

As Reported by Senate Finance Committee

132nd General Assembly

Regular Session

2017-2018

Am. S. B. No. 5

Senators Hottinger, Eklund

Cosponsors: Senators Gardner, LaRose, Manning, Coley, Beagle

A BILL

To amend section 5747.70 of the Revised Code to
increase the maximum income tax deduction for
contributions to college savings accounts and
disability expense savings accounts to \$4,000
annually for each beneficiary, to create the
Joint Committee on Ohio College Affordability,
and to declare an emergency.

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

Section 1. That section 5747.70 of the Revised Code be
amended to read as follows:

Sec. 5747.70. (A) In computing Ohio adjusted gross income,
a deduction from federal adjusted gross income is allowed to a
contributor for the amount contributed during the taxable year
to a variable college savings program account and to a purchaser
of tuition units under the Ohio college savings program created
by Chapter 3334. of the Revised Code to the extent that the
amounts of such contributions and purchases were not deducted in
determining the contributor's or purchaser's federal adjusted
gross income for the taxable year. The combined amount of

contributions and purchases deducted in any taxable year by a taxpayer or the taxpayer and the taxpayer's spouse, regardless of whether the taxpayer and the taxpayer's spouse file separate returns or a joint return, is limited to ~~two~~four thousand dollars for each beneficiary for whom contributions or purchases are made. If the combined annual contributions and purchases for a beneficiary exceed ~~two~~four thousand dollars, the excess may be carried forward and deducted in future taxable years until the contributions and purchases have been fully deducted.

(B) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed for:

(1) Income related to tuition units and contributions that as of the end of the taxable year have not been refunded pursuant to the termination of a tuition payment contract or variable college savings program account under section 3334.10 of the Revised Code, to the extent that such income is included in federal adjusted gross income.

(2) The excess of the total purchase price of tuition units refunded during the taxable year pursuant to the termination of a tuition payment contract under section 3334.10 of the Revised Code over the amount of the refund, to the extent the amount of the excess was not deducted in determining federal adjusted gross income. Division (B)(2) of this section applies only to units for which no deduction was allowable under division (A) of this section.

(C) In computing Ohio adjusted gross income, there shall be added to federal adjusted gross income the amount of loss related to tuition units and contributions that as of the end of the taxable year have not been refunded pursuant to the termination of a tuition payment contract or variable college

savings program account under section 3334.10 of the Revised Code, to the extent that such loss was deducted in determining federal adjusted gross income. 49
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(D) For taxable years in which distributions or refunds are made under a tuition payment or variable college savings program contract for any reason other than payment of tuition or other higher education expenses, or the beneficiary's death, disability, or receipt of a scholarship as described in section 3334.10 of the Revised Code: 52
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(1) If the distribution or refund is paid to the purchaser or contributor or beneficiary, any portion of the distribution or refund not included in the recipient's federal adjusted gross income shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income, except that the amount added shall not exceed amounts previously deducted under division (A) of this section less any amounts added under division (D)(1) of this section in a prior taxable year. 58
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(2) If amounts paid by a purchaser or contributor on or after January 1, 2000, are distributed or refunded to someone other than the purchaser or contributor or beneficiary, the amount of the payment not included in the recipient's federal adjusted gross income, less any amounts added under division (D) of this section in a prior taxable year, shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income. 67
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Section 2. That existing section 5747.70 of the Revised Code is hereby repealed. 75
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Section 3. (A) There is hereby created the Joint Committee 77

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| on Ohio College Affordability composed of the following members: | 78 |
| (1) Five members of the Senate, appointed by the President | 79 |
| of the Senate, not more than three of whom may be members of the | 80 |
| same political party; | 81 |
| (2) Five members of the House of Representatives, | 82 |
| appointed by the Speaker of the House of Representatives, not | 83 |
| more than three of whom may be members of the same political | 84 |
| party. | 85 |
| (B) The President of the Senate and the Speaker of the | 86 |
| House of Representatives shall appoint the members of the | 87 |
| committee within thirty days after the effective date of this | 88 |
| act. The committee shall hold an initial meeting within sixty | 89 |
| days after the effective date of this act and shall meet | 90 |
| thereafter at the discretion of the committee members. | 91 |
| (C) The committee shall study and develop strategies to | 92 |
| reduce the cost of attending colleges and universities in this | 93 |
| state. As part of this process, the committee shall consult with | 94 |
| the Chancellor of Higher Education and persons or organizations | 95 |
| representing institutions of higher education. | 96 |
| (D) The committee shall compile a report of its | 97 |
| activities, findings, and recommendations and shall furnish a | 98 |
| copy of the report to the Governor, President of the Senate, and | 99 |
| Speaker of the House of Representatives not later than one year | 100 |
| after the effective date of this act, at which time the | 101 |
| committee shall dissolve by operation of law. | 102 |
| Section 4. The amendment by this act of section 5747.70 of | 103 |
| the Revised Code applies to taxable years ending on or after the | 104 |
| effective date of this act. | 105 |
| Section 5. This act is hereby declared to be an emergency | 106 |

measure necessary for the immediate preservation of the public 107
peace, health, and safety. The reason for such necessity is that 108
the rising cost of higher education has placed an enormous 109
financial burden on many individuals and families in this state 110
and it is imperative to develop solutions for, and provide some 111
relief from, that burden at the earliest possible time. 112
Therefore, this act shall go into immediate effect. 113