;	11418
The nonrefundable Ohio low-income housing tax credit under	11419
section 5747.83 of the Revised Code;	11420
The nonrefundable affordable single-family home credit	11421
under section 5747.84 of the Revised Code;	11422
The nonresident credit under division (A) of section	11423
5747.05 of the Revised Code;	11424
The credit for a resident's out-of-state income under	11425
division (B) of section 5747.05 of the Revised Code;	11426
The refundable motion picture and Broadway theatrical	11427
production credit under section 5747.66 of the Revised Code;	11428
The refundable credit for film and theater capital	11429
improvement projects under section 5747.67 of the Revised Code;	11430
The refundable jobs creation credit or job retention	11431
credit under division (A) of section 5747.058 of the Revised	11432
Code;	11433

The refundable credit for taxes paid by a qualifying	11434
entity granted under section 5747.059 of the Revised Code;	11435
The refundable credits for taxes paid by a qualifying	11436
pass-through entity granted under division (I) of section	11437
5747.08 of the Revised Code;	11438
The refundable credit under section 5747.80 of the Revised	11439
Code for losses on loans made to the Ohio venture capital	11440
program under sections 150.01 to 150.10 of the Revised Code;	11441
The refundable credit for rehabilitating a historic	11442
building under section 5747.76 of the Revised Code;	11443
The refundable credit under section 5747.39 of the Revised	11444
Code for taxes levied under section 5747.38 of the Revised Code	11445
paid by an electing pass-through entity;	11446
<u>The refundable earned income credit under division (B) of</u>	11447
<u>section 5747.71 of the Revised Code;</u>	11448
<u>The refundable credit for property taxes or rent-</u>	11449
<u>equivalent taxes paid under section 5747.87 of the Revised Code.</u>	11450
(B) For any credit, except the refundable credits	11451
enumerated in this section and the credit granted under division	11452
(H) of section 5747.08 of the Revised Code, the amount of the	11453
credit for a taxable year shall not exceed the taxpayer's	11454
aggregate amount of tax due under section 5747.02 of the Revised	11455
Code, after allowing for any other credit that precedes it in	11456
the order required under this section. Any excess amount of a	11457
particular credit may be carried forward if authorized under the	11458
section creating that credit. Nothing in this chapter shall be	11459
construed to allow a taxpayer to claim, directly or indirectly,	11460
a credit more than once for a taxable year.	11461

Sec. 5749.01. As used in this chapter: 11462

(A) "Ton" shall mean two thousand pounds as measured at 11463
the point and time of severance, after the removal of any 11464
impurities, under such rules and regulations as the tax 11465
commissioner may prescribe. 11466

(B) "Taxpayer" means any person required to pay the tax 11467
levied by Chapter 5749. of the Revised Code. 11468

(C) "Natural resource" means all forms of coal, salt, 11469
limestone, dolomite, sand, gravel, ~~natural gas, and oil,~~ 11470
condensate, and natural gas liquids. 11471

(D) ~~"Owner"~~ "Owner," "oil," "condensate," and "exempt 11472
domestic well" have the same meanings as in section 1509.01 of 11473
the Revised Code. 11474

(E) "Person" means any individual, firm, partnership, 11475
association, joint stock company, corporation, or estate, or 11476
combination thereof. 11477

(F) "Return" means any report or statement required to be 11478
filed pursuant to Chapter 5749. of the Revised Code used to 11479
determine the tax due. 11480

(G) "Severance" means the extraction or other removal of a 11481
natural resource from the soil or water of this state. 11482

(H) "Severed" means the point at which the natural 11483
resource has been separated from the soil or water in this 11484
state. 11485

(I) "Severer" means any person who actually removes the 11486
natural resources from the soil or water in this state. 11487

(J) "Gas" means all hydrocarbons that are in a gaseous 11488

state at standard temperature and pressure. 11489

(K) "Natural gas liquids" means hydrocarbons separated 11490
from gas, including ethane, propane, butanes, pentanes, hexanes, 11491
and natural gasolines. 11492

(L) "Average quarterly spot price" means the following: 11493

(1) For oil, the average of each day's closing spot price 11494
reported for one barrel of crude oil for the calendar quarter 11495
that begins six months before the current calendar quarter, as 11496
reported by a publicly available source determined by the 11497
commissioner; 11498

(2) For gas, the average of each day's closing spot price 11499
reported for one thousand cubic feet of natural gas for the 11500
calendar quarter that begins six months before the current 11501
calendar quarter, as reported by a publicly available source 11502
determined by the commissioner; 11503

(3) For condensate, the average of each day's closing spot 11504
price reported for one barrel of Appalachian condensate for the 11505
calendar quarter that begins six months before the current 11506
calendar quarter, as reported by a source determined by the 11507
commissioner; 11508

(4) For natural gas liquids, the average of each day's 11509
closing spot price reported for one million British thermal 11510
units of natural gas plant liquids composite for the calendar 11511
quarter that begins six months before the current calendar 11512
quarter, as reported by a publicly available source determined 11513
by the commissioner. 11514

(M) "Former section 1509.50 of the Revised Code" means 11515
section 1509.50 of the Revised Code as it existed before its 11516
repeal by this act. 11517

Sec. 5749.02. (A) For the purpose of providing revenue to 11518
administer the state's coal mining and reclamation regulatory 11519
program, to meet the environmental and resource management needs 11520
of this state, to provide revenue to the general revenue fund, 11521
and to reclaim land affected by mining, an excise tax is hereby 11522
levied on the privilege of engaging in the severance of natural 11523
resources from the soil or water of this state. The tax shall be 11524
imposed upon the severer at the rates prescribed by this 11525
section: 11526

(1) Ten cents per ton of coal; 11527

(2) Four cents per ton of salt; 11528

(3) Two cents per ton of limestone or dolomite; 11529

(4) Two cents per ton of sand and gravel; 11530

(5) ~~Ten cents per barrel of oil;~~ 11531

~~(6) Two and one-half cents per thousand cubic feet of~~ 11532
~~natural gas;~~ 11533

~~(7) Six and one-half per cent of the product of the total~~ 11534
~~volume of oil severed during the calendar quarter multiplied by~~ 11535
~~the average quarterly spot price for oil applicable to that~~ 11536
~~quarter;~~ 11537

(6) (a) For gas that enters the natural gas distribution 11538
system without further processing, six and one-half per cent of 11539
the product of the total volume of such gas severed during the 11540
calendar quarter multiplied by the average quarter spot price 11541
for gas applicable to that quarter; 11542

(b) For gas other than that described in division (A) (6) 11543
(a) of this section, four and one-half per cent of the product 11544
of the total volume of such gas after the gas is processed 11545

during the calendar quarter, regardless of where the processing 11546
facility is located, multiplied by the average quarterly spot 11547
price for gas applicable to that quarter. 11548

(7) Six and one-half per cent of the product of the 11549
volume of condensate collected during the calendar quarter at a 11550
point other than the wellhead, regardless of where title is 11551
transferred, multiplied by the average quarterly spot price for 11552
condensate applicable to that quarter; 11553

(8) Four and one-half per cent of the product of the 11554
volume of natural gas liquids collected during the calendar year 11555
at a point other than the wellhead, regardless of where title is 11556
transferred, multiplied by the average quarterly spot price for 11557
natural gas liquids applicable to that quarter; 11558

(9) One cent per ton of clay, sandstone or conglomerate, 11559
shale, gypsum, or quartzite; 11560

~~(8)~~ (10) Except as otherwise provided in this division or 11561
in rules adopted by the reclamation forfeiture fund advisory 11562
board under section 1513.182 of the Revised Code, an additional 11563
fourteen cents per ton of coal produced from an area under a 11564
coal mining and reclamation permit issued under Chapter 1513. of 11565
the Revised Code for which the performance security is provided 11566
under division (C) (2) of section 1513.08 of the Revised Code. 11567
Beginning July 1, 2007, if at the end of a fiscal biennium the 11568
balance of the reclamation forfeiture fund created in section 11569
1513.18 of the Revised Code is equal to or greater than ten 11570
million dollars, the rate levied shall be twelve cents per ton. 11571
Beginning July 1, 2007, if at the end of a fiscal biennium the 11572
balance of the fund is at least five million dollars, but less 11573
than ten million dollars, the rate levied shall be fourteen 11574
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 11575

biennium the balance of the fund is less than five million 11576
dollars, the rate levied shall be sixteen cents per ton. 11577
Beginning July 1, 2009, not later than thirty days after the 11578
close of a fiscal biennium, the chief of the division of mineral 11579
resources management shall certify to the tax commissioner the 11580
amount of the balance of the reclamation forfeiture fund as of 11581
the close of the fiscal biennium. Any necessary adjustment of 11582
the rate levied shall take effect on the first day of the 11583
following January and shall remain in effect during the calendar 11584
biennium that begins on that date. 11585

~~(9)~~ (11) An additional one and two-tenths cents per ton of 11586
coal mined by surface mining methods. 11587

(B) After the director of budget and management transfers 11588
money from the severance tax receipts fund as required in 11589
division (H) of section 5749.06 of the Revised Code, money 11590
remaining in the severance tax receipts fund, ~~except for money~~ 11591
~~in the fund from the amounts due under section 1509.50 of the~~ 11592
~~Revised Code,~~ shall be credited as follows: 11593

(1) All of the moneys in the fund from the tax levied in 11594
division (A) (1) of this section shall be credited to the mining 11595
regulation and safety fund created in section 1513.30 of the 11596
Revised Code. 11597

(2) The money in the fund from the tax levied in division 11598
(A) (2) of this section shall be credited to the mining 11599
regulation and safety fund. 11600

(3) Of the moneys in the fund from the tax levied in 11601
divisions (A) (3) and (4) of this section, seven and five-tenths 11602
per cent shall be credited to the geological mapping fund and 11603
the remainder shall be credited to the mining regulation and 11604

safety fund created in section 1513.30 of the Revised Code. 11605

(4) ~~Of All of the moneys in the fund from the tax levied~~ 11606
~~in divisions (A) (5) and (6) to (8) of this section, ninety per-~~ 11607
~~cent shall be credited to the oil and gas well general revenue~~ 11608
~~fund and ten per cent shall be credited to the geological~~ 11609
~~mapping fund.~~ 11610

(5) All of the moneys in the fund from the tax levied in 11611
division ~~(A) (7)~~ (A) (9) of this section shall be credited to the 11612
mining regulation and safety fund. 11613

(6) All of the moneys in the fund from the tax levied in 11614
division ~~(A) (8)~~ (A) (10) of this section shall be credited to the 11615
reclamation forfeiture fund. 11616

(7) All of the moneys in the fund from the tax levied in 11617
division ~~(A) (9)~~ (A) (11) of this section shall be credited to the 11618
mining regulation and safety fund. 11619

(C) When, at the close of any fiscal year, the chief finds 11620
that the balance of the reclamation forfeiture fund, plus the 11621
estimated revenues from the tax levied by division ~~(A) (8)~~ (A) 11622
(10) of this section for the remainder of the calendar year that 11623
includes the close of the fiscal year, are sufficient to 11624
complete the reclamation of all lands for which the performance 11625
security has been provided under division (C) (2) of section 11626
1513.08 of the Revised Code, the purposes for which the tax 11627
under division ~~(A) (8)~~ (A) (10) of this section is levied shall be 11628
deemed accomplished at the end of that calendar year. The chief, 11629
within thirty days after the close of the fiscal year, shall 11630
certify those findings to the tax commissioner, and the tax 11631
levied under division ~~(A) (8)~~ (A) (10) of this section shall cease 11632
to be imposed for the subsequent calendar year after the last 11633

day of that calendar year on coal produced under a coal mining 11634
and reclamation permit issued under Chapter 1513. of the Revised 11635
Code if the permittee has made tax payments under division ~~(A)~~ 11636
~~(8)~~ (A) (10) of this section during each of the preceding five 11637
full calendar years. Not later than thirty days after the close 11638
of a fiscal year, the chief shall certify to the tax 11639
commissioner the identity of any permittees who accordingly no 11640
longer are required to pay the tax levied under division ~~(A) (8)~~ 11641
(A) (10) of this section for the subsequent calendar year. 11642

(D) On or before the last day of the first month of each 11643
calendar quarter, the tax commissioner shall certify and post to 11644
the department of taxation's web site the average quarterly spot 11645
price applicable to oil, gas, condensate, and natural gas 11646
liquids for that quarter. 11647

Sec. 5749.04. No severer shall sever or sell a natural 11648
resource in this state without first having obtained a permit 11649
from or having registered with the department of natural 11650
resources. 11651

The commissioner may request that the department of 11652
natural resources revoke the permit or registration of a severer 11653
or owner if the commissioner finds that the severer or owner has 11654
failed to comply with former section 1509.50 or Chapter 5749. of 11655
the Revised Code. 11656

Upon receipt of such a request, that officer may revoke 11657
the permit or registration. 11658

Except as provided in section 5749.03 of the Revised Code, 11659
before severing a natural resource each severer shall file an 11660
application with the commissioner on a form prescribed by the 11661
commissioner to establish a severance tax account. The 11662

application may require the severer to disclose any information 11663
the commissioner considers necessary to establish that account. 11664

Sec. 5749.06. (A) (1) Each severer liable for the tax 11665
imposed by section 5749.02 of the Revised Code ~~and each severer~~ 11666
~~or owner liable for the amounts due under section 1509.50 of the~~ 11667
~~Revised Code, except for any amount due under division (B) (2) of~~ 11668
~~that section,~~ shall make and file returns with the tax 11669
commissioner in the prescribed form and at the prescribed times, 11670
computing and reflecting therein the tax as required by this 11671
chapter ~~and amounts due under section 1509.50 of the Revised~~ 11672
~~Code.~~ 11673

(2) The returns shall be filed for every calendar quarter, 11674
as required by this section, unless a different return period is 11675
prescribed for a taxpayer by the commissioner. 11676

(B) (1) A separate return shall be filed for each calendar 11677
quarter, or other period, or any part thereof, during which the 11678
severer holds a permit or has registered as provided by section 11679
5749.04 of the Revised Code, or is required to hold the permit 11680
or registration, or during which an owner is required to file a 11681
return. The return shall be filed on or before the fifteenth day 11682
of the second month following the end of each return period. The 11683
tax due is payable along with the return. All such returns shall 11684
contain such information as the commissioner may require to 11685
fairly administer the tax. 11686

(2) All returns shall be signed by the severer ~~or owner,~~ 11687
~~as applicable,~~ shall contain the full and complete information 11688
requested, and shall be made under penalty of perjury. 11689

(C) If the commissioner believes that quarterly payments 11690
of tax would result in a delay that might jeopardize the 11691

collection of such tax payments, the commissioner may order that 11692
such payments be made weekly, or more frequently if necessary, 11693
such payments to be made not later than seven days following the 11694
close of the period for which the jeopardy payment is required. 11695
Such an order shall be delivered to the taxpayer in the manner 11696
provided in section 5703.37 of the Revised Code and shall remain 11697
in effect until the commissioner notifies the taxpayer to the 11698
contrary. 11699

(D) Upon good cause the commissioner may extend for thirty 11700
days the period for filing any notice or return required to be 11701
filed under this section, and may remit all or a part of 11702
penalties that may become due under this chapter. 11703

(E) Any tax ~~and any amount due under section 1509.50 of~~ 11704
~~the Revised Code~~ not paid by the day the tax ~~or amount~~ is due 11705
shall bear interest computed at the rate per annum prescribed by 11706
section 5703.47 of the Revised Code ~~on that amount due~~ from the 11707
day that the ~~amount-tax~~ was originally required to be paid to 11708
the day of actual payment or to the day an assessment was issued 11709
under section 5749.07 or 5749.10 of the Revised Code, whichever 11710
occurs first. 11711

(F) A severer ~~or owner, as applicable,~~ that fails to file 11712
a complete return or pay the full amount due under this chapter 11713
within the time prescribed, including any extensions of time 11714
granted by the commissioner, shall be subject to a penalty not 11715
to exceed the greater of fifty dollars or ten per cent of the 11716
amount due for the period. 11717

(G) (1) A severer ~~or owner, as applicable,~~ shall remit 11718
payments electronically and, if required by the commissioner, 11719
file each return electronically. The commissioner may require 11720
that the severer ~~or owner~~ use the Ohio business gateway, as 11721

defined in section 718.01 of the Revised Code, or another 11722
electronic means to file returns and remit payments 11723
electronically. 11724

(2) A severer ~~or owner~~ that is required to remit payments 11725
electronically under this section may apply to the commissioner, 11726
in the manner prescribed by the commissioner, to be excused from 11727
that requirement. The commissioner may excuse a severer ~~or owner~~ 11728
from the requirements of division (G) of this section for good 11729
cause. 11730

(3) If a severer ~~or owner~~ that is required to remit 11731
payments or file returns electronically under this section fails 11732
to do so, the commissioner may impose a penalty on the severer 11733
~~or owner~~ not to exceed the following: 11734

(a) For the first or second payment or return the severer 11735
~~or owner~~ fails to remit or file electronically, the greater of 11736
five per cent of the amount of the payment that was required to 11737
be remitted or twenty-five dollars; 11738

(b) For every payment or return after the second that the 11739
severer ~~or owner~~ fails to remit or file electronically, the 11740
greater of ten per cent of the amount of the payment that was 11741
required to be remitted or fifty dollars. 11742

(H) (1) All amounts that the commissioner receives under 11743
this section shall be deemed to be revenue from taxes imposed 11744
under this chapter or from the amount due under former section 11745
1509.50 of the Revised Code, as applicable, and shall be 11746
deposited in the severance tax receipts fund, which is hereby 11747
created in the state treasury. 11748

(2) The director of budget and management shall transfer 11749
from the severance tax receipts fund, as necessary, to the tax 11750

refund fund amounts equal to the refunds certified by the 11751
commissioner under section 5749.08 of the Revised Code. Any 11752
amount transferred under division (H) (2) of this section shall 11753
be derived from receipts of the same tax or other amount from 11754
which the refund arose. 11755

(3) After the director of budget and management makes any 11756
transfer required by division (H) (2) of this section, but not 11757
later than the twenty-fifth day of each month, the commissioner 11758
shall certify to the director the total amount remaining in the 11759
severance tax receipts fund organized according to the amount 11760
attributable to each natural resource and according to the 11761
amount attributable to a tax imposed by this chapter ~~and the~~ 11762
~~amounts due under section 1509.50 of the Revised Code,~~ and shall 11763
provide for payment to the funds specified in division (B) of 11764
section 5749.02 of the Revised Code. 11765

(I) Penalties imposed under this section are in addition 11766
to any other penalty imposed under this chapter and shall be 11767
considered as revenue arising from the tax levied under this 11768
chapter or the amount due under former section 1509.50 of the 11769
Revised Code, as applicable. The commissioner may collect any 11770
penalty or interest imposed under this section in the same 11771
manner as provided for the making of an assessment in section 11772
5749.07 of the Revised Code. The commissioner may abate all or a 11773
portion of such interest or penalties and may adopt rules 11774
governing such abatements. 11775

(J) For purposes of this section: 11776

(1) "Tax imposed by section 5749.02 of the Revised Code" 11777
or "tax" includes amounts due under former section 1509.50 of 11778
the Revised Code. 11779

(2) "Severer" includes an owner as defined in section 11780
1509.01 of the Revised Code, with regard to amounts due from an 11781
owner under former section 1509.50 of the Revised Code. 11782

Sec. 5749.07. (A) If any severer required by this chapter 11783
to make and file returns and pay the tax ~~levied~~ imposed by 11784
section 5749.02 of the Revised Code, ~~or any severer or owner~~ 11785
~~liable for the amounts due under section 1509.50 of the Revised~~ 11786
~~Code,~~ fails to make such return or pay such tax ~~or amounts,~~ the 11787
tax commissioner may make an assessment against the severer ~~or~~ 11788
~~owner~~ based upon any information in the commissioner's 11789
possession. 11790

No assessment shall be made or issued against any severer 11791
for any tax imposed by section 5749.02 of the Revised Code ~~or~~ 11792
~~against any severer or owner for any amount due under section~~ 11793
~~1509.50 of the Revised Code~~ more than four years after the 11794
return was due or was filed, whichever is later. This section 11795
does not bar an assessment against a severer ~~or owner~~ who fails 11796
to file a return as required by this chapter, or who files a 11797
fraudulent return. 11798

The commissioner shall give the party assessed written 11799
notice of such assessment in the manner provided in section 11800
5703.37 of the Revised Code. With the notice, the commissioner 11801
shall provide instructions on how to petition for reassessment 11802
and request a hearing on the petition. 11803

(B) Unless the party assessed files with the commissioner 11804
within sixty days after service of the notice of assessment, 11805
either personally or by certified mail, a written petition for 11806
reassessment signed by the party assessed or that party's 11807
authorized agent having knowledge of the facts, the assessment 11808
becomes final and the amount of the assessment is due and 11809

payable from the party assessed to the treasurer of state. The 11810
petition shall indicate the objections of the party assessed, 11811
but additional objections may be raised in writing if received 11812
by the commissioner prior to the date shown on the final 11813
determination. If the petition has been properly filed, the 11814
commissioner shall proceed under section 5703.60 of the Revised 11815
Code. 11816

(C) After an assessment becomes final, if any portion of 11817
the assessment remains unpaid, including accrued interest, a 11818
certified copy of the commissioner's entry making the assessment 11819
final may be filed in the office of the clerk of the court of 11820
common pleas in the county in which the party assessed resides 11821
or in which the party's business is conducted. If the party 11822
assessed maintains no place of business in this state and is not 11823
a resident of this state, the certified copy of the entry may be 11824
filed in the office of the clerk of the court of common pleas of 11825
Franklin county. 11826

Immediately upon the filing of such entry, the clerk shall 11827
enter a judgment for the state against the party assessed in the 11828
amount shown on the entry. The judgment may be filed by the 11829
clerk in a loose-leaf book entitled "special judgments for state 11830
severance tax," and shall have the same effect as other 11831
judgments. Execution shall issue upon the judgment upon the 11832
request of the commissioner, and all laws applicable to sales on 11833
execution shall apply to sales made under the judgment. 11834

If the assessment is not paid in its entirety within sixty 11835
days after the day the assessment is issued, the portion of the 11836
assessment consisting of tax due ~~or amounts due under section~~ 11837
~~1509.50 of the Revised Code~~ shall bear interest at the rate per 11838
annum prescribed by section 5703.47 of the Revised Code from the 11839

day the commissioner issues the assessment until it is paid or 11840
until it is certified to the attorney general for collection 11841
under section 131.02 of the Revised Code, whichever comes first. 11842
If the unpaid portion of the assessment is certified to the 11843
attorney general for collection, the entire unpaid portion of 11844
the assessment shall bear interest at the rate per annum 11845
prescribed by section 5703.47 of the Revised Code from the date 11846
of certification until the date it is paid in its entirety. 11847
Interest shall be paid in the same manner as the tax and may be 11848
collected by the issuance of an assessment under this section. 11849

(D) All money collected by the commissioner under this 11850
section shall be paid to the treasurer of state, and when paid 11851
shall be considered as revenue arising from the tax imposed by 11852
section 5749.02 of the Revised Code ~~and the amount due under~~ 11853
~~section 1509.50 of the Revised Code, as applicable.~~ 11854

(E) For purposes of this section: 11855

(1) "Tax imposed by section 5749.02 of the Revised Code" 11856
or "tax" includes amounts due under former section 1509.50 of 11857
the Revised Code. 11858

(2) "Severer" includes an owner as defined in section 11859
1509.01 of the Revised Code, with regard to amounts due from an 11860
owner under former section 1509.50 of the Revised Code. 11861

Sec. 5749.08. The tax commissioner shall refund ~~to~~ 11862
~~taxpayers~~ amounts paid under this chapter or former section 11863
1509.50 of the Revised Code that were paid illegally or 11864
erroneously or paid on an illegal or erroneous assessment. 11865
Applications for refund shall be filed with the commissioner, on 11866
the form prescribed by the commissioner, within four years from 11867
the date of the illegal or erroneous payment. On the filing of 11868

the application, the commissioner shall determine the amount of 11869
refund to which the applicant is entitled, plus interest 11870
computed in accordance with section 5703.47 of the Revised Code 11871
from the date of the payment of an erroneous or illegal 11872
assessment until the date the refund is paid. If the amount is 11873
not less than that claimed, the commissioner shall certify the 11874
amount to the director of budget and management and treasurer of 11875
state for payment from the tax refund fund created by section 11876
5703.052 of the Revised Code. If the amount is less than that 11877
claimed, the commissioner shall proceed in accordance with 11878
section 5703.70 of the Revised Code. 11879

Sec. 5749.10. If the tax commissioner finds that a 11880
~~taxpayer, person~~ liable for tax under this chapter or for any 11881
amount due under former section 1509.50 of the Revised Code is 11882
about to depart from the state, or remove the ~~taxpayer's~~ 11883
person's property therefrom, or conceal ~~the taxpayer's~~ its 11884
person or property, or do any other act tending to prejudice or 11885
to render wholly or partly ineffectual proceedings to collect 11886
such tax or other amount due unless such proceedings are brought 11887
without delay, or if the commissioner believes that the 11888
collection of the tax or amount due from any ~~taxpayer person~~ 11889
will be jeopardized by delay, the commissioner shall give notice 11890
of such findings to ~~such taxpayer~~ the person together with the 11891
demand for an immediate return and immediate payment of such tax 11892
or other amount due, with penalty as provided in section 5749.15 11893
of the Revised Code, whereupon such tax or other amount due 11894
shall become immediately due and payable. In such cases the 11895
commissioner may immediately file an entry with the clerk of the 11896
court of common pleas in the same manner and with the same 11897
effect as provided in section 5749.07 of the Revised Code, 11898
provided that if ~~such taxpayer~~ the person, within five days from 11899

notice of the assessment, furnishes evidence satisfactory to the 11900
commissioner, under ~~the regulations prescribed rules~~ adopted by 11901
the commissioner, that the ~~taxpayer person~~ is not in default in 11902
making returns or paying any tax prescribed by this chapter or 11903
amount due under former section 1509.50 of the Revised Code, or 11904
that the ~~taxpayer person~~ will duly return and pay, or post bond 11905
satisfactory to the commissioner conditioned upon payment of the 11906
tax or other amount finally determined to be due, then such tax 11907
or other amount due shall not be payable prior to the time and 11908
manner otherwise fixed for payment under section 5749.07 of the 11909
Revised Code, and the person assessed shall be restored the 11910
rights granted under such section. Upon satisfaction of the 11911
assessment the commissioner shall order the bond cancelled, 11912
securities released, and judgment vacated. 11913

Any assessment issued under this section shall bear 11914
interest as prescribed under section 5749.07 of the Revised 11915
Code. 11916

Sec. 5749.11. (A) There is hereby allowed a nonrefundable 11917
credit against the taxes imposed under division ~~(A) (8)~~ (A) (10) 11918
of section 5749.02 of the Revised Code for any severer to which 11919
a reclamation tax credit certificate is issued under section 11920
1513.171 of the Revised Code. The credit shall be claimed in the 11921
amount shown on the certificate. The credit shall be claimed by 11922
deducting the amount of the credit from the amount of the first 11923
tax payment due under section 5749.06 of the Revised Code after 11924
the certificate is issued. 11925

If the amount of the credit shown on a certificate exceeds 11926
the amount of the tax otherwise due with that first payment, the 11927
excess shall be claimed against the amount of tax otherwise due 11928
on succeeding payment dates until the entire credit amount has 11929

been deducted. The total amount of credit claimed against 11930
payments shall not exceed the total amount of credit shown on 11931
the certificate. 11932

(B) A severer claiming a credit under this section shall 11933
retain a reclamation tax credit certificate for not less than 11934
four years following the date of the last tax payment against 11935
which the credit allowed under that certificate was applied. 11936
Severers shall make tax credit certificates available for 11937
inspection by the tax commissioner upon the tax commissioner's 11938
request. 11939

Sec. 5749.12. Any nonresident of this state who accepts 11940
the privilege extended by the laws of this state to nonresidents 11941
severing natural resources in this state, and any resident of 11942
this state who subsequently becomes a nonresident or conceals 11943
the resident's whereabouts, makes the secretary of state of Ohio 11944
the person's agent for the service of process or notice in any 11945
assessment, action, or proceedings instituted in this state 11946
against such person under this chapter or for purposes of 11947
amounts due under former section 1509.50 of the Revised Code. 11948

Such process or notice shall be served as provided under 11949
section 5703.37 of the Revised Code. 11950

Sec. 5749.13. The tax commissioner may prescribe 11951
requirements as to the keeping of records and other pertinent 11952
documents and the filing of copies of federal income tax returns 11953
and determinations. The commissioner may require any person, by 11954
rule or by notice served on that person, to keep such records as 11955
the commissioner considers necessary to show whether that person 11956
is liable, and the extent of liability, for the tax imposed 11957
under this chapter and the amount due under former section 11958
1509.50 of the Revised Code. Such records and other documents 11959

shall be open during business hours to the inspection of the 11960
commissioner, and shall be preserved for a period of four years 11961
after the date the return was required to be filed or actually 11962
was filed, whichever is later, unless the commissioner, in 11963
writing, consents to their destruction within that period, or by 11964
order requires that they be kept longer. 11965

Sec. 5749.14. The tax commissioner shall enforce and 11966
administer this chapter ~~and applicable provisions of section~~ 11967
~~1509.50 of the Revised Code.~~ In addition to any other powers 11968
conferred upon the commissioner by law, the commissioner may: 11969

(A) Prescribe all forms required to be filed pursuant to 11970
this chapter; 11971

(B) ~~Promulgate~~ Adopt such rules as the commissioner finds 11972
necessary to carry out this chapter ~~and applicable provisions of~~ 11973
~~section 1509.50 of the Revised Code;~~ 11974

(C) Appoint and employ such personnel as may be necessary 11975
to carry out the duties imposed upon the commissioner by this 11976
chapter. 11977

Sec. 5749.15. Any person who fails to file a return or pay 11978
the tax as required under this chapter or other amount due under 11979
former section 1509.50 of the Revised Code who is assessed such 11980
taxes or other amount due pursuant to section 5749.07 or 5749.10 11981
of the Revised Code may be liable for a penalty of up to twenty- 11982
five per cent of the amount assessed. The tax commissioner may 11983
adopt rules relating to the imposition and remission of 11984
penalties imposed under this section. 11985

Sec. 5751.01. As used in this chapter: 11986

(A) "Person" means, but is not limited to, individuals, 11987
combinations of individuals of any form, receivers, assignees, 11988

trustees in bankruptcy, firms, companies, joint-stock companies, 11989
business trusts, estates, partnerships, limited liability 11990
partnerships, limited liability companies, associations, joint 11991
ventures, clubs, societies, for-profit corporations, S 11992
corporations, qualified subchapter S subsidiaries, qualified 11993
subchapter S trusts, trusts, entities that are disregarded for 11994
federal income tax purposes, and any other entities. 11995

(B) "Consolidated elected taxpayer" means a group of two 11996
or more persons treated as a single taxpayer for purposes of 11997
this chapter as the result of an election made under section 11998
5751.011 of the Revised Code. 11999

(C) "Combined taxpayer" means a group of two or more 12000
persons treated as a single taxpayer for purposes of this 12001
chapter under section 5751.012 of the Revised Code. 12002

(D) "Taxpayer" means any person, or any group of persons 12003
in the case of a consolidated elected taxpayer or combined 12004
taxpayer treated as one taxpayer, required to register or pay 12005
tax under this chapter. "Taxpayer" does not include excluded 12006
persons. 12007

(E) "Excluded person" means any of the following: 12008

(1) Any person with not more than one hundred fifty 12009
thousand dollars of taxable gross receipts during the calendar 12010
year. Division (E)(1) of this section does not apply to a person 12011
that is a member of a consolidated elected taxpayer. 12012

(2) A public utility that paid the excise tax imposed by 12013
section 5727.24 or 5727.30 of the Revised Code based on one or 12014
more measurement periods that include the entire tax period 12015
under this chapter, except in the following circumstances: 12016

(a) A public utility that is a combined company is a 12017

taxpayer with regard to the following gross receipts: 12018

(i) Taxable gross receipts directly attributed to a public 12019
utility activity, but not directly attributed to an activity 12020
that is subject to the excise tax imposed by section 5727.24 or 12021
5727.30 of the Revised Code; 12022

(ii) Taxable gross receipts that cannot be directly 12023
attributed to any activity, multiplied by a fraction whose 12024
numerator is the taxable gross receipts described in division 12025
(E) (2) (a) (i) of this section and whose denominator is the total 12026
taxable gross receipts that can be directly attributed to any 12027
activity; 12028

(iii) Except for any differences resulting from the use of 12029
an accrual basis method of accounting for purposes of 12030
determining gross receipts under this chapter and the use of the 12031
cash basis method of accounting for purposes of determining 12032
gross receipts under section 5727.24 of the Revised Code, the 12033
gross receipts directly attributed to the activity of a natural 12034
gas company shall be determined in a manner consistent with 12035
division (D) of section 5727.03 of the Revised Code. 12036

(b) A heating company that became exempt from the excise 12037
tax imposed by section 5727.30 of the Revised Code on May 1, 12038
2023, shall not be an excluded person for tax periods beginning 12039
on or after July 1, 2023. 12040

As used in division (E) (2) of this section, "combined 12041
company" and "public utility" have the same meanings as in 12042
section 5727.01 of the Revised Code. 12043

(3) A financial institution, as defined in section 5726.01 12044
of the Revised Code, that paid the tax imposed by section 12045
5726.02 of the Revised Code based on one or more taxable years 12046

that include the entire tax period under this chapter; 12047

(4) A person directly or indirectly owned by one or more 12048
financial institutions, as defined in section 5726.01 of the 12049
Revised Code, that paid the tax imposed by section 5726.02 of 12050
the Revised Code based on one or more taxable years that include 12051
the entire tax period under this chapter. 12052

For the purposes of division (E) (4) of this section, a 12053
person owns another person under the following circumstances: 12054

(a) In the case of corporations issuing capital stock, one 12055
corporation owns another corporation if it owns fifty per cent 12056
or more of the other corporation's capital stock with current 12057
voting rights; 12058

(b) In the case of a limited liability company, one person 12059
owns the company if that person's membership interest, as 12060
defined in section 1706.01 of the Revised Code, is fifty per 12061
cent or more of the combined membership interests of all persons 12062
owning such interests in the company; 12063

(c) In the case of a partnership, trust, or other 12064
unincorporated business organization other than a limited 12065
liability company, one person owns the organization if, under 12066
the articles of organization or other instrument governing the 12067
affairs of the organization, that person has a beneficial 12068
interest in the organization's profits, surpluses, losses, or 12069
distributions of fifty per cent or more of the combined 12070
beneficial interests of all persons having such an interest in 12071
the organization. 12072

(5) A domestic insurance company or foreign insurance 12073
company, as defined in section 5725.01 of the Revised Code, that 12074
paid the insurance company premiums tax imposed by section 12075

5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 12076
insurance company whose gross premiums are subject to tax under 12077
section 3905.36 of the Revised Code based on one or more 12078
measurement periods that include the entire tax period under 12079
this chapter; 12080

(6) A person that solely facilitates or services one or 12081
more securitizations of phase-in-recovery property pursuant to a 12082
final financing order as those terms are defined in section 12083
4928.23 of the Revised Code. For purposes of this division, 12084
"securitization" means transferring one or more assets to one or 12085
more persons and then issuing securities backed by the right to 12086
receive payment from the asset or assets so transferred. 12087

(7) Except as otherwise provided in this division, a pre- 12088
income tax trust as defined in section 5747.01 of the Revised 12089
Code and any pass-through entity of which such pre-income tax 12090
trust owns or controls, directly, indirectly, or constructively 12091
through related interests, more than five per cent of the 12092
ownership or equity interests. If the pre-income tax trust has 12093
made a qualifying pre-income tax trust election under division 12094
(EE) of section 5747.01 of the Revised Code, then the trust and 12095
the pass-through entities of which it owns or controls, 12096
directly, indirectly, or constructively through related 12097
interests, more than five per cent of the ownership or equity 12098
interests, shall not be excluded persons for purposes of the tax 12099
imposed under section 5751.02 of the Revised Code. 12100

(8) Nonprofit organizations or the state and its agencies, 12101
instrumentalities, or political subdivisions. 12102

(F) Except as otherwise provided in divisions (F) (2), (3), 12103
and (4) of this section, "gross receipts" means the total amount 12104
realized by a person, without deduction for the cost of goods 12105

12106 sold or other expenses incurred, that contributes to the
12107 production of gross income of the person, including the fair
12108 market value of any property and any services received, and any
12109 debt transferred or forgiven as consideration.

12110 (1) The following are examples of gross receipts:

12111 (a) Amounts realized from the sale, exchange, or other
12112 disposition of the taxpayer's property to or with another;

12113 (b) Amounts realized from the taxpayer's performance of
12114 services for another;

12115 (c) Amounts realized from another's use or possession of
12116 the taxpayer's property or capital;

12117 (d) Any combination of the foregoing amounts.

12118 (2) "Gross receipts" excludes the following amounts:

12119 (a) Interest income except interest on credit sales;

12120 (b) Dividends and distributions from corporations, and
12121 distributive or proportionate shares of receipts and income from
12122 a pass-through entity as defined under section 5733.04 of the
12123 Revised Code;

12124 (c) Receipts from the sale, exchange, or other disposition
12125 of an asset described in section 1221 or 1231 of the Internal
12126 Revenue Code, without regard to the length of time the person
12127 held the asset. Notwithstanding section 1221 of the Internal
12128 Revenue Code, receipts from hedging transactions also are
12129 excluded to the extent the transactions are entered into
12130 primarily to protect a financial position, such as managing the
12131 risk of exposure to (i) foreign currency fluctuations that
12132 affect assets, liabilities, profits, losses, equity, or
12133 investments in foreign operations; (ii) interest rate

fluctuations; or (iii) commodity price fluctuations. As used in 12134
division (F)(2)(c) of this section, "hedging transaction" has 12135
the same meaning as used in section 1221 of the Internal Revenue 12136
Code and also includes transactions accorded hedge accounting 12137
treatment under statement of financial accounting standards 12138
number 133 of the financial accounting standards board. For the 12139
purposes of division (F)(2)(c) of this section, the actual 12140
transfer of title of real or tangible personal property to 12141
another entity is not a hedging transaction. 12142

(d) Proceeds received attributable to the repayment, 12143
maturity, or redemption of the principal of a loan, bond, mutual 12144
fund, certificate of deposit, or marketable instrument; 12145

(e) The principal amount received under a repurchase 12146
agreement or on account of any transaction properly 12147
characterized as a loan to the person; 12148

(f) Contributions received by a trust, plan, or other 12149
arrangement, any of which is described in section 501(a) of the 12150
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 12151
1, Subchapter (D) of the Internal Revenue Code applies; 12152

(g) Compensation, whether current or deferred, and whether 12153
in cash or in kind, received or to be received by an employee, 12154
former employee, or the employee's legal successor for services 12155
rendered to or for an employer, including reimbursements 12156
received by or for an individual for medical or education 12157
expenses, health insurance premiums, or employee expenses, or on 12158
account of a dependent care spending account, legal services 12159
plan, any cafeteria plan described in section 125 of the 12160
Internal Revenue Code, or any similar employee reimbursement; 12161

(h) Proceeds received from the issuance of the taxpayer's 12162

own stock, options, warrants, puts, or calls, or from the sale	12163
of the taxpayer's treasury stock;	12164
(i) Proceeds received on the account of payments from	12165
insurance policies, except those proceeds received for the loss	12166
of business revenue;	12167
(j) Gifts or charitable contributions received; membership	12168
dues received by trade, professional, homeowners', or	12169
condominium associations; payments received for educational	12170
courses, meetings, meals, or similar payments to a trade,	12171
professional, or other similar association; and fundraising	12172
receipts received by any person when any excess receipts are	12173
donated or used exclusively for charitable purposes;	12174
(k) Damages received as the result of litigation in excess	12175
of amounts that, if received without litigation, would be gross	12176
receipts;	12177
(l) Property, money, and other amounts received or	12178
acquired by an agent on behalf of another in excess of the	12179
agent's commission, fee, or other remuneration;	12180
(m) Tax refunds, other tax benefit recoveries, and	12181
reimbursements for the tax imposed under this chapter made by	12182
entities that are part of the same combined taxpayer or	12183
consolidated elected taxpayer group, and reimbursements made by	12184
entities that are not members of a combined taxpayer or	12185
consolidated elected taxpayer group that are required to be made	12186
for economic parity among multiple owners of an entity whose tax	12187
obligation under this chapter is required to be reported and	12188
paid entirely by one owner, pursuant to the requirements of	12189
sections 5751.011 and 5751.012 of the Revised Code;	12190
(n) Pension reversions;	12191

(o) Contributions to capital;	12192
(p) Sales or use taxes collected as a vendor or an out-of-	12193
state seller on behalf of the taxing jurisdiction from a	12194
consumer or other taxes the taxpayer is required by law to	12195
collect directly from a purchaser and remit to a local, state,	12196
or federal tax authority;	12197
(q) In the case of receipts from the sale of cigarettes,	12198
tobacco products, or vapor products by a wholesale dealer,	12199
retail dealer, distributor, manufacturer, vapor distributor, or	12200
seller, all as defined in section 5743.01 of the Revised Code,	12201
an amount equal to the federal and state excise taxes paid by	12202
any person on or for such cigarettes, tobacco products, or vapor	12203
products under subtitle E of the Internal Revenue Code or	12204
Chapter 5743. of the Revised Code;	12205
(r) In the case of receipts from the sale, transfer,	12206
exchange, or other disposition of motor fuel as "motor fuel" is	12207
defined in section 5736.01 of the Revised Code, an amount equal	12208
to the value of the motor fuel, including federal and state	12209
motor fuel excise taxes and receipts from billing or invoicing	12210
the tax imposed under section 5736.02 of the Revised Code to	12211
another person;	12212
(s) In the case of receipts from the sale of beer or	12213
intoxicating liquor, as defined in section 4301.01 of the	12214
Revised Code, by a person holding a permit issued under Chapter	12215
4301. or 4303. of the Revised Code, an amount equal to federal	12216
and state excise taxes paid by any person on or for such beer or	12217
intoxicating liquor under subtitle E of the Internal Revenue	12218
Code or Chapter 4301. or 4305. of the Revised Code;	12219
(t) Receipts realized by a new motor vehicle dealer or	12220

used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2) (w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a

professional employer organization, as defined in section 12251
4125.01 of the Revised Code, or an alternate employer 12252
organization, as defined in section 4133.01 of the Revised Code, 12253
from a client employer, as defined in either of those sections 12254
as applicable, in excess of the administrative fee charged by 12255
the professional employer organization or the alternate employer 12256
organization to the client employer; 12257

(y) In the case of amounts retained as commissions by a 12258
permit holder under Chapter 3769. of the Revised Code, an amount 12259
equal to the amounts specified under that chapter that must be 12260
paid to or collected by the tax commissioner as a tax and the 12261
amounts specified under that chapter to be used as purse money; 12262

(z) ~~Qualifying distribution center receipts as determined~~ 12263
Receipts from fees imposed under section 5751.40 sections 128.41 12264
and 128.42 of the Revised Code; 12265

(aa) Receipts of an employer from payroll deductions 12266
relating to the reimbursement of the employer for advancing 12267
moneys to an unrelated third party on an employee's behalf; 12268

(bb) Cash discounts allowed and taken; 12269

(cc) Returns and allowances; 12270

(dd) Bad debts from receipts on the basis of which the tax 12271
imposed by this chapter was paid in a prior quarterly tax 12272
payment period. For the purpose of this division, "bad debts" 12273
means any debts that have become worthless or uncollectible 12274
between the preceding and current quarterly tax payment periods, 12275
have been uncollected for at least six months, and that may be 12276
claimed as a deduction under section 166 of the Internal Revenue 12277
Code and the regulations adopted under that section, or that 12278
could be claimed as such if the taxpayer kept its accounts on 12279

the accrual basis. "Bad debts" does not include repossessed 12280
property, uncollectible amounts on property that remains in the 12281
possession of the taxpayer until the full purchase price is 12282
paid, or expenses in attempting to collect any account 12283
receivable or for any portion of the debt recovered. 12284

(ee) Any amount realized from the sale of an account 12285
receivable to the extent the receipts from the underlying 12286
transaction giving rise to the account receivable were included 12287
in the gross receipts of the taxpayer; 12288

(ff) Any receipts directly attributed to a transfer 12289
agreement or to the enterprise transferred under that agreement 12290
under section 4313.02 of the Revised Code; 12291

(gg) Qualified uranium receipts as determined under 12292
section 5751.41 of the Revised Code; 12293

(hh) In the case of amounts collected by a licensed casino 12294
operator from casino gaming, amounts in excess of the casino 12295
operator's gross casino revenue. In this division, "casino 12296
operator" and "casino gaming" have the meanings defined in 12297
section 3772.01 of the Revised Code, and "gross casino revenue" 12298
has the meaning defined in section 5753.01 of the Revised Code. 12299

(ii) Receipts realized from the sale of agricultural 12300
commodities by an agricultural commodity handler, both as 12301
defined in section 926.01 of the Revised Code, that is licensed 12302
by the director of agriculture to handle agricultural 12303
commodities in this state; 12304

(jj) Qualifying integrated supply chain receipts as 12305
determined under section 5751.42 of the Revised Code; 12306

(kk) In the case of a railroad company described in 12307
division (D) (9) of section 5727.01 of the Revised Code that 12308

purchases dyed diesel fuel directly from a supplier as defined 12309
by section 5736.01 of the Revised Code, an amount equal to the 12310
product of the number of gallons of dyed diesel fuel purchased 12311
directly from such a supplier multiplied by the average 12312
wholesale price for a gallon of diesel fuel as determined under 12313
section 5736.02 of the Revised Code for the period during which 12314
the fuel was purchased multiplied by a fraction, the numerator 12315
of which equals the rate of tax levied by section 5736.02 of the 12316
Revised Code less the rate of tax computed in section 5751.03 of 12317
the Revised Code, and the denominator of which equals the rate 12318
of tax computed in section 5751.03 of the Revised Code; 12319

(ll) Receipts realized by an out-of-state disaster 12320
business from disaster work conducted in this state during a 12321
disaster response period pursuant to a qualifying solicitation 12322
received by the business. Terms used in division (F) (2) (ll) of 12323
this section have the same meanings as in section 5703.94 of the 12324
Revised Code. 12325

(mm) In the case of receipts from the sale or transfer of 12326
a mortgage-backed security or a mortgage loan by a mortgage 12327
lender holding a valid certificate of registration issued under 12328
Chapter 1322. of the Revised Code or by a person that is a 12329
member of the mortgage lender's consolidated elected taxpayer 12330
group, an amount equal to the principal balance of the mortgage 12331
loan; 12332

(nn) Amounts of excess surplus of the state insurance fund 12333
received by the taxpayer from the Ohio bureau of workers' 12334
compensation pursuant to rules adopted under section 4123.321 of 12335
the Revised Code; 12336

(oo) Except as otherwise provided in division (B) of 12337
section 5751.091 of the Revised Code, receipts of a megaproject 12338

supplier from sales of tangible personal property directly to a 12339
megaproject operator in this state for use at the site of the 12340
megaproject operator's megaproject, provided that the sale 12341
occurs during the period that the megaproject operator has an 12342
agreement with the tax credit authority for the megaproject 12343
under division (D) of section 122.17 of the Revised Code that 12344
remains in effect and has not expired or been terminated, and 12345
provided the megaproject supplier holds a certificate for such 12346
megaproject issued under section 5751.052 of the Revised Code 12347
for the calendar year in which the sales are made and, if the 12348
megaproject supplier meets the requirements described in 12349
division (A) (13) (b) of section 122.17 of the Revised Code, the 12350
megaproject supplier holds a certificate for such megaproject 12351
issued under division (D) (11) of section 122.17 of the Revised 12352
Code on the first day of that calendar year; 12353

(pp) Receipts from the sale of each new piece of capital 12354
equipment that has a cost in excess of one hundred million 12355
dollars and that is used at the site of a megaproject that 12356
satisfies the criteria described in division (A) (11) (a) (ii) of 12357
section 122.17 of the Revised Code, provided that the sale 12358
occurs during the period that a megaproject operator has an 12359
agreement for that megaproject with the tax credit authority 12360
under division (D) of section 122.17 of the Revised Code that 12361
remains in effect and has not expired or been terminated; 12362

(qq) In the case of amounts collected by a sports gaming 12363
proprietor from sports gaming, amounts in excess of the 12364
proprietor's sports gaming receipts. As used in this division, 12365
"sports gaming proprietor" has the same meaning as in section 12366
3775.01 of the Revised Code and "sports gaming receipts" has the 12367
same meaning as in section 5753.01 of the Revised Code. 12368

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

(ii) A railroad company, as that term is defined in section 5727.01 of the Revised Code;

(iii) Any subsidiary, insurer, or agent of a railroad company or any related person.

(tt) An amount equal to the fee imposed by section 3743.22 of the Revised Code billed to the purchaser, collected by the taxpayer, and remitted to the fire marshal during the tax period, provided that the fee is separately stated on the invoice, bill of sale, or similar document given to the purchaser of 1.4G fireworks in this state;

(uu) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state;

~~(vv) Receipts from fees imposed under sections 128.41 and 128.42 of the Revised Code.~~

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real

estate salesperson associated with that broker, that is retained 12397
by the broker and not paid to an associated real estate 12398
salesperson or another real estate broker. For the purposes of 12399
this division, "real estate broker" and "real estate 12400
salesperson" have the same meanings as in section 4735.01 of the 12401
Revised Code. 12402

(4) A taxpayer's method of accounting for gross receipts 12403
for a tax period shall be the same as the taxpayer's method of 12404
accounting for federal income tax purposes for the taxpayer's 12405
federal taxable year that includes the tax period. If a 12406
taxpayer's method of accounting for federal income tax purposes 12407
changes, its method of accounting for gross receipts under this 12408
chapter shall be changed accordingly. 12409

(G) "Taxable gross receipts" means gross receipts situated 12410
to this state under section 5751.033 of the Revised Code. 12411

(H) A person has "substantial nexus with this state" if 12412
any of the following applies. The person: 12413

(1) Owns or uses a part or all of its capital in this 12414
state; 12415

(2) Holds a certificate of compliance with the laws of 12416
this state authorizing the person to do business in this state; 12417

(3) Has bright-line presence in this state; 12418

(4) Otherwise has nexus with this state to an extent that 12419
the person can be required to remit the tax imposed under this 12420
chapter under the Constitution of the United States. 12421

(I) A person has "bright-line presence" in this state for 12422
a reporting period and for the remaining portion of the calendar 12423
year if any of the following applies. The person: 12424

(1) Has at any time during the calendar year property in 12425
this state with an aggregate value of at least fifty thousand 12426
dollars. For the purpose of division (I) (1) of this section, 12427
owned property is valued at original cost and rented property is 12428
valued at eight times the net annual rental charge. 12429

(2) Has during the calendar year payroll in this state of 12430
at least fifty thousand dollars. Payroll in this state includes 12431
all of the following: 12432

(a) Any amount subject to withholding by the person under 12433
section 5747.06 of the Revised Code; 12434

(b) Any other amount the person pays as compensation to an 12435
individual under the supervision or control of the person for 12436
work done in this state; and 12437

(c) Any amount the person pays for services performed in 12438
this state on its behalf by another. 12439

(3) Has during the calendar year taxable gross receipts of 12440
at least five hundred thousand dollars; 12441

(4) Has at any time during the calendar year within this 12442
state at least twenty-five per cent of the person's total 12443
property, total payroll, or total gross receipts; 12444

(5) Is domiciled in this state as an individual or for 12445
corporate, commercial, or other business purposes. 12446

(J) "Tangible personal property" has the same meaning as 12447
in section 5739.01 of the Revised Code. 12448

(K) "Internal Revenue Code" means the Internal Revenue 12449
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 12450
used in this chapter that is not otherwise defined has the same 12451
meaning as when used in a comparable context in the laws of the 12452

United States relating to federal income taxes unless a 12453
different meaning is clearly required. Any reference in this 12454
chapter to the Internal Revenue Code includes other laws of the 12455
United States relating to federal income taxes. 12456

(L) "Calendar quarter" means a three-month period ending 12457
on the thirty-first day of March, the thirtieth day of June, the 12458
thirtieth day of September, or the thirty-first day of December. 12459

(M) "Tax period" means the calendar quarter on the basis 12460
of which a taxpayer is required to pay the tax imposed under 12461
this chapter. 12462

(N) "Agent" means a person authorized by another person to 12463
act on its behalf to undertake a transaction for the other, 12464
including any of the following: 12465

(1) A person receiving a fee to sell financial 12466
instruments; 12467

(2) A person retaining only a commission from a 12468
transaction with the other proceeds from the transaction being 12469
remitted to another person; 12470

(3) A person issuing licenses and permits under section 12471
1533.13 of the Revised Code; 12472

(4) A lottery sales agent holding a valid license issued 12473
under section 3770.05 of the Revised Code; 12474

(5) A person acting as an agent of the division of liquor 12475
control under section 4301.17 of the Revised Code. 12476

(O) "Received" includes amounts accrued under the accrual 12477
method of accounting. 12478

(P) "Reporting person" means a person in a consolidated 12479

elected taxpayer or combined taxpayer group that is designated 12480
by that group to legally bind the group for all filings and tax 12481
liabilities and to receive all legal notices with respect to 12482
matters under this chapter, or, for the purposes of section 12483
5751.04 of the Revised Code, a separate taxpayer that is not a 12484
member of such a group. 12485

(Q) "Megaproject," "megaproject operator," and 12486
"megaproject supplier" have the same meanings as in section 12487
122.17 of the Revised Code. 12488

(R) "Exclusion amount" means three million dollars 12489
beginning in 2024 and six million dollars beginning in 2025. 12490

Sec. 5751.20. No determinations, computations, 12491
certifications, or payments shall be made under this section 12492
after June 30, 2015. 12493

(A) As used in sections 5751.20 to 5751.22 of the Revised 12494
Code: 12495

(1) "School district," "joint vocational school district," 12496
"local taxing unit," "recognized valuation," "fixed-rate levy," 12497
and "fixed-sum levy" have the same meanings as used in section 12498
5727.84 of the Revised Code. 12499

(2) "State education aid" for a school district means the 12500
following: 12501

(a) For fiscal years prior to fiscal year 2010, the sum of 12502
state aid amounts computed for the district under the following 12503
provisions, as they existed for the applicable fiscal year: 12504
division (A) of section 3317.022 of the Revised Code, including 12505
the amounts calculated under former section 3317.029 and section 12506
3317.0217 of the Revised Code; divisions (C) (1), (C) (4), (D), 12507
(E), and (F) of section 3317.022; divisions (B), (C), and (D) of 12508

section 3317.023; divisions (L) and (N) of section 3317.024; 12509
section 3317.0216; and any unit payments for gifted student 12510
services paid under section 3317.05 and former sections 3317.052 12511
and 3317.053 of the Revised Code; except that, for fiscal years 12512
2008 and 2009, the amount computed for the district under 12513
Section 269.20.80 of H.B. 119 of the 127th general assembly and 12514
as that section subsequently may be amended shall be substituted 12515
for the amount computed under division (D) of section 3317.022 12516
of the Revised Code, and the amount computed under Section 12517
269.30.80 of H.B. 119 of the 127th general assembly and as that 12518
section subsequently may be amended shall be included. 12519

(b) For fiscal years 2010 and 2011, the sum of the amounts 12520
computed under former sections 3306.052, 3306.12, 3306.13, 12521
3306.19, 3306.191, and 3306.192 of the Revised Code; 12522

(c) For fiscal years 2012 and 2013, the sum of the amounts 12523
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 12524
153 of the 129th general assembly; 12525

(d) For fiscal year 2014 and each fiscal year thereafter, 12526
the sum of state amounts computed for the district under section 12527
3317.022 of the Revised Code; except that, for fiscal years 2014 12528
and 2015, the amount computed for the district under the section 12529
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 12530
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 12531

(3) "State education aid" for a joint vocational school 12532
district means the following: 12533

(a) For fiscal years prior to fiscal year 2010, the sum of 12534
the state aid computed for the district under division (N) of 12535
section 3317.024 and former section 3317.16 of the Revised Code, 12536
except that, for fiscal years 2008 and 2009, the amount computed 12537

under Section 269.30.80 of H.B. 119 of the 127th general 12538
assembly and as that section subsequently may be amended shall 12539
be included. 12540

(b) For fiscal years 2010 and 2011, the amount paid in 12541
accordance with Section 265.30.50 of H.B. 1 of the 128th general 12542
assembly. 12543

(c) For fiscal years 2012 and 2013, the amount paid in 12544
accordance with Section 267.30.60 of H.B. 153 of the 129th 12545
general assembly. 12546

(d) For fiscal year 2014 and each fiscal year thereafter, 12547
the amount computed for the district under section 3317.16 of 12548
the Revised Code; except that, for fiscal years 2014 and 2015, 12549
the amount computed for the district under the section of this 12550
act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 12551
DISTRICTS" shall be included. 12552

(4) "State education aid offset" means the amount 12553
determined for each school district or joint vocational school 12554
district under division (A) (1) of section 5751.21 of the Revised 12555
Code. 12556

(5) "Machinery and equipment property tax value loss" 12557
means the amount determined under division (C) (1) of this 12558
section. 12559

(6) "Inventory property tax value loss" means the amount 12560
determined under division (C) (2) of this section. 12561

(7) "Furniture and fixtures property tax value loss" means 12562
the amount determined under division (C) (3) of this section. 12563

(8) "Machinery and equipment fixed-rate levy loss" means 12564
the amount determined under division (D) (1) of this section. 12565

- (9) "Inventory fixed-rate levy loss" means the amount 12566
determined under division (D) (2) of this section. 12567
- (10) "Furniture and fixtures fixed-rate levy loss" means 12568
the amount determined under division (D) (3) of this section. 12569
- (11) "Total fixed-rate levy loss" means the sum of the 12570
machinery and equipment fixed-rate levy loss, the inventory 12571
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 12572
loss, and the telephone company fixed-rate levy loss. 12573
- (12) "Fixed-sum levy loss" means the amount determined 12574
under division (E) of this section. 12575
- (13) "Machinery and equipment" means personal property 12576
subject to the assessment rate specified in division (F) of 12577
section 5711.22 of the Revised Code. 12578
- (14) "Inventory" means personal property subject to the 12579
assessment rate specified in division (E) of section 5711.22 of 12580
the Revised Code. 12581
- (15) "Furniture and fixtures" means personal property 12582
subject to the assessment rate specified in division (G) of 12583
section 5711.22 of the Revised Code. 12584
- (16) "Qualifying levies" are levies in effect for tax year 12585
2004 or applicable to tax year 2005 or approved at an election 12586
conducted before September 1, 2005. For the purpose of 12587
determining the rate of a qualifying levy authorized by section 12588
5705.212 or 5705.213 of the Revised Code, the rate shall be the 12589
rate that would be in effect for tax year 2010. 12590
- (17) "Telephone property" means tangible personal property 12591
of a telephone, telegraph, or interexchange telecommunications 12592
company subject to an assessment rate specified in section 12593

5727.111 of the Revised Code in tax year 2004. 12594

(18) "Telephone property tax value loss" means the amount 12595
determined under division (C) (4) of this section. 12596

(19) "Telephone property fixed-rate levy loss" means the 12597
amount determined under division (D) (4) of this section. 12598

(20) "Taxes charged and payable" means taxes charged and 12599
payable after the reduction required by section 319.301 of the 12600
Revised Code but before ~~the reductions~~ any reduction required by 12601
~~sections 319.302 and section 323.152~~ of the Revised Code. 12602

(21) "Median estate tax collections" means, in the case of 12603
a municipal corporation to which revenue from the taxes levied 12604
in Chapter 5731. of the Revised Code was distributed in each of 12605
calendar years 2006, 2007, 2008, and 2009, the median of those 12606
distributions. In the case of a municipal corporation to which 12607
no distributions were made in one or more of those years, 12608
"median estate tax collections" means zero. 12609

(22) "Total resources," in the case of a school district, 12610
means the sum of the amounts in divisions (A) (22) (a) to (h) of 12611
this section less any reduction required under division (A) (32) 12612
or (33) of this section. 12613

(a) The state education aid for fiscal year 2010; 12614

(b) The sum of the payments received by the school 12615
district in fiscal year 2010 for current expense levy losses 12616
pursuant to division (C) (2) of section 5727.85 and divisions (C) 12617
(8) and (9) of section 5751.21 of the Revised Code, excluding 12618
the portion of such payments attributable to levies for joint 12619
vocational school district purposes; 12620

(c) The sum of fixed-sum levy loss payments received by 12621

the school district in fiscal year 2010 pursuant to division (E) 12622
(1) of section 5727.85 and division (E) (1) of section 5751.21 of 12623
the Revised Code for fixed-sum levies charged and payable for a 12624
purpose other than paying debt charges; 12625

(d) Fifty per cent of the school district's taxes charged 12626
and payable against all property on the tax list of real and 12627
public utility property for current expense purposes for tax 12628
year 2008, including taxes charged and payable from emergency 12629
levies charged and payable under section 5709.194 of the Revised 12630
Code and excluding taxes levied for joint vocational school 12631
district purposes; 12632

(e) Fifty per cent of the school district's taxes charged 12633
and payable against all property on the tax list of real and 12634
public utility property for current expenses for tax year 2009, 12635
including taxes charged and payable from emergency levies and 12636
excluding taxes levied for joint vocational school district 12637
purposes; 12638

(f) The school district's taxes charged and payable 12639
against all property on the general tax list of personal 12640
property for current expenses for tax year 2009, including taxes 12641
charged and payable from emergency levies; 12642

(g) The amount certified for fiscal year 2010 under 12643
division (A) (2) of section 3317.08 of the Revised Code; 12644

(h) Distributions received during calendar year 2009 from 12645
taxes levied under section 718.09 of the Revised Code. 12646

(23) "Total resources," in the case of a joint vocational 12647
school district, means the sum of amounts in divisions (A) (23) 12648
(a) to (g) of this section less any reduction required under 12649
division (A) (32) of this section. 12650

(a) The state education aid for fiscal year 2010;	12651
(b) The sum of the payments received by the joint	12652
vocational school district in fiscal year 2010 for current	12653
expense levy losses pursuant to division (C) (2) of section	12654
5727.85 and divisions (C) (8) and (9) of section 5751.21 of the	12655
Revised Code;	12656
(c) Fifty per cent of the joint vocational school	12657
district's taxes charged and payable against all property on the	12658
tax list of real and public utility property for current expense	12659
purposes for tax year 2008;	12660
(d) Fifty per cent of the joint vocational school	12661
district's taxes charged and payable against all property on the	12662
tax list of real and public utility property for current	12663
expenses for tax year 2009;	12664
(e) Fifty per cent of a city, local, or exempted village	12665
school district's taxes charged and payable against all property	12666
on the tax list of real and public utility property for current	12667
expenses of the joint vocational school district for tax year	12668
2008;	12669
(f) Fifty per cent of a city, local, or exempted village	12670
school district's taxes charged and payable against all property	12671
on the tax list of real and public utility property for current	12672
expenses of the joint vocational school district for tax year	12673
2009;	12674
(g) The joint vocational school district's taxes charged	12675
and payable against all property on the general tax list of	12676
personal property for current expenses for tax year 2009.	12677
(24) "Total resources," in the case of county mental	12678
health and disability related functions, means the sum of the	12679

amounts in divisions (A) (24) (a) and (b) of this section less any 12680
reduction required under division (A) (32) of this section. 12681

(a) The sum of the payments received by the county for 12682
mental health and developmental disability related functions in 12683
calendar year 2010 under division (A) (1) of section 5727.86 and 12684
divisions (A) (1) and (2) of section 5751.22 of the Revised Code 12685
as they existed at that time; 12686

(b) With respect to taxes levied by the county for mental 12687
health and developmental disability related purposes, the taxes 12688
charged and payable for such purposes against all property on 12689
the tax list of real and public utility property for tax year 12690
2009. 12691

(25) "Total resources," in the case of county senior 12692
services related functions, means the sum of the amounts in 12693
divisions (A) (25) (a) and (b) of this section less any reduction 12694
required under division (A) (32) of this section. 12695

(a) The sum of the payments received by the county for 12696
senior services related functions in calendar year 2010 under 12697
division (A) (1) of section 5727.86 and divisions (A) (1) and (2) 12698
of section 5751.22 of the Revised Code as they existed at that 12699
time; 12700

(b) With respect to taxes levied by the county for senior 12701
services related purposes, the taxes charged and payable for 12702
such purposes against all property on the tax list of real and 12703
public utility property for tax year 2009. 12704

(26) "Total resources," in the case of county children's 12705
services related functions, means the sum of the amounts in 12706
divisions (A) (26) (a) and (b) of this section less any reduction 12707
required under division (A) (32) of this section. 12708

(a) The sum of the payments received by the county for 12709
children's services related functions in calendar year 2010 12710
under division (A) (1) of section 5727.86 and divisions (A) (1) 12711
and (2) of section 5751.22 of the Revised Code as they existed 12712
at that time; 12713

(b) With respect to taxes levied by the county for 12714
children's services related purposes, the taxes charged and 12715
payable for such purposes against all property on the tax list 12716
of real and public utility property for tax year 2009. 12717

(27) "Total resources," in the case of county public 12718
health related functions, means the sum of the amounts in 12719
divisions (A) (27) (a) and (b) of this section less any reduction 12720
required under division (A) (32) of this section. 12721

(a) The sum of the payments received by the county for 12722
public health related functions in calendar year 2010 under 12723
division (A) (1) of section 5727.86 and divisions (A) (1) and (2) 12724
of section 5751.22 of the Revised Code as they existed at that 12725
time; 12726

(b) With respect to taxes levied by the county for public 12727
health related purposes, the taxes charged and payable for such 12728
purposes against all property on the tax list of real and public 12729
utility property for tax year 2009. 12730

(28) "Total resources," in the case of all county 12731
functions not included in divisions (A) (24) to (27) of this 12732
section, means the sum of the amounts in divisions (A) (28) (a) to 12733
(d) of this section less any reduction required under division 12734
(A) (32) or (33) of this section. 12735

(a) The sum of the payments received by the county for all 12736
other purposes in calendar year 2010 under division (A) (1) of 12737

section 5727.86 and divisions (A) (1) and (2) of section 5751.22 12738
of the Revised Code as they existed at that time; 12739

(b) The county's percentage share of county undivided 12740
local government fund allocations as certified to the tax 12741
commissioner for calendar year 2010 by the county auditor under 12742
division (J) of section 5747.51 of the Revised Code or division 12743
(F) of section 5747.53 of the Revised Code multiplied by the 12744
total amount actually distributed in calendar year 2010 from the 12745
county undivided local government fund; 12746

(c) With respect to taxes levied by the county for all 12747
other purposes, the taxes charged and payable for such purposes 12748
against all property on the tax list of real and public utility 12749
property for tax year 2009, excluding taxes charged and payable 12750
for the purpose of paying debt charges; 12751

(d) The sum of the amounts distributed to the county in 12752
calendar year 2010 for the taxes levied pursuant to sections 12753
5739.021 and 5741.021 of the Revised Code. 12754

(29) "Total resources," in the case of a municipal 12755
corporation, means the sum of the amounts in divisions (A) (29) 12756
(a) to (g) of this section less any reduction required under 12757
division (A) (32) or (33) of this section. 12758

(a) The sum of the payments received by the municipal 12759
corporation in calendar year 2010 for current expense levy 12760
losses under division (A) (1) of section 5727.86 and divisions 12761
(A) (1) and (2) of section 5751.22 of the Revised Code as they 12762
existed at that time; 12763

(b) The municipal corporation's percentage share of county 12764
undivided local government fund allocations as certified to the 12765
tax commissioner for calendar year 2010 by the county auditor 12766

under division (J) of section 5747.51 of the Revised Code or 12767
division (F) of section 5747.53 of the Revised Code multiplied 12768
by the total amount actually distributed in calendar year 2010 12769
from the county undivided local government fund; 12770

(c) The sum of the amounts distributed to the municipal 12771
corporation in calendar year 2010 pursuant to section 5747.50 of 12772
the Revised Code; 12773

(d) With respect to taxes levied by the municipal 12774
corporation, the taxes charged and payable against all property 12775
on the tax list of real and public utility property for current 12776
expenses, defined in division (A) (35) of this section, for tax 12777
year 2009; 12778

(e) The amount of admissions tax collected by the 12779
municipal corporation in calendar year 2008, or if such 12780
information has not yet been reported to the tax commissioner, 12781
in the most recent year before 2008 for which the municipal 12782
corporation has reported data to the commissioner; 12783

(f) The amount of income taxes collected by the municipal 12784
corporation in calendar year 2008, or if such information has 12785
not yet been reported to the tax commissioner, in the most 12786
recent year before 2008 for which the municipal corporation has 12787
reported data to the commissioner; 12788

(g) The municipal corporation's median estate tax 12789
collections. 12790

(30) "Total resources," in the case of a township, means 12791
the sum of the amounts in divisions (A) (30) (a) to (c) of this 12792
section less any reduction required under division (A) (32) or 12793
(33) of this section. 12794

(a) The sum of the payments received by the township in 12795

calendar year 2010 pursuant to division (A) (1) of section 12796
5727.86 of the Revised Code and divisions (A) (1) and (2) of 12797
section 5751.22 of the Revised Code as they existed at that 12798
time, excluding payments received for debt purposes; 12799

(b) The township's percentage share of county undivided 12800
local government fund allocations as certified to the tax 12801
commissioner for calendar year 2010 by the county auditor under 12802
division (J) of section 5747.51 of the Revised Code or division 12803
(F) of section 5747.53 of the Revised Code multiplied by the 12804
total amount actually distributed in calendar year 2010 from the 12805
county undivided local government fund; 12806

(c) With respect to taxes levied by the township, the 12807
taxes charged and payable against all property on the tax list 12808
of real and public utility property for tax year 2009 excluding 12809
taxes charged and payable for the purpose of paying debt 12810
charges. 12811

(31) "Total resources," in the case of a local taxing unit 12812
that is not a county, municipal corporation, or township, means 12813
the sum of the amounts in divisions (A) (31) (a) to (e) of this 12814
section less any reduction required under division (A) (32) of 12815
this section. 12816

(a) The sum of the payments received by the local taxing 12817
unit in calendar year 2010 pursuant to division (A) (1) of 12818
section 5727.86 of the Revised Code and divisions (A) (1) and (2) 12819
of section 5751.22 of the Revised Code as they existed at that 12820
time; 12821

(b) The local taxing unit's percentage share of county 12822
undivided local government fund allocations as certified to the 12823
tax commissioner for calendar year 2010 by the county auditor 12824

under division (J) of section 5747.51 of the Revised Code or 12825
division (F) of section 5747.53 of the Revised Code multiplied 12826
by the total amount actually distributed in calendar year 2010 12827
from the county undivided local government fund; 12828

(c) With respect to taxes levied by the local taxing unit, 12829
the taxes charged and payable against all property on the tax 12830
list of real and public utility property for tax year 2009 12831
excluding taxes charged and payable for the purpose of paying 12832
debt charges; 12833

(d) The amount received from the tax commissioner during 12834
calendar year 2010 for sales or use taxes authorized under 12835
sections 5739.023 and 5741.022 of the Revised Code; 12836

(e) For institutions of higher education receiving tax 12837
revenue from a local levy, as identified in section 3358.02 of 12838
the Revised Code, the final state share of instruction 12839
allocation for fiscal year 2010 as calculated by the chancellor 12840
of higher education and reported to the state controlling board. 12841

(32) If a fixed-rate levy that is a qualifying levy is not 12842
charged and payable in any year after tax year 2010, "total 12843
resources" used to compute payments to be made under division 12844
(C) (12) of section 5751.21 or division (A) (1) (b) or (c) of 12845
section 5751.22 of the Revised Code in the tax years following 12846
the last year the levy is charged and payable shall be reduced 12847
to the extent that the payments are attributable to the fixed- 12848
rate levy loss of that levy as would be computed under division 12849
(C) (2) of section 5727.85, division (A) (1) of section 5727.85, 12850
divisions (C) (8) and (9) of section 5751.21, or division (A) (1) 12851
of section 5751.22 of the Revised Code. 12852

(33) In the case of a county, municipal corporation, 12853

school district, or township with fixed-rate levy losses 12854
attributable to a tax levied under section 5705.23 of the 12855
Revised Code, "total resources" used to compute payments to be 12856
made under division (C) (3) of section 5727.85, division (A) (1) 12857
(d) of section 5727.86, division (C) (12) of section 5751.21, or 12858
division (A) (1) (c) of section 5751.22 of the Revised Code shall 12859
be reduced by the amounts described in divisions (A) (34) (a) to 12860
(c) of this section to the extent that those amounts were 12861
included in calculating the "total resources" of the school 12862
district or local taxing unit under division (A) (22), (28), 12863
(29), or (30) of this section. 12864

(34) "Total library resources," in the case of a county, 12865
municipal corporation, school district, or township public 12866
library that receives the proceeds of a tax levied under section 12867
5705.23 of the Revised Code, means the sum of the amounts in 12868
divisions (A) (34) (a) to (c) of this section less any reduction 12869
required under division (A) (32) of this section. 12870

(a) The sum of the payments received by the county, 12871
municipal corporation, school district, or township public 12872
library in calendar year 2010 pursuant to sections 5727.86 and 12873
5751.22 of the Revised Code, as they existed at that time, for 12874
fixed-rate levy losses attributable to a tax levied under 12875
section 5705.23 of the Revised Code for the benefit of the 12876
public library; 12877

(b) The public library's percentage share of county 12878
undivided local government fund allocations as certified to the 12879
tax commissioner for calendar year 2010 by the county auditor 12880
under division (J) of section 5747.51 of the Revised Code or 12881
division (F) of section 5747.53 of the Revised Code multiplied 12882
by the total amount actually distributed in calendar year 2010 12883

from the county undivided local government fund; 12884

(c) With respect to a tax levied pursuant to section 12885
5705.23 of the Revised Code for the benefit of the public 12886
library, the amount of such tax that is charged and payable 12887
against all property on the tax list of real and public utility 12888
property for tax year 2009 excluding any tax that is charged and 12889
payable for the purpose of paying debt charges. 12890

(35) "Municipal current expense property tax levies" means 12891
all property tax levies of a municipality, except those with the 12892
following levy names: airport resurfacing; bond or any levy name 12893
including the word "bond"; capital improvement or any levy name 12894
including the word "capital"; debt or any levy name including 12895
the word "debt"; equipment or any levy name including the word 12896
"equipment," unless the levy is for combined operating and 12897
equipment; employee termination fund; fire pension or any levy 12898
containing the word "pension," including police pensions; 12899
fireman's fund or any practically similar name; sinking fund; 12900
road improvements or any levy containing the word "road"; fire 12901
truck or apparatus; flood or any levy containing the word 12902
"flood"; conservancy district; county health; note retirement; 12903
sewage, or any levy containing the words "sewage" or "sewer"; 12904
park improvement; parkland acquisition; storm drain; street or 12905
any levy name containing the word "street"; lighting, or any 12906
levy name containing the word "lighting"; and water. 12907

(36) "Current expense TPP allocation" means, in the case 12908
of a school district or joint vocational school district, the 12909
sum of the payments received by the school district in fiscal 12910
year 2011 pursuant to divisions (C)(10) and (11) of section 12911
5751.21 of the Revised Code to the extent paid for current 12912
expense levies. In the case of a municipal corporation, "current 12913

expense TPP allocation" means the sum of the payments received 12914
by the municipal corporation in calendar year 2010 pursuant to 12915
divisions (A) (1) and (2) of section 5751.22 of the Revised Code 12916
to the extent paid for municipal current expense property tax 12917
levies as defined in division (A) (35) of this section, excluding 12918
any such payments received for current expense levy losses 12919
attributable to a tax levied under section 5705.23 of the 12920
Revised Code. If a fixed-rate levy that is a qualifying levy is 12921
not charged and payable in any year after tax year 2010, 12922
"current expense TPP allocation" used to compute payments to be 12923
made under division (C) (12) of section 5751.21 or division (A) 12924
(1) (b) or (c) of section 5751.22 of the Revised Code in the tax 12925
years following the last year the levy is charged and payable 12926
shall be reduced to the extent that the payments are 12927
attributable to the fixed-rate levy loss of that levy as would 12928
be computed under divisions (C) (10) and (11) of section 5751.21 12929
or division (A) (1) of section 5751.22 of the Revised Code. 12930

(37) "TPP allocation" means the sum of payments received 12931
by a local taxing unit in calendar year 2010 pursuant to 12932
divisions (A) (1) and (2) of section 5751.22 of the Revised Code, 12933
excluding any such payments received for fixed-rate levy losses 12934
attributable to a tax levied under section 5705.23 of the 12935
Revised Code. If a fixed-rate levy that is a qualifying levy is 12936
not charged and payable in any year after tax year 2010, "TPP 12937
allocation" used to compute payments to be made under division 12938
(A) (1) (b) or (c) of section 5751.22 of the Revised Code in the 12939
tax years following the last year the levy is charged and 12940
payable shall be reduced to the extent that the payments are 12941
attributable to the fixed-rate levy loss of that levy as would 12942
be computed under division (A) (1) of that section. 12943

(38) "Total TPP allocation" means, in the case of a school 12944

district or joint vocational school district, the sum of the 12945
amounts received in fiscal year 2011 pursuant to divisions (C) 12946
(10) and (11) and (D) of section 5751.21 of the Revised Code. In 12947
the case of a local taxing unit, "total TPP allocation" means 12948
the sum of payments received by the unit in calendar year 2010 12949
pursuant to divisions (A) (1), (2), and (3) of section 5751.22 of 12950
the Revised Code. If a fixed-rate levy that is a qualifying levy 12951
is not charged and payable in any year after tax year 2010, 12952
"total TPP allocation" used to compute payments to be made under 12953
division (C) (12) of section 5751.21 or division (A) (1) (b) or (c) 12954
of section 5751.22 of the Revised Code in the tax years 12955
following the last year the levy is charged and payable shall be 12956
reduced to the extent that the payments are attributable to the 12957
fixed-rate levy loss of that levy as would be computed under 12958
divisions (C) (10) and (11) of section 5751.21 or division (A) (1) 12959
of section 5751.22 of the Revised Code. 12960

(39) "Non-current expense TPP allocation" means the 12961
difference of total TPP allocation minus the sum of current 12962
expense TPP allocation and the portion of total TPP allocation 12963
constituting reimbursement for debt levies, pursuant to division 12964
(D) of section 5751.21 of the Revised Code in the case of a 12965
school district or joint vocational school district and pursuant 12966
to division (A) (3) of section 5751.22 of the Revised Code in the 12967
case of a municipal corporation. 12968

(40) "TPP allocation for library purposes" means the sum 12969
of payments received by a county, municipal corporation, school 12970
district, or township public library in calendar year 2010 12971
pursuant to section 5751.22 of the Revised Code for fixed-rate 12972
levy losses attributable to a tax levied under section 5705.23 12973
of the Revised Code. If a fixed-rate levy authorized under 12974
section 5705.23 of the Revised Code that is a qualifying levy is 12975

not charged and payable in any year after tax year 2010, "TPP allocation for library purposes" used to compute payments to be made under division (A) (1) (d) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A) (1) of section 5751.22 of the Revised Code.

(41) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B) (1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (B) (2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments

described in section 5751.21 of the Revised Code, and to the 13007
local government tangible property tax replacement fund, which 13008
is hereby created in the state treasury for the purpose of 13009
making the payments described in section 5751.22 of the Revised 13010
Code, in the following percentages: 13011
13012

	1	2	3	4
A	Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund
B	2006	67.7%	22.6%	9.7%
C	2007	0%	70.0%	30.0%
D	2008	0%	70.0%	30.0%
E	2009	0%	70.0%	30.0%
F	2010	0%	70.0%	30.0%
G	2011	0%	70.0%	30.0%
H	2012	25.0%	52.5%	22.5%
I	2013 and thereafter	50.0%	35.0%	15.0%

(2) Not later than the twentieth day of February, May, 13013
August, and November of each year, the commissioner shall 13014

provide for payment from the commercial activities tax receipts 13015
fund to the commercial activity tax motor fuel receipts fund an 13016
amount that bears the same ratio to the balance in the 13017
commercial activities tax receipts fund that (a) the taxable 13018
gross receipts attributed to motor fuel used for propelling 13019
vehicles on public highways as indicated by returns filed by the 13020
tenth day of that month for a liability that is due and payable 13021
on or after July 1, 2013, for a tax period ending before July 1, 13022
2014, bears to (b) all taxable gross receipts as indicated by 13023
those returns for such liabilities. 13024

(C) Not later than September 15, 2005, the tax 13025
commissioner shall determine for each school district, joint 13026
vocational school district, and local taxing unit its machinery 13027
and equipment, inventory property, furniture and fixtures 13028
property, and telephone property tax value losses, which are the 13029
applicable amounts described in divisions (C) (1), (2), (3), and 13030
(4) of this section, except as provided in division (C) (5) of 13031
this section: 13032

(1) Machinery and equipment property tax value loss is the 13033
taxable value of machinery and equipment property as reported by 13034
taxpayers for tax year 2004 multiplied by: 13035

(a) For tax year 2006, thirty-three and eight-tenths per 13036
cent; 13037

(b) For tax year 2007, sixty-one and three-tenths per 13038
cent; 13039

(c) For tax year 2008, eighty-three per cent; 13040

(d) For tax year 2009 and thereafter, one hundred per 13041
cent. 13042

(2) Inventory property tax value loss is the taxable value 13043

of inventory property as reported by taxpayers for tax year 2004 13044
multiplied by: 13045

(a) For tax year 2006, a fraction, the numerator of which 13046
is five and three-fourths and the denominator of which is 13047
twenty-three; 13048

(b) For tax year 2007, a fraction, the numerator of which 13049
is nine and one-half and the denominator of which is twenty- 13050
three; 13051

(c) For tax year 2008, a fraction, the numerator of which 13052
is thirteen and one-fourth and the denominator of which is 13053
twenty-three; 13054

(d) For tax year 2009 and thereafter a fraction, the 13055
numerator of which is seventeen and the denominator of which is 13056
twenty-three. 13057

(3) Furniture and fixtures property tax value loss is the 13058
taxable value of furniture and fixture property as reported by 13059
taxpayers for tax year 2004 multiplied by: 13060

(a) For tax year 2006, twenty-five per cent; 13061

(b) For tax year 2007, fifty per cent; 13062

(c) For tax year 2008, seventy-five per cent; 13063

(d) For tax year 2009 and thereafter, one hundred per 13064
cent. 13065

The taxable value of property reported by taxpayers used 13066
in divisions (C) (1), (2), and (3) of this section shall be such 13067
values as determined to be final by the tax commissioner as of 13068
August 31, 2005. Such determinations shall be final except for 13069
any correction of a clerical error that was made prior to August 13070

31, 2005, by the tax commissioner. 13071

(4) Telephone property tax value loss is the taxable value 13072
of telephone property as taxpayers would have reported that 13073
property for tax year 2004 if the assessment rate for all 13074
telephone property for that year were twenty-five per cent, 13075
multiplied by: 13076

(a) For tax year 2006, zero per cent; 13077

(b) For tax year 2007, zero per cent; 13078

(c) For tax year 2008, zero per cent; 13079

(d) For tax year 2009, sixty per cent; 13080

(e) For tax year 2010, eighty per cent; 13081

(f) For tax year 2011 and thereafter, one hundred per 13082
cent. 13083

(5) Division (C)(5) of this section applies to any school 13084
district, joint vocational school district, or local taxing unit 13085
in a county in which is located a facility currently or formerly 13086
devoted to the enrichment or commercialization of uranium or 13087
uranium products, and for which the total taxable value of 13088
property listed on the general tax list of personal property for 13089
any tax year from tax year 2001 to tax year 2004 was fifty per 13090
cent or less of the taxable value of such property listed on the 13091
general tax list of personal property for the next preceding tax 13092
year. 13093

In computing the fixed-rate levy losses under divisions 13094
(D)(1), (2), and (3) of this section for any school district, 13095
joint vocational school district, or local taxing unit to which 13096
division (C)(5) of this section applies, the taxable value of 13097
such property as listed on the general tax list of personal 13098

property for tax year 2000 shall be substituted for the taxable 13099
value of such property as reported by taxpayers for tax year 13100
2004, in the taxing district containing the uranium facility, if 13101
the taxable value listed for tax year 2000 is greater than the 13102
taxable value reported by taxpayers for tax year 2004. For the 13103
purpose of making the computations under divisions (D) (1), (2), 13104
and (3) of this section, the tax year 2000 valuation is to be 13105
allocated to machinery and equipment, inventory, and furniture 13106
and fixtures property in the same proportions as the tax year 13107
2004 values. For the purpose of the calculations in division (A) 13108
of section 5751.21 of the Revised Code, the tax year 2004 13109
taxable values shall be used. 13110

To facilitate the calculations required under division (C) 13111
of this section, the county auditor, upon request from the tax 13112
commissioner, shall provide by August 1, 2005, the values of 13113
machinery and equipment, inventory, and furniture and fixtures 13114
for all single-county personal property taxpayers for tax year 13115
2004. 13116

(D) Not later than September 15, 2005, the tax 13117
commissioner shall determine for each tax year from 2006 through 13118
2009 for each school district, joint vocational school district, 13119
and local taxing unit its machinery and equipment, inventory, 13120
and furniture and fixtures fixed-rate levy losses, and for each 13121
tax year from 2006 through 2011 its telephone property fixed- 13122
rate levy loss. Except as provided in division (F) of this 13123
section, such losses are the applicable amounts described in 13124
divisions (D) (1), (2), (3), and (4) of this section: 13125

(1) The machinery and equipment fixed-rate levy loss is 13126
the machinery and equipment property tax value loss multiplied 13127
by the sum of the tax rates of fixed-rate qualifying levies. 13128

(2) The inventory fixed-rate loss is the inventory 13129
property tax value loss multiplied by the sum of the tax rates 13130
of fixed-rate qualifying levies. 13131

(3) The furniture and fixtures fixed-rate levy loss is the 13132
furniture and fixture property tax value loss multiplied by the 13133
sum of the tax rates of fixed-rate qualifying levies. 13134

(4) The telephone property fixed-rate levy loss is the 13135
telephone property tax value loss multiplied by the sum of the 13136
tax rates of fixed-rate qualifying levies. 13137

(E) Not later than September 15, 2005, the tax 13138
commissioner shall determine for each school district, joint 13139
vocational school district, and local taxing unit its fixed-sum 13140
levy loss. The fixed-sum levy loss is the amount obtained by 13141
subtracting the amount described in division (E) (2) of this 13142
section from the amount described in division (E) (1) of this 13143
section: 13144

(1) The sum of the machinery and equipment property tax 13145
value loss, the inventory property tax value loss, and the 13146
furniture and fixtures property tax value loss, and, for 2008 13147
through 2010, the telephone property tax value loss of the 13148
district or unit multiplied by the sum of the fixed-sum tax 13149
rates of qualifying levies. For 2006 through 2010, this 13150
computation shall include all qualifying levies remaining in 13151
effect for the current tax year and any school district levies 13152
charged and payable under section 5705.194 or 5705.213 of the 13153
Revised Code that are qualifying levies not remaining in effect 13154
for the current year. For 2011 through 2017 in the case of 13155
school district levies charged and payable under section 13156
5705.194 or 5705.213 of the Revised Code and for all years after 13157
2010 in the case of other fixed-sum levies, this computation 13158

shall include only qualifying levies remaining in effect for the 13159
current year. For purposes of this computation, a qualifying 13160
school district levy charged and payable under section 5705.194 13161
or 5705.213 of the Revised Code remains in effect in a year 13162
after 2010 only if, for that year, the board of education levies 13163
a school district levy charged and payable under section 13164
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code 13165
for an annual sum at least equal to the annual sum levied by the 13166
board in tax year 2004 less the amount of the payment certified 13167
under this division for 2006. 13168

(2) The total taxable value in tax year 2004 less the sum 13169
of the machinery and equipment, inventory, furniture and 13170
fixtures, and telephone property tax value losses in each school 13171
district, joint vocational school district, and local taxing 13172
unit multiplied by one-half of one mill per dollar. 13173

(3) For the calculations in divisions (E)(1) and (2) of 13174
this section, the tax value losses are those that would be 13175
calculated for tax year 2009 under divisions (C)(1), (2), and 13176
(3) of this section and for tax year 2011 under division (C)(4) 13177
of this section. 13178

(4) To facilitate the calculation under divisions (D) and 13179
(E) of this section, not later than September 1, 2005, any 13180
school district, joint vocational school district, or local 13181
taxing unit that has a qualifying levy that was approved at an 13182
election conducted during 2005 before September 1, 2005, shall 13183
certify to the tax commissioner a copy of the county auditor's 13184
certificate of estimated property tax millage for such levy as 13185
required under division (B) of section 5705.03 of the Revised 13186
Code, which is the rate that shall be used in the calculations 13187
under such divisions. 13188

If the amount determined under division (E) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the reimbursement to be paid pursuant to division (E) of section 5751.21 or division (A) (3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E) (2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section:

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division;

(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division.

The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under

section 5705.219 of the Revised Code. 13219

(G) Not later than October 1, 2005, the tax commissioner 13220
shall certify to the department of education for every school 13221
district and joint vocational school district the machinery and 13222
equipment, inventory, furniture and fixtures, and telephone 13223
property tax value losses determined under division (C) of this 13224
section, the machinery and equipment, inventory, furniture and 13225
fixtures, and telephone fixed-rate levy losses determined under 13226
division (D) of this section, and the fixed-sum levy losses 13227
calculated under division (E) of this section. The calculations 13228
under divisions (D) and (E) of this section shall separately 13229
display the levy loss for each levy eligible for reimbursement. 13230

(H) Not later than October 1, 2005, the tax commissioner 13231
shall certify the amount of the fixed-sum levy losses to the 13232
county auditor of each county in which a school district, joint 13233
vocational school district, or local taxing unit with a fixed- 13234
sum levy loss reimbursement has territory. 13235

(I) Not later than the twenty-eighth day of February each 13236
year beginning in 2011 and ending in 2014, the tax commissioner 13237
shall certify to the department of education for each school 13238
district first levying a tax under section 5705.219 of the 13239
Revised Code in the preceding year the revised fixed-rate levy 13240
losses determined under divisions (D) and (F) of this section. 13241

(J) (1) There is hereby created in the state treasury the 13242
commercial activity tax motor fuel receipts fund. 13243

(2) (a) On or before June 15, 2014, the director of the 13244
Ohio public works commission shall certify to the director of 13245
budget and management the amount of debt service paid from the 13246
general revenue fund in fiscal years 2013 and 2014 on bonds 13247

issued to finance or assist in the financing of the cost of 13248
local subdivision public infrastructure capital improvement 13249
projects, as provided for in Sections 2k, 2m, 2p, and 2s of 13250
Article VIII, Ohio Constitution, that are attributable to costs 13251
for construction, reconstruction, maintenance, or repair of 13252
public highways and bridges and other statutory highway 13253
purposes. That certification shall allocate the total amount of 13254
debt service paid from the general revenue fund and attributable 13255
to those costs in each of fiscal years 2013 and 2014 according 13256
to the applicable section of the Ohio Constitution under which 13257
the bonds were originally issued. 13258

(b) On or before June 30, 2014, the director of budget and 13259
management shall determine an amount up to but not exceeding the 13260
amount certified under division (J)(2)(a) of this section and 13261
shall reserve that amount from the cash balance in the 13262
commercial activity tax motor fuel receipts fund for transfer to 13263
the general revenue fund at times and in amounts to be 13264
determined by the director. The director shall transfer the cash 13265
balance in the commercial activity tax motor fuel receipts fund 13266
in excess of the amount so reserved to the highway operating 13267
fund on or before June 30, 2014. 13268

(3)(a) On or before the fifteenth day of June of each 13269
fiscal year beginning with fiscal year 2015, the director of the 13270
Ohio public works commission shall certify to the director of 13271
budget and management the amount of debt service paid from the 13272
general revenue fund in the current fiscal year on bonds issued 13273
to finance or assist in the financing of the cost of local 13274
subdivision public infrastructure capital improvement projects, 13275
as provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 13276
Constitution, that are attributable to costs for construction, 13277
reconstruction, maintenance, or repair of public highways and 13278

bridges and other statutory highway purposes. That certification 13279
shall allocate the total amount of debt service paid from the 13280
general revenue fund and attributable to those costs in the 13281
current fiscal year according to the applicable section of the 13282
Ohio Constitution under which the bonds were originally issued. 13283

(b) On or before the thirtieth day of June of each fiscal 13284
year beginning with fiscal year 2015, the director of budget and 13285
management shall determine an amount up to but not exceeding the 13286
amount certified under division (J) (3) (a) of this section and 13287
shall reserve that amount from the cash balance in the petroleum 13288
activity tax public highways fund or the commercial activity tax 13289
motor fuel receipts fund for transfer to the general revenue 13290
fund at times and in amounts to be determined by the director. 13291
The director shall transfer the cash balance in the petroleum 13292
activity tax public highways fund or the commercial activity tax 13293
motor fuel receipts fund in excess of the amount so reserved to 13294
the highway operating fund on or before the thirtieth day of 13295
June of the current fiscal year. 13296

Section 2. That existing sections 122.175, 131.44, 131.51, 13297
319.30, 319.301, 319.54, 321.24, 321.26, 323.08, 323.152, 13298
323.155, 323.158, 351.01, 351.021, 353.06, 718.83, 1509.01, 13299
1509.02, 1509.11, 1509.34, 1513.08, 1513.182, 3301.91, 3313.819, 13300
3354.24, 3354.25, 4503.06, 4503.065, 5703.021, 5703.052, 13301
5703.19, 5703.80, 5709.92, 5709.93, 5715.19, 5715.30, 5739.01, 13302
5739.02, 5739.03, 5739.05, 5739.08, 5739.09, 5739.091, 5741.01, 13303
5747.01, 5747.02, 5747.03, 5747.031, 5747.08, 5747.10, 5747.38, 13304
5747.41, 5747.71, 5747.98, 5749.01, 5749.02, 5749.04, 5749.06, 13305
5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 13306
5749.15, 5751.01, and 5751.20 of the Revised Code are hereby 13307
repealed. 13308

Section 3. That sections 319.302, 1509.50, 5739.41, and 5751.40 of the Revised Code are hereby repealed.

Section 4. Within thirty days after the effective date of this section, the Director of Budget and Management shall transfer the cash balance of the Expanded Sales Tax Holiday Fund to the General Revenue Fund. Upon completion of the transfer, the Expanded Sales Tax Holiday Fund is abolished.

Section 5. That Section 259.30 of H.B. 33 of the 135th General Assembly be amended to read as follows:

Sec. 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2025, of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item

195658, Minority Business Bonding Contingency in the Minority	13338
Business Bonding Fund, and such amounts are hereby appropriated.	13339
 BUSINESS ASSISTANCE PROGRAMS	 13340
 The foregoing appropriation item 195649, Business	 13341
Assistance Programs, shall be used for administrative expenses	13342
associated with the operation of loan incentives.	13343
 STATE SPECIAL PROJECTS	 13344
 The State Special Projects Fund (Fund 4F20), may be used	 13345
for the deposit of private-sector funds from utility companies	13346
and for the deposit of other miscellaneous state funds. State	13347
moneys so deposited may also be used to match federal funding	13348
and to support programs of the Community Service Division and	13349
Business Services Division.	13350
 MINORITY BUSINESS ENTERPRISE LOAN	 13351
 The foregoing appropriation item 195646, Minority Business	 13352
Enterprise Loan, shall be used for awards under the Minority	13353
Business Enterprise Loan Program and to cover operating expenses	13354
of the Minority Business Development Division. All repayments	13355
from the Minority Development Financing Advisory Board Loan	13356
Program shall be deposited in the state treasury to the credit	13357
of the Minority Business Enterprise Loan Fund (Fund 4W10).	13358
 BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM	 13359
 The foregoing appropriation item 1956G9, Broadband Pole	 13360
Replacement and Undergrounding Program, shall be used by the	13361
Department of Development to support the Broadband Pole	13362
Replacement and Undergrounding Program under section 191.27 of	13363
the Revised Code.	13364
 ONE TIME PRIORITY PROJECTS	 13365

(A) Of the foregoing appropriation item 1956H2, One Time 13366
Priority Projects, \$10,000,000 in each fiscal year shall be 13367
allocated to the Foundation for Appalachian Ohio. 13368

(B) Of the foregoing appropriation item 1956H2, One Time 13369
Priority Projects, \$9,500,000 in each fiscal year shall be 13370
allocated for the GRIT program to be administered by the 13371
Governor's Office of Appalachia and the Department of 13372
Development. The program shall expand the qualified worker 13373
pipeline, remove barriers to fill local and remote jobs, and 13374
promote entrepreneurial endeavors in economically distressed and 13375
at-risk areas within the Appalachian region of Ohio, as defined 13376
in section 107.21 of the Revised Code, and other like counties 13377
within the state. The amount set aside for the GRIT program 13378
under this division shall be used for the following: 13379

(1) In collaboration with private businesses and public 13380
sector partners, to establish virtual workforce development 13381
centers and supportive resources and to place unemployed and 13382
underemployed youth and adults into jobs; 13383

(2) To support the assessment, coaching, wraparound 13384
services, and other career development and training activities 13385
for both high school youth and adults. 13386

The amount set aside for the GRIT program under this 13387
division may be used for operating costs. 13388

(C) Of the foregoing appropriation item 1956H2, One Time 13389
Priority Projects, \$3,000,000 in fiscal year 2024 shall be used 13390
to support the Mentor Erosion Mitigation Project. Any funds 13391
distributed for this project under this division shall be 13392
matched in an amount equal to \$500,000 using city or county 13393
funding sources. 13394

(D) Of the foregoing appropriation item 1956H2, One Time 13395
Priority Projects, \$1,835,000 in fiscal year 2024 shall be 13396
allocated to the Tuscarawas County Commissioners for 13397
infrastructure improvements or demolition in Tuscarawas County. 13398
An amount equal to the unexpended, unencumbered portion of the 13399
amount allocated to Tuscarawas County Commissioners in this 13400
division at the end of fiscal year 2024 is hereby reappropriated 13401
for the same purpose in fiscal year 2025. 13402

(E) Of the foregoing appropriation item 1956H2, One Time 13403
Priority Projects, \$1,000,000 in fiscal year 2024 shall be 13404
allocated to the Ohio Manufacturing and Innovation Center. 13405

(F) Of the foregoing appropriation item 1956H2, One Time 13406
Priority Projects, \$500,000 in fiscal year 2024 shall be 13407
allocated to Mercer County to support the construction of the 13408
Market Hall. 13409

(G) Of the foregoing appropriation item 1956H2, One Time 13410
Priority Projects, \$500,000 in fiscal year 2024 shall be used to 13411
support a study, including the acquisition of any necessary 13412
equipment, to determine an estimate of storage capacity and 13413
maximum annual yield of the network of aquifers that are in the 13414
state of Ohio and north of the Maumee River, but that may also 13415
cross into other states. 13416

(H) Of the foregoing appropriation item 1956H2, One Time 13417
Priority Projects, \$300,000 in each fiscal year shall be used to 13418
support the Camp James A. Garfield Joint Military Training 13419
Center and the Youngstown Air Reserve Station. 13420

(I) Of the foregoing appropriation item 1956H2, One Time 13421
Priority Projects, \$300,000 in fiscal year 2024 and \$125,000 in 13422
fiscal year 2025 shall be allocated to the Buckeye Lake Region 13423

Corporation for operating expenses associated with community 13424
development activities in the Buckeye Lake region, including, 13425
but not limited to, development planning, technical assistance 13426
for small businesses, and community clean energy projects. 13427

(J) Of the foregoing appropriation item 1956H2, One Time 13428
Priority Projects, \$200,000 in each fiscal year shall be 13429
allocated to Flying HIGH Inc., in partnership with a local 13430
economic development organization, to operate integrated 13431
workforce development services for regional in-demand jobs. This 13432
portion of the appropriation shall be used for services 13433
including career coaching, support services to overcome 13434
employment barriers, primary and behavioral health care, housing 13435
assistance, pre-apprenticeship vocational training, job 13436
placement, and post-placement follow-up. 13437

(K) Of the foregoing appropriation item 1956H2, One Time 13438
Priority Projects, \$200,000 in fiscal year 2024 shall be 13439
allocated to West Chester Township to support security costs at 13440
the Voices of America Country Music Fest located in the 13441
township. 13442

(L) Of the foregoing appropriation item 1956H2, One Time 13443
Priority Projects, \$200,000 in fiscal year 2024 shall be used 13444
for Eldora Speedway located in Darke County for improvements or 13445
assisting with operations. 13446

(M) Of the foregoing appropriation item 1956H2, One Time 13447
Priority Projects, \$30,000 in fiscal year 2024 shall be used for 13448
the Armstrong Air and Space Museum. 13449

(N) Of the foregoing appropriation item 1956H2, One Time 13450
Priority Projects, \$4,000,000 in fiscal year 2024 shall be 13451
allocated to the Cleveland Water Alliance Sustainable Water 13452

Technologies Initiative. 13453

(O) Of the foregoing appropriation item 1956H2, One Time 13454
Priority Projects, \$3,000,000 in FY 2024 shall be used to 13455
support runway improvements and extensions for the Youngstown- 13456
Warren Regional Airport in Trumbull County. An amount equal to 13457
the unexpended, unencumbered portion of this appropriation at 13458
the end of fiscal year 2024 is hereby reappropriated for the 13459
same purposes in fiscal year 2025. 13460

(P) Of the foregoing appropriation item 1956H2, One Time 13461
Priority Projects, \$250,000 in each fiscal year shall be 13462
allocated to Heritage Ohio to support the Ohio Community 13463
Revitalization Program. 13464

WELCOME HOME OHIO PROGRAM 13465

The foregoing appropriation item 1956H3, Welcome Home Ohio 13466
Program, shall be used for grants under the Welcome Home Ohio 13467
Program established in sections 122.631 through 122.633 of the 13468
Revised Code. Of the foregoing appropriation item 1956H3, 13469
Welcome Home Ohio Program, \$25,000,000 in each fiscal year shall 13470
be used to distribute grants for land banks to purchase 13471
residential property at foreclosure sales under section 122.631 13472
of the Revised Code. Of the foregoing appropriation item 1956H3, 13473
Welcome Home ~~Ohio~~ Ohio Program, \$25,000,000 in each fiscal year 13474
shall be used to distribute grants to rehabilitate or construct 13475
residential property for income-restricted owners under section 13476
122.632 of the Revised Code. 13477

On July 1, 2024, or as soon as possible thereafter, the 13478
Director of Development shall certify to the Director of Budget 13479
and Management the unexpended, unencumbered balance of the 13480
appropriation item 1956H3, Welcome Home Ohio Program, at the end 13481

of fiscal year 2024 to be reappropriated in fiscal year 2025. 13482
The amount certified is hereby reappropriated to the same 13483
appropriation item for the same purpose in fiscal year 2025. 13484

WATER AND SEWER QUALITY PROGRAM 13485

The foregoing appropriation item 1956A1, Water and Sewer 13486
Quality Program, shall be used to award grants under the Water 13487
and Sewer Quality Program established in Section 259.30 of H.B. 13488
168 of the 134th General Assembly. This appropriation shall be 13489
used to fund a new round of grants under which all political 13490
subdivisions may apply for water and sewer improvements under 13491
the program. 13492

COUNTY AND INDEPENDENT FAIRS GRANT 13493

The foregoing appropriation item 1956H4, County and 13494
Independent Fairs Grant, shall be used to award grants to county 13495
and independent fairs to increase fair access or economic 13496
impact. The Department of Development shall set an application 13497
deadline and distribute grants evenly among all grant 13498
applicants. 13499

BROADBAND DEVELOPMENT GRANTS 13500

On July 1, 2023, or as soon as possible thereafter, the 13501
Director of Development shall certify to the Director of Budget 13502
and Management the unexpended, unencumbered balance of the 13503
appropriation item 195550, Broadband Development Grants, at the 13504
end of fiscal year 2023 to be reappropriated in fiscal year 13505
2024. The amount certified is hereby reappropriated to the same 13506
appropriation item for the same purpose in fiscal year 2024. 13507

On July 1, 2024, or as soon as possible thereafter, the 13508
Director of Development shall certify to the Director of Budget 13509
and Management the unexpended, unencumbered balance of the 13510

appropriation item 195550, Broadband Development Grants, at the 13511
end of fiscal year 2024 to be reappropriated in fiscal year 13512
2025. The amount certified is hereby reappropriated to the same 13513
appropriation item for the same purpose in fiscal year 2025. 13514

ADVANCED ENERGY LOAN PROGRAMS 13515

The foregoing appropriation item 195660, Advanced Energy 13516
Loan Programs, shall be used to provide financial assistance to 13517
customers for eligible advanced energy projects for residential, 13518
commercial, and industrial business, local government, 13519
educational institution, nonprofit, and agriculture customers. 13520
The appropriation item may be used to match federal grant 13521
funding and to pay for the program's administrative costs as 13522
provided in sections 4928.61 to 4928.63 of the Revised Code and 13523
rules adopted by the Director of Development. 13524

SPORTS EVENTS GRANTS 13525

The foregoing appropriation item 195496, Sports Events 13526
Grants, shall be used for grants as described in sections 122.12 13527
and 122.121 of the Revised Code. 13528

On July 1, 2024, or as soon as possible thereafter, the 13529
Director of Development shall certify to the Director of Budget 13530
and Management the amount of the unexpended, unencumbered 13531
balance of appropriation item 195496, Sports Events Grants, at 13532
the end of fiscal year 2024 to be reappropriated in fiscal year 13533
2025. The amount certified is hereby reappropriated to the same 13534
appropriation item for the same purpose in fiscal year 2025. 13535

WOMEN OWNED BUSINESS LOAN 13536

The foregoing appropriation item 195632, Women Owned 13537
Business Loan, shall be used to operate the Women Owned Business 13538
Loan Program. 13539

MINORITY BUSINESS MICRO-LOAN	13540
The foregoing appropriation item 195694, Micro-Loan, shall	13541
be used to operate the Minority Business Micro-Loan Program.	13542
TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE	13543
FUND TO THE MBD FINANCIAL ASSISTANCE FUND	13544
On July 1, 2023, or as soon as possible thereafter, the	13545
Director of Budget and Management may transfer \$15,000,000 cash	13546
from the State Small Business Credit Initiative Fund (Fund 3FJ0)	13547
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments	13548
of loans issued under Fund 5XH0 shall be credited to the fund.	13549
Upon the completion of the original Collateral Enhancement	13550
Program, the Director of Development shall certify to the	13551
Director of Budget and Management the remaining cash balance in	13552
the State Small Business Credit Initiative Fund (Fund 3FJ0). The	13553
Director of Budget and Management may transfer the certified	13554
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund	13555
5XH0).	13556
ALL OHIO FUTURE FUND	13557
The foregoing appropriation item 195576, All Ohio Future	13558
Fund, shall be used for the purposes enumerated in section	13559
126.62 of the Revised Code.	13560
MEAT PROCESSING INVESTMENT PROGRAM	13561
The foregoing appropriation item 195408, Meat Processing	13562
Investment Program, shall be used by the Department of	13563
Development to award grants under the Ohio Meat Processing Grant	13564
Program to custom processors of food animals from farms. The	13565
grants shall be used to support the construction of new, or	13566
improvements at existing, processing facilities.	13567

BROWNFIELD REMEDIATION

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The appropriation item 1956A2, Brownfield Remediation,
shall be used to award grants under the Brownfield Remediation
Program as described in section 122.6511 of the Revised Code. An
amount up to two and one-half per cent of the appropriation item
1956A2, Brownfield Remediation, may be used to pay the
administrative costs of the program.

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On July 1, 2023, or as soon as possible thereafter, the
Director of Development shall certify the unexpended,
unencumbered balance of appropriation item 1956A2, Brownfield
Remediation, at the end of fiscal year 2023 to be reappropriated
in fiscal year 2024. The amount certified is hereby
reappropriated to the same appropriation item for the same
purpose in fiscal year 2024.

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On July 1, 2024, or as soon as possible thereafter, the
Director of Development shall certify to the Director of Budget
and Management the unexpended, unencumbered balance of
appropriation item 1956A2, Brownfield Remediation, at the end of
fiscal year 2024 to be reappropriated in fiscal year 2025. The
amount certified is hereby reappropriated to the same
appropriation item for the same purpose in fiscal year 2025.

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DEMOLITION AND SITE REVITALIZATION

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The appropriation item 1956A3, Demolition and Site
Revitalization, shall be used to award grants under the Building
Demolition and Site Revitalization Program as described in
section 122.6512 of the Revised Code. An amount up to two and
one-half per cent of the appropriation item 1956A3, Demolition
and Site Revitalization, may be used to pay the administrative
costs of the program.

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On July 1, 2023, or as soon as possible thereafter, the 13597
Director of Development shall certify to the Director of Budget 13598
and Management the unexpended, unencumbered balance of 13599
appropriation item 1956A3, Demolition and Site Revitalization, 13600
at the end of fiscal year 2023 to be reappropriated in fiscal 13601
year 2024. The amount certified is hereby reappropriated to the 13602
same appropriation item for the same purpose in fiscal year 13603
2024. 13604

On July 1, 2024, or as soon as possible thereafter, the 13605
Director of Development shall certify to the Director of Budget 13606
and Management the unexpended, unencumbered balance of 13607
appropriation item 1956A3, Demolition and Site Revitalization, 13608
at the end of fiscal year 2024 to be reappropriated in fiscal 13609
year 2025. The amount certified is hereby reappropriated to the 13610
same appropriation item for the same purpose in fiscal year 13611
2025. 13612

INNOVATION HUBS 13613

The foregoing appropriation item 1956F8, Innovation Hubs, 13614
shall be allocated to eligible innovation hubs as defined by the 13615
Department of Development. Innovation hubs located within an 13616
existing innovation district, as defined by the Department of 13617
Development, are ineligible to receive funding under the 13618
foregoing appropriation item. 13619

Funding awarded to innovation hubs under the foregoing 13620
appropriation item may be used for, but not limited to, capital 13621
expenses to establish an innovation hub near a research-oriented 13622
anchor institution, recruiting or providing research and 13623
development opportunities within an innovation hub, or creating 13624
new or preserving existing jobs and employment opportunities, 13625
any of which would improve the economic welfare to the 13626

innovation hub's region. 13627

On July 1, 2024, or as soon as possible thereafter, the 13628
Director of Development shall certify to the Director of Budget 13629
and Management the unexpended, unencumbered balance of 13630
appropriation item 1956F8, Innovation Hubs, at the end of fiscal 13631
year 2024 to be reappropriated in fiscal year 2025. The amount 13632
certified is hereby reappropriated to the same appropriation 13633
item for the same purpose in fiscal year 2025. 13634

VOLUME CAP ADMINISTRATION 13635

The foregoing appropriation item 195654, Volume Cap 13636
Administration, shall be used for expenses related to the 13637
administration of the Volume Cap Program. Revenues received by 13638
the Volume Cap Administration Fund (Fund 6170) shall consist of 13639
application fees, forfeited deposits, and interest earned from 13640
the custodial account held by the Treasurer of State. 13641

LOW- AND MODERATE- INCOME HOUSING PROGRAMS 13642

The foregoing appropriation item 195638, Low- and 13643
Moderate- Income Housing Programs, shall be used to support 13644
housing activities described under Chapter 174. of the Revised 13645
Code. The Director of Development shall spend not less than 13646
\$65,000,000 in fiscal year 2025 for these purposes. 13647

On June 30, 2025, or as soon as possible thereafter, the 13648
Director of Budget and Management shall certify an amount equal 13649
to the difference of the fiscal year 2025 appropriation for 13650
appropriation item 195638, Low- and Moderate- Income Housing 13651
Programs, and the revenue deposited to the credit of the Low- 13652
and Moderate-income Housing Trust Fund (Fund 6460) in fiscal 13653
year 2025. If the revenue deposited to the credit of Fund 6460 13654
is less than the appropriation for fiscal year 2025, the 13655

Director of Budget and Management shall transfer the certified 13656
amount from the General Revenue Fund to Fund 6460. Cash 13657
transfers from the GRF to Fund 6460 do not constitute revenue 13658
credited to the fund for purposes of this section. 13659

Section 6. That existing Section 259.30 of H.B. 33 of the 13660
135th General Assembly is hereby repealed. 13661

Section 7. (A) The amendment by this act of sections 13662
131.44, 5739.02, 5739.03, and 5739.05 of the Revised Code and 13663
the portion of section 5739.01 of the Revised Code that relates 13664
to a sales tax holiday applies on the first day of the first 13665
month beginning after the effective date of this section. 13666

(B) The amendment by this act of sections 1509.01, 13667
1509.02, 1509.11, 1509.34, 1513.08, 1513.182, 5703.052, 5703.19, 13668
5749.01, 5749.02, 5749.04, 5749.06, 5749.07, 5749.08, 5749.10, 13669
5749.11, 5749.12, 5749.13, 5749.14, and 5749.15 of the Revised 13670
Code applies on and after the first day of the first calendar 13671
quarter beginning on or after the effective date of this 13672
section. 13673

(C) The amendment or enactment by this act of division (C) 13674
of section 5739.091 and sections 351.01, 351.021, 353.06, 13675
5739.08, and 5739.09 of the Revised Code applies on and after 13676
the first day of the first month beginning thirty or more days 13677
after the effective date of this section. 13678

(D) The amendment by this act of section 5741.01 of the 13679
Revised Code and the portion of section 5739.01 of the Revised 13680
Code not described in division (A) of this section applies on 13681
and after the first day of the first month beginning thirty or 13682
more days after the effective date of this section. 13683

(E) The amendment by this act of sections 319.30, 319.301, 13684

321.24, 323.08, 323.152, 323.155, 323.158, 718.83, 3354.24, 13685
3354.25, 4503.06, 4503.065, 5703.021, 5703.80, 5709.92, 5709.93, 13686
5715.19, 5715.30, 5747.03, and 5751.20 of the Revised Code 13687
applies, with respect to real property, to tax years ending on 13688
or after the effective date of this section and, with respect to 13689
manufactured and mobile homes, to tax years beginning on or 13690
after the effective date of this section. 13691

(F) The amendment by this act of sections 5747.01, 13692
5747.02, 5747.031, 5747.38, and 5747.41 of the Revised Code 13693
applies to taxable years ending on or after the effective date 13694
of this section. 13695

(G) The amendment by this act of section 5747.71 of the 13696
Revised Code applies to taxable years ending on or after the 13697
effective date of this section. 13698

(H) The enactment by this act of section 5747.87 of the 13699
Revised Code applies to claim years, as defined in that section, 13700
ending on or after the effective date of this section. 13701

Section 8. The amendment or repeal by this act of sections 13702
319.302, 5751.01, and 5751.40 of the Revised Code takes effect 13703
on January 1, 2026. 13704

The repeal by this act of section 1509.50 of the Revised 13705
Code takes effect on the first day of the first calendar quarter 13706
beginning on or after the effective date of this section. 13707

The repeal by this act of section 5739.41 of the Revised 13708
Code takes effect on the first day of the first month beginning 13709
on or after the effective date of this section. 13710

The amendment of section 131.51 of the Revised Code by 13711
this act takes effect July 1, 2025. 13712

Section 9. The General Assembly, applying the principle 13713
stated in division (B) of section 1.52 of the Revised Code that 13714
amendments are to be harmonized if reasonably capable of 13715
simultaneous operation, finds that the following sections, 13716
presented in this act as composites of the sections as amended 13717
by the acts indicated, are the resulting versions of the 13718
sections in effect prior to the effective date of the sections 13719
as presented in this act: 13720

Section 319.54 of the Revised Code as amended by both H.B. 13721
265 and H.B. 496 of the 135th General Assembly. 13722

Section 323.152 of the Revised Code as amended by both 13723
H.B. 33 and S.B. 43 of the 135th General Assembly. 13724

Section 4503.065 of the Revised Code as amended by both 13725
H.B. 33 and S.B. 43 of the 135th General Assembly. 13726

Section 5739.01 of the Revised Code as amended by both 13727
H.B. 315 and S.B. 196 of the 135th General Assembly. 13728

Section 5747.01 of the Revised Code as amended by both 13729
H.B. 101 and S.B. 154 of the 135th General Assembly. 13730

Section 5747.03 of the Revised Code as amended by both 13731
H.B. 281 and S.B. 246 of the 134th General Assembly. 13732

Section 10. This act shall be known as A Good Deal for 13733
Ohio. 13734