

**As Re-Referred by the House Rules and Reference Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 150**

**Representatives Hillyer, Leland**

**Cosponsors: Representatives Seitz, Ingram, Boggs, Miller, A., Miller, J., Crawley,  
Galonski**

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**A BILL**

To amend sections 5747.01 and 5747.10 and to enact 1  
sections 120.61, 120.62, 120.63, 120.64, 120.65, 2  
120.66, 120.67, and 120.68 of the Revised Code 3  
to establish the Ohio Public Defender State Loan 4  
Repayment Program, to establish a task force to 5  
study Ohio's indigent defense system, and to 6  
make an appropriation. 7

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

**Section 1.** That sections 5747.01 and 5747.10 be amended 8  
and sections 120.61, 120.62, 120.63, 120.64, 120.65, 120.66, 9  
120.67, and 120.68 of the Revised Code be enacted to read as 10  
follows: 11

**Sec. 120.61.** As used in sections 120.61 to 120.68 of the 12  
Revised Code, "employed as a public defender" means either of 13  
the following: 14

(A) An attorney employed by the state public defender, a 15  
county public defender commission, or a joint county public 16  
defender commission to represent indigent persons, who works a 17

minimum of thirty-five hours per week for a minimum of forty- 18  
five weeks each service year; 19

(B) Counsel appointed by the court or selected by an 20  
indigent person under division (E) of section 120.16 or division 21  
(E) of section 120.26 of the Revised Code, who works in an area 22  
designated as a public defender shortage area under section 23  
120.63 of the Revised Code for a minimum of five hundred twenty 24  
hours each service year. 25

**Sec. 120.62.** There is hereby created the Ohio public 26  
defender state loan repayment program, which shall be 27  
administered by the state public defender. The program shall 28  
provide loan repayment on behalf of attorneys who agree to 29  
employment as public defenders in areas designated as public 30  
defender shortage areas by the Ohio public defender commission 31  
pursuant to section 120.63 of the Revised Code. 32

Under the program, the state public defender, by means of 33  
a contract entered into under section 120.66 of the Revised 34  
Code, may agree to repay up to the amount set pursuant to 35  
section 120.66 of the Revised Code of the principal and interest 36  
of a government or other educational loan taken by an individual 37  
for the following expenses, so long as the expenses were 38  
incurred while the individual was enrolled in a law school in 39  
the United States that was, during the time enrolled, accredited 40  
by the American bar association, or a law school located outside 41  
the United States for which the individual received a foreign 42  
equivalency evaluation: 43

(A) Tuition; 44

(B) Other educational expenses, such as fees, books, and 45  
expenses, for specific purposes and in amounts determined to be 46

reasonable by the state public defender; 47

(C) Room and board, in an amount determined reasonable by 48  
the state public defender. 49

**Sec. 120.63.** The Ohio public defender commission shall 50  
evaluate counties once every two years and shall designate by 51  
rule any county that satisfies one or more of the following as a 52  
public defender shortage area: 53

(A) The ratio of attorneys to the population in the county 54  
is equal to or less than one to seven hundred. 55

(B) The case load of attorneys employed as public 56  
defenders exceeds the maximum standard set by the Ohio public 57  
defender commission. 58

(C) The attorneys employed as public defenders in the 59  
county do not have pay parity with the county prosecutor's 60  
office. 61

**Sec. 120.64.** (A) An individual who meets both of the 62  
following requirements may apply for participation in the Ohio 63  
public defender state loan repayment program: 64

(1) The individual is a citizen of the United States, a 65  
national of the United States, or a permanent resident of the 66  
United States. 67

(2) The individual either: 68

(a) Is a student enrolled in the final year of law school; 69  
or 70

(b) Has been admitted to the practice of law in this state 71  
by the Ohio supreme court for less than eight years and remains 72  
in good standing. 73

(B) An application for participation in the Ohio public 74  
defender state loan repayment program shall be submitted to the 75  
state public defender on a form that the state public defender 76  
shall prescribe. The individual shall submit the following 77  
information with an application: 78

(1) The individual's name, permanent address or address at 79  
which the individual is currently residing if different from the 80  
permanent address, and telephone number; 81

(2) The law school the individual is attending or 82  
attended, the dates of attendance, and verification of 83  
attendance; 84

(3) The individual's employer, as applicable; 85

(4) A summary and verification of the educational expenses 86  
for which the individual seeks reimbursement under the program; 87

(5) Verification that the individual has been admitted to 88  
the practice of law in this state for less than eight years by 89  
the Ohio supreme court and remains in good standing, unless the 90  
individual is a student; 91

(6) Verification the individual is a citizen of the United 92  
States, a national of the United States, or a permanent resident 93  
of the United States. 94

**Sec. 120.65.** If funds are available in the Ohio public 95  
defender state loan repayment fund created under section 120.67 96  
of the Revised Code and the general assembly has appropriated 97  
funds for the Ohio public defender state loan repayment program, 98  
the state public defender shall approve an individual for 99  
participation in the program, for reimbursement up to fifty 100  
thousand dollars, if the state public defender finds that the 101  
individual is eligible for participation in the program. 102

Upon approval, the state public defender shall notify and 103  
enter into discussions with the individual. The object of the 104  
discussions is to facilitate the recruitment of the individual 105  
to become or remain employed as a public defender within a 106  
public defender shortage area. 107

If the state public defender and individual agree on the 108  
individual's employment as a public defender within a public 109  
defender shortage area, the individual shall prepare, sign, and 110  
deliver to the state public defender a letter of intent agreeing 111  
to that placement. 112

**Sec. 120.66.** (A) After signing a letter of intent under 113  
section 120.65 of the Revised Code, an individual and the state 114  
public defender may enter into a contract for the individual's 115  
participation in the Ohio public defender state loan repayment 116  
program. The individual's employer also may be a party to the 117  
contract. 118

(B) The contract shall include all of the following 119  
obligations: 120

(1) The individual agrees to remain employed as a public 121  
defender within the public defender shortage area identified in 122  
the letter of intent for the number of hours and duration 123  
specified in the contract; 124

(2) The state public defender agrees, as provided in 125  
section 120.62 of the Revised Code, to repay, so long as the 126  
individual satisfies the service obligation agreed to under 127  
division (B)(1) of this section, the following amount of the 128  
principal and interest of a government or other educational loan 129  
taken by the individual for expenses described in section 120.62 130  
of the Revised Code: 131

<u>(a) For a three-year service obligation, up to thirty</u>	132
<u>thousand dollars;</u>	133
<u>(b) For an additional fourth or fifth year of service, up</u>	134
<u>to an additional twenty thousand dollars.</u>	135
<u>(3) The individual agrees to pay the state public defender</u>	136
<u>an amount established by rules adopted under section 120.68 of</u>	137
<u>the Revised Code if the individual fails to complete the service</u>	138
<u>obligation agreed to under division (B) (1) of this section.</u>	139
<u>(C) The contract shall include the following terms as</u>	140
<u>agreed upon by the parties:</u>	141
<u>(1) The individual's required length of service in the</u>	142
<u>public defender shortage area, which must be at least three</u>	143
<u>years with an optional fourth year and optional fifth year;</u>	144
<u>(2) (a) In the case of an attorney employed by the state</u>	145
<u>public defender, a county public defender commission, or a joint</u>	146
<u>county public defender commission, the number of weekly hours</u>	147
<u>the individual will be engaged in practice in the public</u>	148
<u>defender shortage area;</u>	149
<u>(b) In the case of private counsel appointed by the court</u>	150
<u>or selected by an indigent person pursuant to Chapter 120. of</u>	151
<u>the Revised Code, the number of hours over the service year the</u>	152
<u>individual will be engaged in practice in the public defender</u>	153
<u>shortage area.</u>	154
<u>(3) The maximum amount that the state public defender will</u>	155
<u>repay on behalf of the individual.</u>	156
<u>(D) If the amount specified in division (C) (3) of this</u>	157
<u>section includes federal funds, the amount of state funds repaid</u>	158
<u>on the individual's behalf shall be the same as the amount of</u>	159

those federal funds. 160

Sec. 120.67. The state public defender may accept gifts of 161  
money from any source for the implementation and administration 162  
of sections 120.61 to 120.68 of the Revised Code. The state 163  
public defender shall pay all gifts accepted under this section 164  
into the state treasury to the credit of the public defender 165  
shortage area fund, which is hereby created. 166

The state public defender shall pay all damages collected 167  
under division (B) (3) of section 120.66 of the Revised Code into 168  
the state treasury to the credit of the public defender loan 169  
repayment fund, which is hereby created. 170

The state public defender shall use the public defender 171  
shortage area fund and the public defender loan repayment fund 172  
for the implementation and administration of sections 120.61 to 173  
120.68 of the Revised Code. 174

Sec. 120.68. The state public defender, in accordance with 175  
section 111.15 of the Revised Code, shall adopt rules as 176  
necessary to implement and administer sections 120.61 to 120.67 177  
of the Revised Code. 178

Sec. 5747.01. Except as otherwise expressly provided or 179  
clearly appearing from the context, any term used in this 180  
chapter that is not otherwise defined in this section has the 181  
same meaning as when used in a comparable context in the laws of 182  
the United States relating to federal income taxes or if not 183  
used in a comparable context in those laws, has the same meaning 184  
as in section 5733.40 of the Revised Code. Any reference in this 185  
chapter to the Internal Revenue Code includes other laws of the 186  
United States relating to federal income taxes. 187

As used in this chapter: 188

(A) "Adjusted gross income" or "Ohio adjusted gross	189
income" means federal adjusted gross income, as defined and used	190
in the Internal Revenue Code, adjusted as provided in this	191
section:	192
(1) Add interest or dividends on obligations or securities	193
of any state or of any political subdivision or authority of any	194
state, other than this state and its subdivisions and	195
authorities.	196
(2) Add interest or dividends on obligations of any	197
authority, commission, instrumentality, territory, or possession	198
of the United States to the extent that the interest or	199
dividends are exempt from federal income taxes but not from	200
state income taxes.	201
(3) Deduct interest or dividends on obligations of the	202
United States and its territories and possessions or of any	203
authority, commission, or instrumentality of the United States	204
to the extent that the interest or dividends are included in	205
federal adjusted gross income but exempt from state income taxes	206
under the laws of the United States.	207
(4) Deduct disability and survivor's benefits to the	208
extent included in federal adjusted gross income.	209
(5) Deduct benefits under Title II of the Social Security	210
Act and tier 1 railroad retirement benefits to the extent	211
included in federal adjusted gross income under section 86 of	212
the Internal Revenue Code.	213
(6) Deduct the amount of wages and salaries, if any, not	214
otherwise allowable as a deduction but that would have been	215
allowable as a deduction in computing federal adjusted gross	216
income for the taxable year, had the targeted jobs credit	217



allowed and determined under sections 38, 51, and 52 of the	218
Internal Revenue Code not been in effect.	219
(7) Deduct any interest or interest equivalent on public	220
obligations and purchase obligations to the extent that the	221
interest or interest equivalent is included in federal adjusted	222
gross income.	223
(8) Add any loss or deduct any gain resulting from the	224
sale, exchange, or other disposition of public obligations to	225
the extent that the loss has been deducted or the gain has been	226
included in computing federal adjusted gross income.	227
(9) Deduct or add amounts, as provided under section	228
5747.70 of the Revised Code, related to contributions to	229
variable college savings program accounts made or tuition units	230
purchased pursuant to Chapter 3334. of the Revised Code.	231
(10) (a) Deduct, to the extent not otherwise allowable as a	232
deduction or exclusion in computing federal or Ohio adjusted	233
gross income for the taxable year, the amount the taxpayer paid	234
during the taxable year for medical care insurance and qualified	235
long-term care insurance for the taxpayer, the taxpayer's	236
spouse, and dependents. No deduction for medical care insurance	237
under division (A) (10) (a) of this section shall be allowed	238
either to any taxpayer who is eligible to participate in any	239
subsidized health plan maintained by any employer of the	240
taxpayer or of the taxpayer's spouse, or to any taxpayer who is	241
entitled to, or on application would be entitled to, benefits	242
under part A of Title XVIII of the "Social Security Act," 49	243
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of	244
division (A) (10) (a) of this section, "subsidized health plan"	245
means a health plan for which the employer pays any portion of	246
the plan's cost. The deduction allowed under division (A) (10) (a)	247

of this section shall be the net of any related premium refunds, 248  
related premium reimbursements, or related insurance premium 249  
dividends received during the taxable year. 250

(b) Deduct, to the extent not otherwise deducted or 251  
excluded in computing federal or Ohio adjusted gross income 252  
during the taxable year, the amount the taxpayer paid during the 253  
taxable year, not compensated for by any insurance or otherwise, 254  
for medical care of the taxpayer, the taxpayer's spouse, and 255  
dependents, to the extent the expenses exceed seven and one-half 256  
per cent of the taxpayer's federal adjusted gross income. 257

(c) For purposes of division (A)(10) of this section, 258  
"medical care" has the meaning given in section 213 of the 259  
Internal Revenue Code, subject to the special rules, 260  
limitations, and exclusions set forth therein, and "qualified 261  
long-term care" has the same meaning given in section 7702B(c) 262  
of the Internal Revenue Code. Solely for purposes of division 263  
(A)(10)(a) of this section, "dependent" includes a person who 264  
otherwise would be a "qualifying relative" and thus a 265  
"dependent" under section 152 of the Internal Revenue Code but 266  
for the fact that the person fails to meet the income and 267  
support limitations under section 152(d)(1)(B) and (C) of the 268  
Internal Revenue Code. 269

(11)(a) Deduct any amount included in federal adjusted 270  
gross income solely because the amount represents a 271  
reimbursement or refund of expenses that in any year the 272  
taxpayer had deducted as an itemized deduction pursuant to 273  
section 63 of the Internal Revenue Code and applicable United 274  
States department of the treasury regulations. The deduction 275  
otherwise allowed under division (A)(11)(a) of this section 276  
shall be reduced to the extent the reimbursement is attributable 277

to an amount the taxpayer deducted under this section in any taxable year.	278 279
(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.	280 281 282 283 284
(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:	285 286 287 288
(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;	289 290 291 292
(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.	293 294
(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(13) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.	295 296 297 298 299 300 301
(14) (a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance	302 303 304 305 306

with section 3924.66 of the Revised Code;	307
(b) Add the amounts distributed from a medical savings	308
account under division (A) (2) of section 3924.68 of the Revised	309
Code during the taxable year.	310
(15) Add any amount claimed as a credit under section	311
5747.059 of the Revised Code to the extent that such amount	312
satisfies either of the following:	313
(a) The amount was deducted or excluded from the	314
computation of the taxpayer's federal adjusted gross income as	315
required to be reported for the taxpayer's taxable year under	316
the Internal Revenue Code;	317
(b) The amount resulted in a reduction of the taxpayer's	318
federal adjusted gross income as required to be reported for any	319
of the taxpayer's taxable years under the Internal Revenue Code.	320
(16) Deduct the amount contributed by the taxpayer to an	321
individual development account program established by a county	322
department of job and family services pursuant to sections	323
329.11 to 329.14 of the Revised Code for the purpose of matching	324
funds deposited by program participants. On request of the tax	325
commissioner, the taxpayer shall provide any information that,	326
in the tax commissioner's opinion, is necessary to establish the	327
amount deducted under division (A) (16) of this section.	328
(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and	329
(v) of this section, add five-sixths of the amount of	330
depreciation expense allowed by subsection (k) of section 168 of	331
the Internal Revenue Code, including the taxpayer's	332
proportionate or distributive share of the amount of	333
depreciation expense allowed by that subsection to a pass-	334
through entity in which the taxpayer has a direct or indirect	335

ownership interest. 336

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 337  
of this section, add five-sixths of the amount of qualifying 338  
section 179 depreciation expense, including the taxpayer's 339  
proportionate or distributive share of the amount of qualifying 340  
section 179 depreciation expense allowed to any pass-through 341  
entity in which the taxpayer has a direct or indirect ownership 342  
interest. 343

(iii) Subject to division (A) (17) (a) (v) of this section, 344  
for taxable years beginning in 2012 or thereafter, if the 345  
increase in income taxes withheld by the taxpayer is equal to or 346  
greater than ten per cent of income taxes withheld by the 347  
taxpayer during the taxpayer's immediately preceding taxable 348  
year, "two-thirds" shall be substituted for "five-sixths" for 349  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 350

(iv) Subject to division (A) (17) (a) (v) of this section, 351  
for taxable years beginning in 2012 or thereafter, a taxpayer is 352  
not required to add an amount under division (A) (17) of this 353  
section if the increase in income taxes withheld by the taxpayer 354  
and by any pass-through entity in which the taxpayer has a 355  
direct or indirect ownership interest is equal to or greater 356  
than the sum of (I) the amount of qualifying section 179 357  
depreciation expense and (II) the amount of depreciation expense 358  
allowed to the taxpayer by subsection (k) of section 168 of the 359  
Internal Revenue Code, and including the taxpayer's 360  
proportionate or distributive shares of such amounts allowed to 361  
any such pass-through entities. 362

(v) If a taxpayer directly or indirectly incurs a net 363  
operating loss for the taxable year for federal income tax 364  
purposes, to the extent such loss resulted from depreciation 365

expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A) (17) (a) (i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A) (17) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A) (17) (a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A) (17) (a) (v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A) (17) and (18) of this section:

(i) "Income taxes withheld" means the total amount 395  
withheld and remitted under sections 5747.06 and 5747.07 of the 396  
Revised Code by an employer during the employer's taxable year. 397

(ii) "Increase in income taxes withheld" means the amount 398  
by which the amount of income taxes withheld by an employer 399  
during the employer's current taxable year exceeds the amount of 400  
income taxes withheld by that employer during the employer's 401  
immediately preceding taxable year. 402

(iii) "Qualifying section 179 depreciation expense" means 403  
the difference between (I) the amount of depreciation expense 404  
directly or indirectly allowed to a taxpayer under section 179 405  
of the Internal Revised Code, and (II) the amount of 406  
depreciation expense directly or indirectly allowed to the 407  
taxpayer under section 179 of the Internal Revenue Code as that 408  
section existed on December 31, 2002. 409

(18) (a) If the taxpayer was required to add an amount 410  
under division (A) (17) (a) of this section for a taxable year, 411  
deduct one of the following: 412

(i) One-fifth of the amount so added for each of the five 413  
succeeding taxable years if the amount so added was five-sixths 414  
of qualifying section 179 depreciation expense or depreciation 415  
expense allowed by subsection (k) of section 168 of the Internal 416  
Revenue Code; 417

(ii) One-half of the amount so added for each of the two 418  
succeeding taxable years if the amount so added was two-thirds 419  
of such depreciation expense; 420

(iii) One-sixth of the amount so added for each of the six 421  
succeeding taxable years if the entire amount of such 422  
depreciation expense was so added. 423

(b) If the amount deducted under division (A) (18) (a) of 424  
this section is attributable to an add-back allocated under 425  
division (A) (17) (c) of this section, the amount deducted shall 426  
be situated to the same location. Otherwise, the add-back shall 427  
be apportioned using the apportionment factors for the taxable 428  
year in which the deduction is taken, subject to one or more of 429  
the four alternative methods of apportionment enumerated in 430  
section 5747.21 of the Revised Code. 431

(c) No deduction is available under division (A) (18) (a) of 432  
this section with regard to any depreciation allowed by section 433  
168(k) of the Internal Revenue Code and by the qualifying 434  
section 179 depreciation expense amount to the extent that such 435  
depreciation results in or increases a federal net operating 436  
loss carryback or carryforward. If no such deduction is 437  
available for a taxable year, the taxpayer may carry forward the 438  
amount not deducted in such taxable year to the next taxable 439  
year and add that amount to any deduction otherwise available 440  
under division (A) (18) (a) of this section for that next taxable 441  
year. The carryforward of amounts not so deducted shall continue 442  
until the entire addition required by division (A) (17) (a) of 443  
this section has been deducted. 444

(19) Deduct, to the extent not otherwise deducted or 445  
excluded in computing federal or Ohio adjusted gross income for 446  
the taxable year, the amount the taxpayer received during the 447  
taxable year as reimbursement for life insurance premiums under 448  
section 5919.31 of the Revised Code. 449

(20) Deduct, to the extent not otherwise deducted or 450  
excluded in computing federal or Ohio adjusted gross income for 451  
the taxable year, the amount the taxpayer received during the 452  
taxable year as a death benefit paid by the adjutant general 453



under section 5919.33 of the Revised Code. 454

(21) Deduct, to the extent included in federal adjusted 455  
gross income and not otherwise allowable as a deduction or 456  
exclusion in computing federal or Ohio adjusted gross income for 457  
the taxable year, military pay and allowances received by the 458  
taxpayer during the taxable year for active duty service in the 459  
United States army, air force, navy, marine corps, or coast 460  
guard or reserve components thereof or the national guard. The 461  
deduction may not be claimed for military pay and allowances 462  
received by the taxpayer while the taxpayer is stationed in this 463  
state. 464

(22) Deduct, to the extent not otherwise allowable as a 465  
deduction or exclusion in computing federal or Ohio adjusted 466  
gross income for the taxable year and not otherwise compensated 467  
for by any other source, the amount of qualified organ donation 468  
expenses incurred by the taxpayer during the taxable year, not 469  
to exceed ten thousand dollars. A taxpayer may deduct qualified 470  
organ donation expenses only once for all taxable years 471  
beginning with taxable years beginning in 2007. 472

For the purposes of division (A) (22) of this section: 473

(a) "Human organ" means all or any portion of a human 474  
liver, pancreas, kidney, intestine, or lung, and any portion of 475  
human bone marrow. 476

(b) "Qualified organ donation expenses" means travel 477  
expenses, lodging expenses, and wages and salary forgone by a 478  
taxpayer in connection with the taxpayer's donation, while 479  
living, of one or more of the taxpayer's human organs to another 480  
human being. 481

(23) Deduct, to the extent not otherwise deducted or 482

excluded in computing federal or Ohio adjusted gross income for 483  
the taxable year, amounts received by the taxpayer as retired 484  
personnel pay for service in the uniformed services or reserve 485  
components thereof, or the national guard, or received by the 486  
surviving spouse or former spouse of such a taxpayer under the 487  
survivor benefit plan on account of such a taxpayer's death. If 488  
the taxpayer receives income on account of retirement paid under 489  
the federal civil service retirement system or federal employees 490  
retirement system, or under any successor retirement program 491  
enacted by the congress of the United States that is established 492  
and maintained for retired employees of the United States 493  
government, and such retirement income is based, in whole or in 494  
part, on credit for the taxpayer's uniformed service, the 495  
deduction allowed under this division shall include only that 496  
portion of such retirement income that is attributable to the 497  
taxpayer's uniformed service, to the extent that portion of such 498  
retirement income is otherwise included in federal adjusted 499  
gross income and is not otherwise deducted under this section. 500  
Any amount deducted under division (A) (23) of this section is 501  
not included in a taxpayer's adjusted gross income for the 502  
purposes of section 5747.055 of the Revised Code. No amount may 503  
be deducted under division (A) (23) of this section on the basis 504  
of which a credit was claimed under section 5747.055 of the 505  
Revised Code. 506

(24) Deduct, to the extent not otherwise deducted or 507  
excluded in computing federal or Ohio adjusted gross income for 508  
the taxable year, the amount the taxpayer received during the 509  
taxable year from the military injury relief fund created in 510  
section 5902.05 of the Revised Code. 511

(25) Deduct, to the extent not otherwise deducted or 512  
excluded in computing federal or Ohio adjusted gross income for 513

the taxable year, the amount the taxpayer received as a veterans 514  
bonus during the taxable year from the Ohio department of 515  
veterans services as authorized by Section 2r of Article VIII, 516  
Ohio Constitution. 517

(26) Deduct, to the extent not otherwise deducted or 518  
excluded in computing federal or Ohio adjusted gross income for 519  
the taxable year, any income derived from a transfer agreement 520  
or from the enterprise transferred under that agreement under 521  
section 4313.02 of the Revised Code. 522

(27) Deduct, to the extent not otherwise deducted or 523  
excluded in computing federal or Ohio adjusted gross income for 524  
the taxable year, Ohio college opportunity or federal Pell grant 525  
amounts received by the taxpayer or the taxpayer's spouse or 526  
dependent pursuant to section 3333.122 of the Revised Code or 20 527  
U.S.C. 1070a, et seq., and used to pay room or board furnished 528  
by the educational institution for which the grant was awarded 529  
at the institution's facilities, including meal plans 530  
administered by the institution. For the purposes of this 531  
division, receipt of a grant includes the distribution of a 532  
grant directly to an educational institution and the crediting 533  
of the grant to the enrollee's account with the institution. 534

(28) Deduct from the portion of an individual's federal 535  
adjusted gross income that is business income, to the extent not 536  
otherwise deducted or excluded in computing federal adjusted 537  
gross income for the taxable year, one hundred twenty-five 538  
thousand dollars for each spouse if spouses file separate 539  
returns under section 5747.08 of the Revised Code or two hundred 540  
fifty thousand dollars for all other individuals. 541

(29) Deduct, as provided under section 5747.78 of the 542  
Revised Code, contributions to ABLE savings accounts made in 543

accordance with sections 113.50 to 113.56 of the Revised Code.	544
(30) (a) Deduct, to the extent not otherwise deducted or	545
excluded in computing federal or Ohio adjusted gross income	546
during the taxable year, all of the following:	547
(i) Compensation paid to a qualifying employee described	548
in division (A) (14) (a) of section 5703.94 of the Revised Code to	549
the extent such compensation is for disaster work conducted in	550
this state during a disaster response period pursuant to a	551
qualifying solicitation received by the employee's employer;	552
(ii) Compensation paid to a qualifying employee described	553
in division (A) (14) (b) of section 5703.94 of the Revised Code to	554
the extent such compensation is for disaster work conducted in	555
this state by the employee during the disaster response period	556
on critical infrastructure owned or used by the employee's	557
employer;	558
(iii) Income received by an out-of-state disaster business	559
for disaster work conducted in this state during a disaster	560
response period, or, if the out-of-state disaster business is a	561
pass-through entity, a taxpayer's distributive share of the	562
pass-through entity's income from the business conducting	563
disaster work in this state during a disaster response period,	564
if, in either case, the disaster work is conducted pursuant to a	565
qualifying solicitation received by the business.	566
(b) All terms used in division (A) (30) of this section	567
have the same meanings as in section 5703.94 of the Revised	568
Code.	569
(31) For a taxpayer who is a qualifying Ohio educator,	570
deduct, to the extent not otherwise deducted or excluded in	571
computing federal or Ohio adjusted gross income for the taxable	572

year, the lesser of two hundred fifty dollars or the amount of 573  
expenses described in subsections (a) (2) (D) (i) and (ii) of 574  
section 62 of the Internal Revenue Code paid or incurred by the 575  
taxpayer during the taxpayer's taxable year in excess of the 576  
amount the taxpayer is authorized to deduct for that taxable 577  
year under subsection (a) (2) (D) of that section. 578

~~(34)~~ (32) Deduct, to the extent not otherwise deducted or 579  
excluded in computing federal or Ohio adjusted gross income for 580  
the taxable year, amounts received by the taxpayer as a 581  
disability severance payment, computed under 10 U.S.C. 1212, 582  
following discharge or release under honorable conditions from 583  
the armed forces, as defined by 10 U.S.C. 101. 584

(33) Deduct, to the extent included in federal adjusted 585  
gross income, income attributable to loan repayments on behalf 586  
of the taxpayer under the Ohio public defender state loan 587  
repayment program under section 120.66 of the Revised Code. 588

(B) "Business income" means income, including gain or 589  
loss, arising from transactions, activities, and sources in the 590  
regular course of a trade or business and includes income, gain, 591  
or loss from real property, tangible property, and intangible 592  
property if the acquisition, rental, management, and disposition 593  
of the property constitute integral parts of the regular course 594  
of a trade or business operation. "Business income" includes 595  
income, including gain or loss, from a partial or complete 596  
liquidation of a business, including, but not limited to, gain 597  
or loss from the sale or other disposition of goodwill. 598

(C) "Nonbusiness income" means all income other than 599  
business income and may include, but is not limited to, 600  
compensation, rents and royalties from real or tangible personal 601  
property, capital gains, interest, dividends and distributions, 602

patent or copyright royalties, or lottery winnings, prizes, and 603  
awards. 604

(D) "Compensation" means any form of remuneration paid to 605  
an employee for personal services. 606

(E) "Fiduciary" means a guardian, trustee, executor, 607  
administrator, receiver, conservator, or any other person acting 608  
in any fiduciary capacity for any individual, trust, or estate. 609

(F) "Fiscal year" means an accounting period of twelve 610  
months ending on the last day of any month other than December. 611

(G) "Individual" means any natural person. 612

(H) "Internal Revenue Code" means the "Internal Revenue 613  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 614

(I) "Resident" means any of the following: 615

(1) An individual who is domiciled in this state, subject 616  
to section 5747.24 of the Revised Code; 617

(2) The estate of a decedent who at the time of death was 618  
domiciled in this state. The domicile tests of section 5747.24 619  
of the Revised Code are not controlling for purposes of division 620  
(I) (2) of this section. 621

(3) A trust that, in whole or part, resides in this state. 622  
If only part of a trust resides in this state, the trust is a 623  
resident only with respect to that part. 624

For the purposes of division (I) (3) of this section: 625

(a) A trust resides in this state for the trust's current 626  
taxable year to the extent, as described in division (I) (3) (d) 627  
of this section, that the trust consists directly or indirectly, 628  
in whole or in part, of assets, net of any related liabilities, 629

that were transferred, or caused to be transferred, directly or 630  
indirectly, to the trust by any of the following: 631

(i) A person, a court, or a governmental entity or 632  
instrumentality on account of the death of a decedent, but only 633  
if the trust is described in division (I) (3) (e) (i) or (ii) of 634  
this section; 635

(ii) A person who was domiciled in this state for the 636  
purposes of this chapter when the person directly or indirectly 637  
transferred assets to an irrevocable trust, but only if at least 638  
one of the trust's qualifying beneficiaries is domiciled in this 639  
state for the purposes of this chapter during all or some 640  
portion of the trust's current taxable year; 641

(iii) A person who was domiciled in this state for the 642  
purposes of this chapter when the trust document or instrument 643  
or part of the trust document or instrument became irrevocable, 644  
but only if at least one of the trust's qualifying beneficiaries 645  
is a resident domiciled in this state for the purposes of this 646  
chapter during all or some portion of the trust's current 647  
taxable year. If a trust document or instrument became 648  
irrevocable upon the death of a person who at the time of death 649  
was domiciled in this state for purposes of this chapter, that 650  
person is a person described in division (I) (3) (a) (iii) of this 651  
section. 652

(b) A trust is irrevocable to the extent that the 653  
transferor is not considered to be the owner of the net assets 654  
of the trust under sections 671 to 678 of the Internal Revenue 655  
Code. 656

(c) With respect to a trust other than a charitable lead 657  
trust, "qualifying beneficiary" has the same meaning as 658

"potential current beneficiary" as defined in section 1361(e) (2) 659  
of the Internal Revenue Code, and with respect to a charitable 660  
lead trust "qualifying beneficiary" is any current, future, or 661  
contingent beneficiary, but with respect to any trust 662  
"qualifying beneficiary" excludes a person or a governmental 663  
entity or instrumentality to any of which a contribution would 664  
qualify for the charitable deduction under section 170 of the 665  
Internal Revenue Code. 666

(d) For the purposes of division (I) (3) (a) of this 667  
section, the extent to which a trust consists directly or 668  
indirectly, in whole or in part, of assets, net of any related 669  
liabilities, that were transferred directly or indirectly, in 670  
whole or part, to the trust by any of the sources enumerated in 671  
that division shall be ascertained by multiplying the fair 672  
market value of the trust's assets, net of related liabilities, 673  
by the qualifying ratio, which shall be computed as follows: 674

(i) The first time the trust receives assets, the 675  
numerator of the qualifying ratio is the fair market value of 676  
those assets at that time, net of any related liabilities, from 677  
sources enumerated in division (I) (3) (a) of this section. The 678  
denominator of the qualifying ratio is the fair market value of 679  
all the trust's assets at that time, net of any related 680  
liabilities. 681

(ii) Each subsequent time the trust receives assets, a 682  
revised qualifying ratio shall be computed. The numerator of the 683  
revised qualifying ratio is the sum of (1) the fair market value 684  
of the trust's assets immediately prior to the subsequent 685  
transfer, net of any related liabilities, multiplied by the 686  
qualifying ratio last computed without regard to the subsequent 687  
transfer, and (2) the fair market value of the subsequently 688



transferred assets at the time transferred, net of any related 689  
liabilities, from sources enumerated in division (I) (3) (a) of 690  
this section. The denominator of the revised qualifying ratio is 691  
the fair market value of all the trust's assets immediately 692  
after the subsequent transfer, net of any related liabilities. 693

(iii) Whether a transfer to the trust is by or from any of 694  
the sources enumerated in division (I) (3) (a) of this section 695  
shall be ascertained without regard to the domicile of the 696  
trust's beneficiaries. 697

(e) For the purposes of division (I) (3) (a) (i) of this 698  
section: 699

(i) A trust is described in division (I) (3) (e) (i) of this 700  
section if the trust is a testamentary trust and the testator of 701  
that testamentary trust was domiciled in this state at the time 702  
of the testator's death for purposes of the taxes levied under 703  
Chapter 5731. of the Revised Code. 704

(ii) A trust is described in division (I) (3) (e) (ii) of 705  
this section if the transfer is a qualifying transfer described 706  
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 707  
trust is an irrevocable inter vivos trust, and at least one of 708  
the trust's qualifying beneficiaries is domiciled in this state 709  
for purposes of this chapter during all or some portion of the 710  
trust's current taxable year. 711

(f) For the purposes of division (I) (3) (e) (ii) of this 712  
section, a "qualifying transfer" is a transfer of assets, net of 713  
any related liabilities, directly or indirectly to a trust, if 714  
the transfer is described in any of the following: 715

(i) The transfer is made to a trust, created by the 716  
decedent before the decedent's death and while the decedent was 717

domiciled in this state for the purposes of this chapter, and, 718  
prior to the death of the decedent, the trust became irrevocable 719  
while the decedent was domiciled in this state for the purposes 720  
of this chapter. 721

(ii) The transfer is made to a trust to which the 722  
decedent, prior to the decedent's death, had directly or 723  
indirectly transferred assets, net of any related liabilities, 724  
while the decedent was domiciled in this state for the purposes 725  
of this chapter, and prior to the death of the decedent the 726  
trust became irrevocable while the decedent was domiciled in 727  
this state for the purposes of this chapter. 728

(iii) The transfer is made on account of a contractual 729  
relationship existing directly or indirectly between the 730  
transferor and either the decedent or the estate of the decedent 731  
at any time prior to the date of the decedent's death, and the 732  
decedent was domiciled in this state at the time of death for 733  
purposes of the taxes levied under Chapter 5731. of the Revised 734  
Code. 735

(iv) The transfer is made to a trust on account of a 736  
contractual relationship existing directly or indirectly between 737  
the transferor and another person who at the time of the 738  
decedent's death was domiciled in this state for purposes of 739  
this chapter. 740

(v) The transfer is made to a trust on account of the will 741  
of a testator who was domiciled in this state at the time of the 742  
testator's death for purposes of the taxes levied under Chapter 743  
5731. of the Revised Code. 744

(vi) The transfer is made to a trust created by or caused 745  
to be created by a court, and the trust was directly or 746

indirectly created in connection with or as a result of the 747  
death of an individual who, for purposes of the taxes levied 748  
under Chapter 5731. of the Revised Code, was domiciled in this 749  
state at the time of the individual's death. 750

(g) The tax commissioner may adopt rules to ascertain the 751  
part of a trust residing in this state. 752

(J) "Nonresident" means an individual or estate that is 753  
not a resident. An individual who is a resident for only part of 754  
a taxable year is a nonresident for the remainder of that 755  
taxable year. 756

(K) "Pass-through entity" has the same meaning as in 757  
section 5733.04 of the Revised Code. 758

(L) "Return" means the notifications and reports required 759  
to be filed pursuant to this chapter for the purpose of 760  
reporting the tax due and includes declarations of estimated tax 761  
when so required. 762

(M) "Taxable year" means the calendar year or the 763  
taxpayer's fiscal year ending during the calendar year, or 764  
fractional part thereof, upon which the adjusted gross income is 765  
calculated pursuant to this chapter. 766

(N) "Taxpayer" means any person subject to the tax imposed 767  
by section 5747.02 of the Revised Code or any pass-through 768  
entity that makes the election under division (D) of section 769  
5747.08 of the Revised Code. 770

(O) "Dependents" means one of the following: 771

(1) For taxable years beginning on or after January 1, 772  
2018, and before January 1, 2026, dependents as defined in the 773  
Internal Revenue Code; 774

(2) For all other taxable years, dependents as defined in 775  
the Internal Revenue Code and as claimed in the taxpayer's 776  
federal income tax return for the taxable year or which the 777  
taxpayer would have been permitted to claim had the taxpayer 778  
filed a federal income tax return. 779

(P) "Principal county of employment" means, in the case of 780  
a nonresident, the county within the state in which a taxpayer 781  
performs services for an employer or, if those services are 782  
performed in more than one county, the county in which the major 783  
portion of the services are performed. 784

(Q) As used in sections 5747.50 to 5747.55 of the Revised 785  
Code: 786

(1) "Subdivision" means any county, municipal corporation, 787  
park district, or township. 788

(2) "Essential local government purposes" includes all 789  
functions that any subdivision is required by general law to 790  
exercise, including like functions that are exercised under a 791  
charter adopted pursuant to the Ohio Constitution. 792

(R) "Overpayment" means any amount already paid that 793  
exceeds the figure determined to be the correct amount of the 794  
tax. 795

(S) "Taxable income" or "Ohio taxable income" applies only 796  
to estates and trusts, and means federal taxable income, as 797  
defined and used in the Internal Revenue Code, adjusted as 798  
follows: 799

(1) Add interest or dividends, net of ordinary, necessary, 800  
and reasonable expenses not deducted in computing federal 801  
taxable income, on obligations or securities of any state or of 802  
any political subdivision or authority of any state, other than 803

this state and its subdivisions and authorities, but only to the 804  
extent that such net amount is not otherwise includible in Ohio 805  
taxable income and is described in either division (S) (1) (a) or 806  
(b) of this section: 807

(a) The net amount is not attributable to the S portion of 808  
an electing small business trust and has not been distributed to 809  
beneficiaries for the taxable year; 810

(b) The net amount is attributable to the S portion of an 811  
electing small business trust for the taxable year. 812

(2) Add interest or dividends, net of ordinary, necessary, 813  
and reasonable expenses not deducted in computing federal 814  
taxable income, on obligations of any authority, commission, 815  
instrumentality, territory, or possession of the United States 816  
to the extent that the interest or dividends are exempt from 817  
federal income taxes but not from state income taxes, but only 818  
to the extent that such net amount is not otherwise includible 819  
in Ohio taxable income and is described in either division (S) 820  
(1) (a) or (b) of this section; 821

(3) Add the amount of personal exemption allowed to the 822  
estate pursuant to section 642(b) of the Internal Revenue Code; 823

(4) Deduct interest or dividends, net of related expenses 824  
deducted in computing federal taxable income, on obligations of 825  
the United States and its territories and possessions or of any 826  
authority, commission, or instrumentality of the United States 827  
to the extent that the interest or dividends are exempt from 828  
state taxes under the laws of the United States, but only to the 829  
extent that such amount is included in federal taxable income 830  
and is described in either division (S) (1) (a) or (b) of this 831  
section; 832

(5) Deduct the amount of wages and salaries, if any, not 833  
otherwise allowable as a deduction but that would have been 834  
allowable as a deduction in computing federal taxable income for 835  
the taxable year, had the targeted jobs credit allowed under 836  
sections 38, 51, and 52 of the Internal Revenue Code not been in 837  
effect, but only to the extent such amount relates either to 838  
income included in federal taxable income for the taxable year 839  
or to income of the S portion of an electing small business 840  
trust for the taxable year; 841

(6) Deduct any interest or interest equivalent, net of 842  
related expenses deducted in computing federal taxable income, 843  
on public obligations and purchase obligations, but only to the 844  
extent that such net amount relates either to income included in 845  
federal taxable income for the taxable year or to income of the 846  
S portion of an electing small business trust for the taxable 847  
year; 848

(7) Add any loss or deduct any gain resulting from sale, 849  
exchange, or other disposition of public obligations to the 850  
extent that such loss has been deducted or such gain has been 851  
included in computing either federal taxable income or income of 852  
the S portion of an electing small business trust for the 853  
taxable year; 854

(8) Except in the case of the final return of an estate, 855  
add any amount deducted by the taxpayer on both its Ohio estate 856  
tax return pursuant to section 5731.14 of the Revised Code, and 857  
on its federal income tax return in determining federal taxable 858  
income; 859

(9) (a) Deduct any amount included in federal taxable 860  
income solely because the amount represents a reimbursement or 861  
refund of expenses that in a previous year the decedent had 862

deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required

to be reported for the taxpayer's taxable year under the 892  
Internal Revenue Code; 893

(b) The amount resulted in a reduction in the taxpayer's 894  
federal taxable income as required to be reported for any of the 895  
taxpayer's taxable years under the Internal Revenue Code. 896

(12) Deduct any amount, net of related expenses deducted 897  
in computing federal taxable income, that a trust is required to 898  
report as farm income on its federal income tax return, but only 899  
if the assets of the trust include at least ten acres of land 900  
satisfying the definition of "land devoted exclusively to 901  
agricultural use" under section 5713.30 of the Revised Code, 902  
regardless of whether the land is valued for tax purposes as 903  
such land under sections 5713.30 to 5713.38 of the Revised Code. 904  
If the trust is a pass-through entity investor, section 5747.231 905  
of the Revised Code applies in ascertaining if the trust is 906  
eligible to claim the deduction provided by division (S) (12) of 907  
this section in connection with the pass-through entity's farm 908  
income. 909

Except for farm income attributable to the S portion of an 910  
electing small business trust, the deduction provided by 911  
division (S) (12) of this section is allowed only to the extent 912  
that the trust has not distributed such farm income. 913

(13) Add the net amount of income described in section 914  
641(c) of the Internal Revenue Code to the extent that amount is 915  
not included in federal taxable income. 916

(14) Add or deduct the amount the taxpayer would be 917  
required to add or deduct under division (A) (17) or (18) of this 918  
section if the taxpayer's Ohio taxable income were computed in 919  
the same manner as an individual's Ohio adjusted gross income is 920



computed under this section.	921
(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.	922 923 924
(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) (7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.	925 926 927 928
(V) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.	929 930 931
(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.	932 933 934 935
(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.	936 937
(Y) "Month" means a calendar month.	938
(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.	939 940 941
(AA) (1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	942 943 944 945
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a	946 947 948

qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (AA) (4) (a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined

in section 5747.012 of the Revised Code, but only to the extent 977  
the qualifying investment income does not otherwise constitute 978  
modified business income and does not otherwise constitute a 979  
qualifying trust amount. 980

(b) The qualifying trust amount multiplied by a fraction, 981  
the numerator of which is the sum of the book value of the 982  
qualifying investee's physical assets in this state on the last 983  
day of the qualifying investee's fiscal or calendar year ending 984  
immediately prior to the day on which the trust recognizes the 985  
qualifying trust amount, and the denominator of which is the sum 986  
of the book value of the qualifying investee's total physical 987  
assets everywhere on the last day of the qualifying investee's 988  
fiscal or calendar year ending immediately prior to the day on 989  
which the trust recognizes the qualifying trust amount. If, for 990  
a taxable year, the trust recognizes a qualifying trust amount 991  
with respect to more than one qualifying investee, the amount 992  
described in division (AA) (4) (b) of this section shall equal the 993  
sum of the products so computed for each such qualifying 994  
investee. 995

(c) (i) With respect to a trust or portion of a trust that 996  
is a resident as ascertained in accordance with division (I) (3) 997  
(d) of this section, its modified nonbusiness income. 998

(ii) With respect to a trust or portion of a trust that is 999  
not a resident as ascertained in accordance with division (I) (3) 1000  
(d) of this section, the amount of its modified nonbusiness 1001  
income satisfying the descriptions in divisions (B) (2) to (5) of 1002  
section 5747.20 of the Revised Code, except as otherwise 1003  
provided in division (AA) (4) (c) (ii) of this section. With 1004  
respect to a trust or portion of a trust that is not a resident 1005  
as ascertained in accordance with division (I) (3) (d) of this 1006

section, the trust's portion of modified nonbusiness income 1007  
recognized from the sale, exchange, or other disposition of a 1008  
debt interest in or equity interest in a section 5747.212 1009  
entity, as defined in section 5747.212 of the Revised Code, 1010  
without regard to division (A) of that section, shall not be 1011  
allocated to this state in accordance with section 5747.20 of 1012  
the Revised Code but shall be apportioned to this state in 1013  
accordance with division (B) of section 5747.212 of the Revised 1014  
Code without regard to division (A) of that section. 1015

If the allocation and apportionment of a trust's income 1016  
under divisions (AA) (4) (a) and (c) of this section do not fairly 1017  
represent the modified Ohio taxable income of the trust in this 1018  
state, the alternative methods described in division (C) of 1019  
section 5747.21 of the Revised Code may be applied in the manner 1020  
and to the same extent provided in that section. 1021

(5) (a) Except as set forth in division (AA) (5) (b) of this 1022  
section, "qualifying investee" means a person in which a trust 1023  
has an equity or ownership interest, or a person or unit of 1024  
government the debt obligations of either of which are owned by 1025  
a trust. For the purposes of division (AA) (2) (a) of this section 1026  
and for the purpose of computing the fraction described in 1027  
division (AA) (4) (b) of this section, all of the following apply: 1028

(i) If the qualifying investee is a member of a qualifying 1029  
controlled group on the last day of the qualifying investee's 1030  
fiscal or calendar year ending immediately prior to the date on 1031  
which the trust recognizes the gain or loss, then "qualifying 1032  
investee" includes all persons in the qualifying controlled 1033  
group on such last day. 1034

(ii) If the qualifying investee, or if the qualifying 1035  
investee and any members of the qualifying controlled group of 1036

which the qualifying investee is a member on the last day of the 1037  
qualifying investee's fiscal or calendar year ending immediately 1038  
prior to the date on which the trust recognizes the gain or 1039  
loss, separately or cumulatively own, directly or indirectly, on 1040  
the last day of the qualifying investee's fiscal or calendar 1041  
year ending immediately prior to the date on which the trust 1042  
recognizes the qualifying trust amount, more than fifty per cent 1043  
of the equity of a pass-through entity, then the qualifying 1044  
investee and the other members are deemed to own the 1045  
proportionate share of the pass-through entity's physical assets 1046  
which the pass-through entity directly or indirectly owns on the 1047  
last day of the pass-through entity's calendar or fiscal year 1048  
ending within or with the last day of the qualifying investee's 1049  
fiscal or calendar year ending immediately prior to the date on 1050  
which the trust recognizes the qualifying trust amount. 1051

(iii) For the purposes of division (AA) (5) (a) (iii) of this 1052  
section, "upper level pass-through entity" means a pass-through 1053  
entity directly or indirectly owning any equity of another pass- 1054  
through entity, and "lower level pass-through entity" means that 1055  
other pass-through entity. 1056

An upper level pass-through entity, whether or not it is 1057  
also a qualifying investee, is deemed to own, on the last day of 1058  
the upper level pass-through entity's calendar or fiscal year, 1059  
the proportionate share of the lower level pass-through entity's 1060  
physical assets that the lower level pass-through entity 1061  
directly or indirectly owns on the last day of the lower level 1062  
pass-through entity's calendar or fiscal year ending within or 1063  
with the last day of the upper level pass-through entity's 1064  
fiscal or calendar year. If the upper level pass-through entity 1065  
directly and indirectly owns less than fifty per cent of the 1066  
equity of the lower level pass-through entity on each day of the 1067

upper level pass-through entity's calendar or fiscal year in 1068  
which or with which ends the calendar or fiscal year of the 1069  
lower level pass-through entity and if, based upon clear and 1070  
convincing evidence, complete information about the location and 1071  
cost of the physical assets of the lower pass-through entity is 1072  
not available to the upper level pass-through entity, then 1073  
solely for purposes of ascertaining if a gain or loss 1074  
constitutes a qualifying trust amount, the upper level pass- 1075  
through entity shall be deemed as owning no equity of the lower 1076  
level pass-through entity for each day during the upper level 1077  
pass-through entity's calendar or fiscal year in which or with 1078  
which ends the lower level pass-through entity's calendar or 1079  
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 1080  
shall be construed to provide for any deduction or exclusion in 1081  
computing any trust's Ohio taxable income. 1082

(b) With respect to a trust that is not a resident for the 1083  
taxable year and with respect to a part of a trust that is not a 1084  
resident for the taxable year, "qualifying investee" for that 1085  
taxable year does not include a C corporation if both of the 1086  
following apply: 1087

(i) During the taxable year the trust or part of the trust 1088  
recognizes a gain or loss from the sale, exchange, or other 1089  
disposition of equity or ownership interests in, or debt 1090  
obligations of, the C corporation. 1091

(ii) Such gain or loss constitutes nonbusiness income. 1092

(6) "Available" means information is such that a person is 1093  
able to learn of the information by the due date plus 1094  
extensions, if any, for filing the return for the taxable year 1095  
in which the trust recognizes the gain or loss. 1096

(BB) "Qualifying controlled group" has the same meaning as 1097  
in section 5733.04 of the Revised Code. 1098

(CC) "Related member" has the same meaning as in section 1099  
5733.042 of the Revised Code. 1100

(DD) (1) For the purposes of division (DD) of this section: 1101

(a) "Qualifying person" means any person other than a 1102  
qualifying corporation. 1103

(b) "Qualifying corporation" means any person classified 1104  
for federal income tax purposes as an association taxable as a 1105  
corporation, except either of the following: 1106

(i) A corporation that has made an election under 1107  
subchapter S, chapter one, subtitle A, of the Internal Revenue 1108  
Code for its taxable year ending within, or on the last day of, 1109  
the investor's taxable year; 1110

(ii) A subsidiary that is wholly owned by any corporation 1111  
that has made an election under subchapter S, chapter one, 1112  
subtitle A of the Internal Revenue Code for its taxable year 1113  
ending within, or on the last day of, the investor's taxable 1114  
year. 1115

(2) For the purposes of this chapter, unless expressly 1116  
stated otherwise, no qualifying person indirectly owns any asset 1117  
directly or indirectly owned by any qualifying corporation. 1118

(EE) For purposes of this chapter and Chapter 5751. of the 1119  
Revised Code: 1120

(1) "Trust" does not include a qualified pre-income tax 1121  
trust. 1122

(2) A "qualified pre-income tax trust" is any pre-income 1123

tax trust that makes a qualifying pre-income tax trust election 1124  
as described in division (EE) (3) of this section. 1125

(3) A "qualifying pre-income tax trust election" is an 1126  
election by a pre-income tax trust to subject to the tax imposed 1127  
by section 5751.02 of the Revised Code the pre-income tax trust 1128  
and all pass-through entities of which the trust owns or 1129  
controls, directly, indirectly, or constructively through 1130  
related interests, five per cent or more of the ownership or 1131  
equity interests. The trustee shall notify the tax commissioner 1132  
in writing of the election on or before April 15, 2006. The 1133  
election, if timely made, shall be effective on and after 1134  
January 1, 2006, and shall apply for all tax periods and tax 1135  
years until revoked by the trustee of the trust. 1136

(4) A "pre-income tax trust" is a trust that satisfies all 1137  
of the following requirements: 1138

(a) The document or instrument creating the trust was 1139  
executed by the grantor before January 1, 1972; 1140

(b) The trust became irrevocable upon the creation of the 1141  
trust; and 1142

(c) The grantor was domiciled in this state at the time 1143  
the trust was created. 1144

(FF) "Uniformed services" has the same meaning as in 10 1145  
U.S.C. 101. 1146

(GG) "Taxable business income" means the amount by which 1147  
an individual's business income that is included in federal 1148  
adjusted gross income exceeds the amount of business income the 1149  
individual is authorized to deduct under division (A) (31) of 1150  
this section for the taxable year. 1151



(HH) "Employer" does not include a franchisor with respect 1152  
to the franchisor's relationship with a franchisee or an 1153  
employee of a franchisee, unless the franchisor agrees to assume 1154  
that role in writing or a court of competent jurisdiction 1155  
determines that the franchisor exercises a type or degree of 1156  
control over the franchisee or the franchisee's employees that 1157  
is not customarily exercised by a franchisor for the purpose of 1158  
protecting the franchisor's trademark, brand, or both. For 1159  
purposes of this division, "franchisor" and "franchisee" have 1160  
the same meanings as in 16 C.F.R. 436.1. 1161

(II) "Modified adjusted gross income" means Ohio adjusted 1162  
gross income plus any amount deducted under division (A) (28) of 1163  
this section for the taxable year. 1164

(JJ) "Qualifying Ohio educator" means an individual who, 1165  
for a taxable year, qualifies as an eligible educator, as that 1166  
term is defined in section 62 of the Internal Revenue Code, and 1167  
who holds a certificate, license, or permit described in Chapter 1168  
3319. or section 3301.071 of the Revised Code. 1169

**Sec. 5747.10.** (A) As used in this section: 1170

(1) "Audited partnership" means a partnership subject to 1171  
an examination by the internal revenue service pursuant to 1172  
subchapter C, chapter 63, subtitle F of the Internal Revenue 1173  
Code resulting in a federal adjustment. 1174

(2) (a) "Direct investor" means a partner or other investor 1175  
that holds a direct interest in a pass-through entity. 1176

(b) "Indirect investor" means a partner or other investor 1177  
that holds an interest in a pass-through entity that itself 1178  
holds an interest, directly or through another indirect partner 1179  
or other investor, in a pass-through entity. 1180

(3) "Exempt partner" means a partner that is neither a 1181  
pass-through entity nor a person subject to the tax imposed by 1182  
section 5747.02 of the Revised Code. 1183

(4) "Federal adjustment" means a change to an item or 1184  
amount required to be determined under the Internal Revenue Code 1185  
that directly or indirectly affects a taxpayer's aggregate tax 1186  
liability under section 5747.02 or Chapter 5748. of the Revised 1187  
Code and that results from an action or examination by the 1188  
internal revenue service, or from the filing of an amended 1189  
federal tax return, a claim for a federal tax refund, or an 1190  
administrative adjustment request filed by a partnership under 1191  
section 6227 of the Internal Revenue Code. 1192

(5) "Federal adjustments return" means the form or other 1193  
document prescribed by the tax commissioner for use by a 1194  
taxpayer in reporting final federal adjustments. 1195

(6) "State partnership representative" means either of the 1196  
following: 1197

(a) The person who served as the partnership's 1198  
representative for federal income tax purposes, pursuant to 1199  
section 6223(a) of the Internal Revenue Code, during the 1200  
corresponding federal partnership audit; 1201

(b) The person designated, on a form prescribed by the tax 1202  
commissioner, to serve as the partnership's representative 1203  
during the state partnership audit. The commissioner may 1204  
establish reasonable qualifications and procedures for a person 1205  
to be designated as a state partnership representative under 1206  
this division. 1207

(7) A federal adjustment is "final" or "agreed to or 1208  
finally determined for federal income tax purposes" on any of 1209

the following: 1210

(a) The day after which the period for appeal of a federal 1211  
assessment has expired; 1212

(b) The date on a refund check issued by the internal 1213  
revenue service; or 1214

(c) For agreements required to be signed by the internal 1215  
revenue service and the taxpayer or audited partnership, the 1216  
date on which the last party signed the agreement. 1217

(B) (1) If any of the facts, figures, computations, or 1218  
attachments required in a taxpayer's annual return to determine 1219  
the tax charged by this chapter or Chapter 5748. of the Revised 1220  
Code must be altered as the result of a final federal 1221  
adjustment, and the federal adjustment is not required to be 1222  
reported under division (C) of this section, the taxpayer shall 1223  
file an amended return with the tax commissioner in such form as 1224  
the commissioner requires. The amended return shall be filed not 1225  
later than ninety days after the federal adjustment has been 1226  
agreed to or finally determined for federal income tax purposes. 1227

(2) "One hundred eighty" shall be substituted for "ninety" 1228  
in divisions (B) (1) and (E) (1) of this section if, for any 1229  
taxable year, the final federal adjustment results from taxes 1230  
paid by the taxpayer on an amount described in division ~~(A) (34)~~ 1231  
(A) (32) of section 5747.01 of the Revised Code. 1232

(C) Except for adjustments required to be reported for 1233  
federal purposes pursuant to section 6225(a) (2) of the Internal 1234  
Revenue Code and adjustments that are taken into account on a 1235  
federal amended return or similar report filed pursuant to 1236  
section 6225(c) (2) of the Internal Revenue Code, partnerships 1237  
and partners shall report final federal adjustments and make 1238

payments as required under division (C) of this section. 1239

(1) With respect to an action required or permitted to be 1240  
taken by a partnership under this section, and any petition for 1241  
reassessment or appeal to the board of tax appeals or any court 1242  
with respect to such an action, the state partnership 1243  
representative shall have the sole authority to act on behalf of 1244  
the audited partnership, and the partnership's direct and 1245  
indirect investors shall be bound by those actions. 1246

(2) Unless an audited partnership makes the election under 1247  
division (C) (3) of this section: 1248

(a) The audited partnership, through its state partnership 1249  
representative, shall do all of the following within ninety days 1250  
after the federal adjustment is final: 1251

(i) File a federal adjustments return with the tax 1252  
commissioner, including a copy of the notifications provided 1253  
under division (C) (2) (a) (ii) of this section; 1254

(ii) Notify each of its direct investors, on a form 1255  
prescribed by the commissioner, of the investor's distributive 1256  
share of the final federal adjustments; 1257

(iii) File an amended tax return on behalf of its 1258  
nonresident direct investors and pay any additional tax that 1259  
would have been due under sections 5733.41 and 5747.41, or 1260  
division (D) of section 5747.08, of the Revised Code with 1261  
respect to those direct investors had the final federal 1262  
adjustments been reported properly on the original filing. 1263

(b) Each direct investor that is subject to the tax 1264  
imposed by section 5747.02 of the Revised Code shall file an 1265  
original or amended tax return to include the investor's 1266  
distributive share of the adjustments reported to the direct 1267

investor under division (C) (2) (a) of this section, and pay any 1268  
additional tax due, within ninety days after the audited 1269  
partnership files its federal adjustments return with the 1270  
commissioner. 1271

(c) (i) Each direct and indirect investor of an audited 1272  
partnership that is a pass-through entity and all investors in 1273  
such a pass-through entity that are subject to the filing and 1274  
payment requirements of Chapters 5733. and 5747. of the Revised 1275  
Code are subject to the reporting and payment requirements of 1276  
division (C) (2) or, upon a timely election, division (C) (3) of 1277  
this section. 1278

(ii) Such direct and indirect investors shall make the 1279  
required returns and payments within ninety days after the 1280  
deadline for filing and furnishing statements under section 1281  
6226(b) (4) of the Internal Revenue Code and applicable treasury 1282  
regulations. 1283

(3) If an audited partnership makes the election under 1284  
this division, the audited partnership, through its state 1285  
partnership representative, shall do all of the following within 1286  
ninety days after all federal adjustments are final: 1287

(a) File a federal adjustments return with the tax 1288  
commissioner indicating the partnership has made the election 1289  
under division (C) (3) of this section; 1290

(b) Pay the amount of combined additional tax due under 1291  
division (D) (2) of this section, calculated by multiplying the 1292  
highest rate of tax set forth in section 5747.02 of the Revised 1293  
Code by the sum of the following: 1294

(i) The distributive shares of the final federal 1295  
adjustments that are allocable or apportionable to this state of 1296

each investor who is a nonresident taxpayer or pass-through	1297
entity;	1298
(ii) The distributive share of the final federal	1299
adjustments for each investor who is a resident taxpayer.	1300
(c) Notify each of its direct investors, on a form	1301
prescribed by the commissioner, of the investor's distributive	1302
share of the final federal adjustments and the amount paid on	1303
their behalf pursuant to division (C) (3) (b) of this section.	1304
(4) (a) A direct investor of an audited partnership is not	1305
required to file an amended return or pay tax otherwise due	1306
under section 5747.02 of the Revised Code if the audited	1307
partnership properly reports and pays the tax under division (C)	1308
(3) of this section.	1309
(b) (i) Nothing in division (C) of this section precludes a	1310
direct or indirect investor in the audited partnership from	1311
filing a return to report the investor's share of the final	1312
federal adjustments. Such an investor who files a return and	1313
reports the income related to the final federal adjustments is	1314
entitled to a refundable credit for taxes paid by the audited	1315
partnership under division (C) (3) (b) of this section. The credit	1316
shall be computed and claimed in the same manner as the credit	1317
allowed under division (I) of section 5747.08 of the Revised	1318
Code.	1319
(ii) Notwithstanding division (C) (4) (b) (i) of this	1320
section, an exempt partner, whether a direct or indirect	1321
investor, may file an application for refund of its	1322
proportionate share of the amounts erroneously paid by the	1323
audited partnership pursuant to division (C) (3) (b) of this	1324
section on the exempt partner's behalf.	1325

(5) Upon request by an audited partnership, the tax commissioner may agree, in writing, to allow an alternative method of reporting and payment than required by divisions division (C) (2) or (3) of this section. The request must be submitted to the commissioner in writing before the applicable deadline for filing a return under division (C) (2) (a) or (3) of this section. The commissioner's decision on whether to enter into an agreement under this division is not subject to further administrative review or appeal.

(6) Nothing in division (C) of this section precludes either of the following:

(a) A resident taxpayer from filing a return to claim the credit under division (B) of section 5747.05 or division (D) (2) of section 5747.02 of the Revised Code based upon any amounts paid by the audited partnership on such investor's behalf to another state.

(b) The tax commissioner from issuing an assessment under this chapter against any direct or indirect investor for taxes due from the investor if an audited partnership, or direct and indirect investor of an audited partnership that is a pass-through entity, fails to timely file any return or remit any payment required by this section or underreports income or underpays tax on behalf of an indirect investor who is a resident taxpayer.

(D) In the case of an underpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) The taxpayer's amended return shall be accompanied by payment of any combined additional tax due together with interest thereon. An amended return required by this section is

a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final federal adjustment to the taxpayer's federal income tax return.

(2) The audited partnership's federal adjustments return shall be accompanied by payment of any combined additional tax due together with interest thereon. The federal adjustments return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final federal adjustment.

(3) The tax commissioner may accept estimated payments of the tax arising from pending federal adjustments before the date for filing a federal adjustments return. The commissioner may adopt rules for the payment of such estimated taxes.

(E) In the case of an overpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) A taxpayer may file an application for refund under this division within the ninety-day period prescribed for filing the amended return even if it is filed beyond the period prescribed in section 5747.11 of the Revised Code if it otherwise conforms to the requirements of such section. An



application filed under this division shall claim refund of 1385  
overpayments resulting from alterations to only those facts, 1386  
figures, computations, or attachments required in the taxpayer's 1387  
annual return that are affected, either directly or indirectly, 1388  
by the final federal adjustment to the taxpayer's federal income 1389  
tax return unless it is also filed within the time prescribed in 1390  
section 5747.11 of the Revised Code. It shall not reopen those 1391  
facts, figures, computations, or attachments that are not 1392  
affected, either directly or indirectly, by the adjustment to 1393  
the taxpayer's federal income tax return. 1394

(2) (a) Except as otherwise provided in division (E) (2) (b) 1395  
of this section, an audited partnership may file an application 1396  
for a refund under this division within the ninety-day period 1397  
prescribed for filing the federal adjustments return, even if it 1398  
is filed beyond the period prescribed by section 5747.11 of the 1399  
Revised Code, if it otherwise conforms to the requirements of 1400  
that section. An application filed under this division may claim 1401  
a refund of overpayments resulting only from final federal 1402  
adjustments unless it is also filed within the time prescribed 1403  
by section 5747.11 of the Revised Code. It shall not reopen 1404  
those facts, figures, computations, or attachments that are not 1405  
affected, either directly or indirectly, by the federal 1406  
adjustment. 1407

(b) An audited partnership may not file an application for 1408  
refund under division (E) of this section based on final federal 1409  
adjustments described in section 6225(a) (2) of the Internal 1410  
Revenue Code. 1411

(3) Any refund granted to a pass-through entity filing an 1412  
application for refund under division (E) of this section shall 1413  
be reduced by amounts previously claimed as a credit under 1414

section 5747.059 or division (I) of section 5747.08 of the Revised Code by the pass-through entity's direct or indirect investors. 1415  
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(F) Excluding the deadline in division (C)(2)(c)(ii) of this section, an audited partnership, or a direct or indirect investor of an audited partnership that is a pass-through entity, may automatically extend the deadline for reporting, payments, and refunds under this section by sixty days if the entity has ten thousand or more direct investors and notifies the commissioner of such extension, in writing, before the unextended deadline. 1418  
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**Section 2.** That existing sections 5747.01 and 5747.10 of the Revised Code are hereby repealed. 1426  
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**Section 3.** All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal year 2023. The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2022-FY 2023 biennium. 1428  
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**Section 4.** 1436  
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B	Dedicated Purpose Fund Group				
C	5VY0	019624	Public Defender Loan Repayment Program	\$1,500,000	\$1,500,000
D	TOTAL DPF Dedicated Purpose Fund Group			\$1,500,000	\$1,500,000
E	TOTAL ALL BUDGET FUND GROUPS			\$1,500,000	\$1,500,000

PUBLIC DEFENDER LOAN REPAYMENT PROGRAM 1439

The foregoing appropriation item 019624, Public Defender  
Loan Repayment Program, shall be used to provide loan repayments  
on behalf of certain attorneys as described in section 120.62 of  
the Revised Code. 1440  
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CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE PUBLIC  
DEFENDER LOAN REPAYMENT FUND 1444  
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On July 1 of each fiscal year, or as soon as possible  
thereafter, the Director of Budget and Management shall transfer  
\$1,500,000 cash from the General Revenue Fund to the Public  
Defender Loan Repayment Fund (Fund 5VY0). 1446  
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**Section 5.** Within the limits set forth in this act, the  
Director of Budget and Management shall establish accounts  
indicating the source and amount of funds for each appropriation  
made in this act, and shall determine the form and manner in  
which appropriation accounts shall be maintained. Expenditures  
from operating appropriations contained in this act shall be  
accounted for as though made in the main operating  
appropriations act of the 134th General Assembly. The operating  
appropriations made in this act are subject to all provisions of  
the main operating appropriations act of the 134th General  
Assembly that are generally applicable to such appropriations. 1450  
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<b>Section 6.</b> (A) There is hereby created a task force to	1461
study Ohio's indigent defense system and provide recommendations	1462
to the General Assembly regarding the delivery, structure, and	1463
funding of indigent defense.	1464
(B) The task force shall consist of the following voting	1465
members, appointed not later than ninety days after the	1466
effective date of this section:	1467
(1) The State Public Defender;	1468
(2) The Chair of the Ohio Public Defender Commission;	1469
(3) The Governor or the Governor's designee;	1470
(4) The Chief Justice of the Ohio Supreme Court, or the	1471
Chief Justice's designee;	1472
(5) One judge appointed by the Ohio Judicial Conference;	1473
(6) One attorney appointed by the Ohio State Bar	1474
Association;	1475
(7) One public defender appointed by the Ohio Public	1476
Defender Commission;	1477
(8) One attorney who participates in the assigned counsel	1478
system, appointed by the Ohio Public Defender Commission;	1479
(9) One county commissioner appointed by the president of	1480
the County Commissioners' Association of Ohio;	1481
(10) The Attorney General or a designee of the Attorney	1482
General;	1483
(11) Six members of the General Assembly, including:	1484
(a) Three members of the Senate, including two from the	1485
majority party appointed by the Senate President, and one from	1486

the minority party appointed by the Senate Minority Leader; 1487

(b) Three members of the House of Representatives, 1488  
including two from the majority party appointed by the Speaker 1489  
of the House of Representatives, and one from the minority party 1490  
appointed by the House Minority Leader. 1491

(C) The task force shall be co-chaired by one member of 1492  
the Senate and one member of the House of Representatives, both 1493  
from the majority party and appointed by their respective 1494  
leaders. 1495

(D) Not later than one year after the effective date of 1496  
this section, the task force shall report its recommendations to 1497  
the General Assembly. The Legislative Service Commission shall 1498  
assist the task force as needed. 1499

(E) The task force may reimburse the travel expenses of 1500  
any experts invited to present to the task force. 1501

(F) The State Public Defender shall use \$9,100 in fiscal 1502  
year 2022 and \$900 in fiscal year 2023 from appropriation item 1503  
019401, State Legal Defense Services, for the reimbursement of 1504  
travel expenses of experts invited to present to the task force. 1505

**Section 7.** Section 5747.01 of the Revised Code is 1506  
presented in this act as a composite of the section as amended 1507  
by H.B. 18, H.B. 197, S.B. 26, and S.B. 276 all of the 133rd 1508  
General Assembly. The General Assembly, applying the principle 1509  
stated in division (B) of section 1.52 of the Revised Code that 1510  
amendments are to be harmonized if reasonably capable of 1511  
simultaneous operation, finds that the composite is the 1512  
resulting version of the section in effect prior to the 1513  
effective date of the section as presented in this act. 1514