

**As Reported by the Senate Ways and Means and Economic
Development Committee**

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Sub. H. B. No. 58

Representative Beck

Cosponsors: Representatives Adams, J., Boose, Blair, Derickson, Hackett, Hollington, Martin, Uecker, Amstutz, Stautberg, Letson, McClain, Adams, R., Anielski, Ashford, Baker, Balderson, Brenner, Bulp, Buchy, Burke, Butler, Carey, Carney, Coley, Combs, Damschroder, DeGeeter, Dovilla, Duffey, Fedor, Garland, Gonzales, Goodwin, Grossman, Hall, Hayes, Henne, Huffman, Johnson, Landis, Lundy, Maag, Mallory, McKenney, Mecklenborg, Milkovich, Newbold, O'Brien, Peterson, Phillips, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Thompson, Wachtmann, Young

Speaker Batchelder

Senators Schaffer, Patton

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A B I L L

To amend sections 122.171, 718.151, 5701.11, 5725.98,	1
5729.98, 5733.0610, 5733.98, 5747.058, 5747.98,	2
5751.50, and 5751.98 of the Revised Code to	3
expressly incorporate changes in the Internal	4
Revenue Code since December 15, 2010, into Ohio	5
law, to authorize a refundable job retention tax	6
credit, to temporarily extend the look-back period	7
from two years to three years for determining	8
whether a state "on" indicator exists based on the	9
total unemployment rate for purposes of state	10
extended unemployment benefits, and to declare an	11
emergency.	12

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

Section 1. That sections 122.171, 718.151, 5701.11, 5725.98, 13
5729.98, 5733.0610, 5733.98, 5747.058, 5747.98, 5751.50, and 14
5751.98 of the Revised Code be amended to read as follows: 15

Sec. 122.171. (A) As used in this section: 16

(1) "Capital investment project" means a plan of investment 17
at a project site for the acquisition, construction, renovation, 18
or repair of buildings, machinery, or equipment, or for 19
capitalized costs of basic research and new product development 20
determined in accordance with generally accepted accounting 21
principles, but does not include any of the following: 22

(a) Payments made for the acquisition of personal property 23
through operating leases; 24

(b) Project costs paid before January 1, 2002; 25

(c) Payments made to a related member as defined in section 26
5733.042 of the Revised Code or to a consolidated elected taxpayer 27
or a combined taxpayer as defined in section 5751.01 of the 28
Revised Code. 29

(2) "Eligible business" means a taxpayer and its related 30
members with Ohio operations satisfying all of the following: 31

(a) The taxpayer employs at least five hundred full-time 32
equivalent employees at the time the tax credit authority grants 33
the tax credit under this section; 34

(b) The taxpayer makes or causes to be made payments for the 35
capital investment project of either of the following: 36

(i) If the taxpayer is engaged at the project site primarily 37
as a manufacturer, at least fifty million dollars in the aggregate 38

at the project site during a period of three consecutive calendar 39
years, including the calendar year that includes a day of the 40
taxpayer's taxable year or tax period with respect to which the 41
credit is granted; 42

(ii) If the taxpayer is engaged at the project site primarily 43
in significant corporate administrative functions, as defined by 44
the director of development by rule, at least twenty million 45
dollars in the aggregate at the project site during a period of 46
three consecutive calendar years including the calendar year that 47
includes a day of the taxpayer's taxable year or tax period with 48
respect to which the credit is granted. 49

(c) The taxpayer had a capital investment project reviewed 50
and approved by the tax credit authority as provided in divisions 51
(C), (D), and (E) of this section. 52

(3) "Full-time equivalent employees" means the quotient 53
obtained by dividing the total number of hours for which employees 54
were compensated for employment in the project by two thousand 55
eighty. "Full-time equivalent employees" shall exclude hours that 56
are counted for a credit under section 122.17 of the Revised Code. 57

(4) "Income tax revenue" means the total amount withheld 58
under section 5747.06 of the Revised Code by the taxpayer during 59
the taxable year, or during the calendar year that includes the 60
tax period, from the compensation of all employees employed in the 61
project whose hours of compensation are included in calculating 62
the number of full-time equivalent employees. 63

(5) "Manufacturer" has the same meaning as in section 64
5739.011 of the Revised Code. 65

(6) "Project site" means an integrated complex of facilities 66
in this state, as specified by the tax credit authority under this 67
section, within a fifteen-mile radius where a taxpayer is 68
primarily operating as an eligible business. 69

(7) "Related member" has the same meaning as in section 70
5733.042 of the Revised Code as that section existed on the 71
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 72
general assembly, September 29, 1997. 73

(8) "Taxable year" includes, in the case of a domestic or 74
foreign insurance company, the calendar year ending on the 75
thirty-first day of December preceding the day the superintendent 76
of insurance is required to certify to the treasurer of state 77
under section 5725.20 or 5729.05 of the Revised Code the amount of 78
taxes due from insurance companies. 79

(B) The tax credit authority created under section 122.17 of 80
the Revised Code may grant tax credits under this section for the 81
purpose of fostering job retention in this state. Upon application 82
by an eligible business and upon consideration of the 83
recommendation of the director of budget and management, tax 84
commissioner, the superintendent of insurance in the case of an 85
insurance company, and director of development under division (C) 86
of this section, the tax credit authority may grant ~~to an eligible~~ 87
~~business a nonrefundable credit~~ the following credits against the 88
tax imposed by section 5725.18, 5729.03, 5733.06, ~~or~~ 5747.02, or 89
5751.02 of the Revised Code: 90

(1) A nonrefundable credit to an eligible business; 91

(2) A refundable credit to an eligible business meeting the 92
following conditions, provided that the director of budget and 93
management, tax commissioner, superintendent of insurance in the 94
case of an insurance company, and director of development have 95
recommended the granting of the credit to the tax credit authority 96
before July 1, 2011: 97

(a) The business retains at least one thousand full-time 98
equivalent employees at the project site. 99

(b) The business makes or causes to be made payments for a 100

capital investment project of at least twenty-five million dollars 101
in the aggregate at the project site during a period of three 102
consecutive calendar years, including the calendar year that 103
includes a day of the business' taxable year or tax period with 104
respect to which the credit is granted. 105

(c) In 2010, the business received a written offer of 106
financial incentives from another state of the United States that 107
the director determines to be sufficient inducement for the 108
business to relocate the business' operations from this state to 109
that state. 110

The credits authorized in divisions (B)(1) and (2) of this 111
section may be granted for a period up to fifteen taxable years 112
and against or, in the case of the tax levied by Chapter 5751- 113
section 5751.02 of the Revised Code, for a period of up to fifteen 114
calendar years. The credit amount for a taxable year or a calendar 115
year that includes the tax period for which a credit may be 116
claimed equals the income tax revenue for that year multiplied by 117
the percentage specified in the agreement with the tax credit 118
authority. The percentage may not exceed seventy-five per cent. 119
The credit shall be claimed in the order required under section 120
5725.98, 5729.98, 5733.98, ~~or 5747.98,~~ or 5751.98 of the Revised 121
Code. In determining the percentage and term of the credit, the 122
tax credit authority shall consider both the number of full-time 123
equivalent employees and the value of the capital investment 124
project. The credit amount may not be based on the income tax 125
revenue for a calendar year before the calendar year in which the 126
tax credit authority specifies the tax credit is to begin, and the 127
credit shall be claimed only for the taxable years or tax periods 128
specified in the eligible business' agreement with the tax credit 129
authority. In no event shall the credit be claimed for a taxable 130
year or tax period terminating before the date specified in the 131
agreement. Any credit granted under this section against the tax 132

imposed by section 5733.06 or 5747.02 of the Revised Code, to the extent not fully utilized against such tax for taxable years ending prior to 2008, shall automatically be converted without any action taken by the tax credit authority to a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.

~~Any unused portion of a tax credit may be carried forward for not more than three additional years after the year for which the credit is granted~~ If a nonrefundable credit allowed under division (B)(1) of this section for a taxable year or tax period exceeds the taxpayer's tax liability for that year or period, the excess may be carried forward for the three succeeding taxable or calendar years, but the amount of any excess credit allowed in any taxable year or tax period shall be deducted from the balance carried forward to the succeeding year or period.

(C) A taxpayer that proposes a capital investment project to retain jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section. The director of development shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management, the tax commissioner, the superintendent of insurance in the case of an insurance company, and the director of development, each of whom shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority.

(D) Upon review and consideration of the determinations and

recommendations described in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following:

(1) The taxpayer's capital investment project will result in the retention of employment in this state.

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.

(E) An agreement under this section shall include all of the following:

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated income tax revenue to be generated.

(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed.

(3) A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4) A requirement that the taxpayer retain a specified number of full-time equivalent employees at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least five hundred

full-time equivalent employees during the entire term of the 195
agreement in the case of a credit granted under division (B)(1) of 196
this section, and one thousand full-time equivalent employees in 197
the case of a credit granted under division (B)(2) of this 198
section. 199

(5) A requirement that the taxpayer annually report to the 200
director of development employment, tax withholding, capital 201
investment, and other information the director needs to perform 202
the director's duties under this section. 203

(6) A requirement that the director of development annually 204
review the annual reports of the taxpayer to verify the 205
information reported under division (E)(5) of this section and 206
compliance with the agreement. Upon verification, the director 207
shall issue a certificate to the taxpayer stating that the 208
information has been verified and identifying the amount of the 209
credit for the taxable year or calendar year that includes the tax 210
period. In determining the number of full-time equivalent 211
employees, no position shall be counted that is filled by an 212
employee who is included in the calculation of a tax credit under 213
section 122.17 of the Revised Code. 214

(7) A provision providing that the taxpayer may not relocate 215
a substantial number of employment positions from elsewhere in 216
this state to the project site unless the director of development 217
determines that the taxpayer notified the legislative authority of 218
the county, township, or municipal corporation from which the 219
employment positions would be relocated. 220

For purposes of this section, the movement of an employment 221
position from one political subdivision to another political 222
subdivision shall be considered a relocation of an employment 223
position unless the movement is confined to the project site. The 224
transfer of an employment position from one political subdivision 225
to another political subdivision shall not be considered a 226

relocation of an employment position if the employment position in 227
the first political subdivision is replaced by another employment 228
position. 229

(8) A waiver by the taxpayer of any limitations periods 230
relating to assessments or adjustments resulting from the 231
taxpayer's failure to comply with the agreement. 232

(F) If a taxpayer fails to meet or comply with any condition 233
or requirement set forth in a tax credit agreement, the tax credit 234
authority may amend the agreement to reduce the percentage or term 235
of the credit. The reduction of the percentage or term may take 236
effect in the current taxable or calendar year. 237

(G) Financial statements and other information submitted to 238
the department of development or the tax credit authority by an 239
applicant for or recipient of a tax credit under this section, and 240
any information taken for any purpose from such statements or 241
information, are not public records subject to section 149.43 of 242
the Revised Code. However, the chairperson of the authority may 243
make use of the statements and other information for purposes of 244
issuing public reports or in connection with court proceedings 245
concerning tax credit agreements under this section. Upon the 246
request of the tax commissioner, or the superintendent of 247
insurance in the case of an insurance company, the chairperson of 248
the authority shall provide to the commissioner or superintendent 249
any statement or other information submitted by an applicant for 250
or recipient of a tax credit in connection with the credit. The 251
commissioner or superintendent shall preserve the confidentiality 252
of the statement or other information. 253

(H) A taxpayer claiming a tax credit under this section shall 254
submit to the tax commissioner or, in the case of an insurance 255
company, to the superintendent of insurance, a copy of the 256
director of development's certificate of verification under 257
division (E)(6) of this section with the taxpayer's tax report or 258

return for the taxable year or for the calendar year that includes 259
the tax period. Failure to submit a copy of the certificate with 260
the report or return does not invalidate a claim for a credit if 261
the taxpayer submits a copy of the certificate to the commissioner 262
or superintendent within sixty days after the commissioner or 263
superintendent requests it. 264

(I) For the purposes of this section, a taxpayer may include 265
a partnership, a corporation that has made an election under 266
subchapter S of chapter one of subtitle A of the Internal Revenue 267
Code, or any other business entity through which income flows as a 268
distributive share to its owners. A partnership, S-corporation, or 269
other such business entity may elect to pass the credit received 270
under this section through to the persons to whom the income or 271
profit of the partnership, S-corporation, or other entity is 272
distributed. The election shall be made on the annual report 273
required under division (E)(5) of this section. The election 274
applies to and is irrevocable for the credit for which the report 275
is submitted. If the election is made, the credit shall be 276
apportioned among those persons in the same proportions as those 277
in which the income or profit is distributed. 278

(J) If the director of development determines that a taxpayer 279
that received a tax credit under this section is not complying 280
with the requirement under division (E)(3) of this section, the 281
director shall notify the tax credit authority of the 282
noncompliance. After receiving such a notice, and after giving the 283
taxpayer an opportunity to explain the noncompliance, the 284
authority may terminate the agreement and require the taxpayer to 285
refund to the state all or a portion of the credit claimed in 286
previous years, as follows: 287

(1) If the taxpayer maintained operations at the project site 288
for less than or equal to the term of the credit, an amount not to 289
exceed one hundred per cent of the sum of any tax credits allowed 290

and received under this section. 291

(2) If the taxpayer maintained operations at the project site 292
longer than the term of the credit, but less than the greater of 293
(a) the term of the credit plus three years, or (b) seven years, 294
the amount required to be refunded shall not exceed seventy-five 295
per cent of the sum of any tax credits allowed and received under 296
this section. 297

In determining the portion of the credit to be refunded to 298
this state, the authority shall consider the effect of market 299
conditions on the taxpayer's project and whether the taxpayer 300
continues to maintain other operations in this state. After making 301
the determination, the authority shall certify the amount to be 302
refunded to the tax commissioner or the superintendent of 303
insurance. If the taxpayer is not an insurance company, the 304
commissioner shall make an assessment for that amount against the 305
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 306
If the taxpayer is an insurance company, the superintendent of 307
insurance shall make an assessment under section 5725.222 or 308
5729.102 of the Revised Code. The time limitations on assessments 309
under those chapters and sections do not apply to an assessment 310
under this division, but the commissioner or superintendent shall 311
make the assessment within one year after the date the authority 312
certifies to the commissioner or superintendent the amount to be 313
refunded. 314

(K) The director of development, after consultation with the 315
tax commissioner and the superintendent of insurance and in 316
accordance with Chapter 119. of the Revised Code, shall adopt 317
rules necessary to implement this section. The rules may provide 318
for recipients of tax credits under this section to be charged 319
fees to cover administrative costs of the tax credit program. The 320
fees collected shall be credited to the tax incentive programs 321
operating fund created in section 122.174 of the Revised Code. At 322

the time the director gives public notice under division (A) of 323
section 119.03 of the Revised Code of the adoption of the rules, 324
the director shall submit copies of the proposed rules to the 325
chairpersons of the standing committees on economic development in 326
the senate and the house of representatives. 327

(L) On or before the first day of August of each year, the 328
director of development shall submit a report to the governor, the 329
president of the senate, and the speaker of the house of 330
representatives on the tax credit program under this section. The 331
report shall include information on the number of agreements that 332
were entered into under this section during the preceding calendar 333
year, a description of the project that is the subject of each 334
such agreement, and an update on the status of projects under 335
agreements entered into before the preceding calendar year. 336

(M)(1) The aggregate amount of tax credits issued under 337
division (B)(1) of this section during any calendar year for 338
capital investment projects reviewed and approved by the tax 339
credit authority may not exceed the following amounts: 340

~~(1)~~(a) For 2010, thirteen million dollars; 341

~~(2)~~(b) For 2011 through 2023, the amount of the limit for the 342
preceding calendar year plus thirteen million dollars; 343

~~(3)~~(c) For 2024 and each year thereafter, one hundred 344
ninety-five million dollars. 345

(2) The aggregate amount of tax credits issued under division 346
(B)(2) of this section during any calendar year for capital 347
improvement projects reviewed and approved by the tax credit 348
authority may not exceed eight million dollars. 349

The ~~foregoing annual~~ limitations in division (M) of this 350
section do not apply to credits for capital investment projects 351
approved by the tax credit authority before July 1, 2009. 352

Sec. 718.151. A municipal corporation, by ordinance, may 353
grant a nonrefundable credit against its tax on income to a 354
taxpayer that ~~also~~ receives a nonrefundable tax credit under 355
section 122.171 of the Revised Code and may grant a refundable 356
credit against its tax on income to a taxpayer that receives a 357
refundable tax credit under that section. If a credit is granted 358
under this section, it shall be measured as a percentage of the 359
income tax revenue the municipal corporation derives from the 360
retained employees of the taxpayer, and shall be for a term not 361
exceeding fifteen years. Before a municipal corporation passes an 362
ordinance allowing such a credit, the municipal corporation and 363
the taxpayer shall enter into an agreement specifying all the 364
conditions of the credit. 365

Sec. 5701.11. The effective date to which this section refers 366
is the effective date of this section as amended by H.B. 58 ~~495~~ of 367
the ~~128th~~ 129th general assembly. 368

(A)(1) Except as provided under division (A)(2) or (B) of 369
this section, any reference in Title LVII of the Revised Code to 370
the Internal Revenue Code, to the Internal Revenue Code "as 371
amended," to other laws of the United States, or to other laws of 372
the United States, "as amended," means the Internal Revenue Code 373
or other laws of the United States as they exist on the effective 374
date. 375

(2) This section does not apply to any reference in Title 376
LVII of the Revised Code to the Internal Revenue Code as of a date 377
certain specifying the day, month, and year, or to other laws of 378
the United States as of a date certain specifying the day, month, 379
and year. 380

(B)(1) For purposes of applying section 5733.04, 5745.01, or 381
5747.01 of the Revised Code to a taxpayer's taxable year ending 382

after ~~October 16, 2009~~ December 15, 2010, and before the effective 383
date, a taxpayer may irrevocably elect to incorporate the 384
provisions of the Internal Revenue Code or other laws of the 385
United States that are in effect for federal income tax purposes 386
for that taxable year if those provisions differ from the 387
provisions that, under division (A) of this section, would 388
otherwise apply. The filing by the taxpayer for that taxable year 389
of a report or return that incorporates the provisions of the 390
Internal Revenue Code or other laws of the United States 391
applicable for federal income tax purposes for that taxable year, 392
and that does not include any adjustments to reverse the effects 393
of any differences between those provisions and the provisions 394
that would otherwise apply, constitutes the making of an 395
irrevocable election under this division for that taxable year. 396

(2) Elections under prior versions of division (B)(1) of this 397
section remain in effect for the taxable years to which they 398
apply. 399

Sec. 5725.98. (A) To provide a uniform procedure for 400
calculating the amount of tax imposed by section 5725.18 of the 401
Revised Code that is due under this chapter, a taxpayer shall 402
claim any credits and offsets against tax liability to which it is 403
entitled in the following order: 404

(1) The credit for an insurance company or insurance company 405
group under section 5729.031 of the Revised Code; i 406

(2) The credit for eligible employee training costs under 407
section 5725.31 of the Revised Code; i 408

(3) The credit for purchasers of qualified low-income 409
community investments under section 5725.33 of the Revised Code; 410

(4) The nonrefundable job retention credit under division 411
(B)(1) of section 122.171 of the Revised Code; 412

(5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code—*i* 413
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(6) The refundable credit for Ohio job retention under division (B)(2) of section 122.171 of the Revised Code; 416
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(7) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code—*i* 418
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~~(7)~~(8) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 420
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(B) For any credit except the refundable credits enumerated in ~~divisions (A)(6) and (7)~~ of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 424
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Sec. 5729.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 433
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(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code—*i* 437
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(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code—*i* 439
440

(3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code; 441
442

(4) The <u>nonrefundable</u> job retention credit under <u>division</u>	443
<u>(B)(1) of</u> section 122.171 of the Revised Code; ;	444
(5) The offset of assessments by the Ohio life and health	445
insurance guaranty association against tax liability permitted by	446
section 3956.20 of the Revised Code; ;	447
(6) <u>The refundable credit for Ohio job retention under</u>	448
<u>division (B)(2) of section 122.171 of the Revised Code;</u>	449
(7) The refundable credit for Ohio job creation under section	450
5729.032 of the Revised Code; ;	451
(7) (8) The refundable credit under section 5729.08 of the	452
Revised Code for losses on loans made under the Ohio venture	453
capital program under sections 150.01 to 150.10 of the Revised	454
Code.	455
(B) For any credit except the <u>refundable</u> credits enumerated	456
in divisions (A)(6) and (7) of this section, the amount of the	457
credit for a taxable year shall not exceed the tax due after	458
allowing for any other credit that precedes it in the order	459
required under this section. Any excess amount of a particular	460
credit may be carried forward if authorized under the section	461
creating that credit. Nothing in this chapter shall be construed	462
to allow a taxpayer to claim, directly or indirectly, a credit	463
more than once for a taxable year.	464
Sec. 5733.0610. (A) A refundable corporation franchise tax	465
credit granted by the tax credit authority under section 122.17 <u>or</u>	466
<u>division (B)(2) of section 122.171</u> of the Revised Code may be	467
claimed under this chapter ; in the order required under section	468
5733.98 of the Revised Code. For purposes of making tax payments	469
under this chapter, taxes equal to the amount of the refundable	470
credit shall be considered to be paid to this state on the first	471
day of the tax year. The refundable credit shall not be claimed	472

for any tax years following the calendar year in which a 473
relocation of employment positions occurs in violation of an 474
agreement entered into under section 122.171 of the Revised Code. 475

(B) A nonrefundable corporation franchise tax credit granted 476
by the tax credit authority under division (B)(1) of section 477
122.171 of the Revised Code may be claimed under this chapter, in 478
the order required under section 5733.98 of the Revised Code. 479

Sec. 5733.98. (A) To provide a uniform procedure for 480
calculating the amount of tax imposed by section 5733.06 of the 481
Revised Code that is due under this chapter, a taxpayer shall 482
claim any credits to which it is entitled in the following order, 483
except as otherwise provided in section 5733.058 of the Revised 484
Code: 485

(1) For tax year 2005, the credit for taxes paid by a 486
qualifying pass-through entity allowed under section 5733.0611 of 487
the Revised Code; 488

(2) The credit allowed for financial institutions under 489
section 5733.45 of the Revised Code; 490

(3) The credit for qualifying affiliated groups under section 491
5733.068 of the Revised Code; 492

(4) The subsidiary corporation credit under section 5733.067 493
of the Revised Code; 494

(5) The savings and loan assessment credit under section 495
5733.063 of the Revised Code; 496

(6) The credit for recycling and litter prevention donations 497
under section 5733.064 of the Revised Code; 498

(7) The credit for employers that enter into agreements with 499
child day-care centers under section 5733.36 of the Revised Code; 500

(8) The credit for employers that reimburse employee child 501

care expenses under section 5733.38 of the Revised Code;	502
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	503 504
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	505 506
(11) The <u>nonrefundable</u> job retention credit under division (B) of section 5733.0610 of the Revised Code;	507 508
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	509 510
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	511 512
(14) The job training credit under section 5733.42 of the Revised Code;	513 514
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	515 516
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	517 518
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	519 520
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	521 522
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	523 524
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	525 526
(21) The export sales credit under section 5733.069 of the Revised Code;	527 528
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	529 530

(23) The enterprise zone credits under section 5709.65 of the Revised Code;	531 532
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	533 534
(25) The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	535 536
(26) The credit for small telephone companies under section 5733.57 of the Revised Code;	537 538
(27) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	539 540
(28) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	541 542 543
(29) The research and development credit under section 5733.352 of the Revised Code;	544 545
(30) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	546 547 548
(31) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	549 550
(32) The refundable jobs creation credit <u>or job retention credit</u> under division (A) of section 5733.0610 of the Revised Code;	551 552 553
(33) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	554 555
(34) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	556 557 558
(35) For tax years 2006, 2007, and 2008, the refundable	559

credit allowable under division (B) of section 5733.56 of the Revised Code; 560
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(36) The refundable motion picture production credit under section 5733.59 of the Revised Code. 562
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(B) For any credit except the refundable credits enumerated in ~~divisions (A)(31) to (36)~~ of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. 564
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Sec. 5747.058. (A) A refundable income tax credit granted by the tax credit authority under section 122.17 or division (B)(2) of section 122.171 of the Revised Code may be claimed under this chapter, in the order required under section 5747.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the taxable year. The refundable credit shall not be claimed for any taxable years ending with or following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.171 of the Revised Code. 571
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(B) A nonrefundable income tax credit granted by the tax credit authority under division (B)(1) of section 122.171 of the Revised Code may be claimed under this chapter, in the order required under section 5747.98 of the Revised Code. 582
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Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order: 586
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(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;	590 591
(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	592 593
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	594 595
(4) The dependent care credit under section 5747.054 of the Revised Code;	596 597
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	598 599
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	600 601
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	602 603
(8) The low-income credit under section 5747.056 of the Revised Code;	604 605
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	606 607
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	608 609
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	610 611
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	612 613
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	614 615
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	616 617
(15) The credit for employers that enter into agreements with	618

child day-care centers under section 5747.34 of the Revised Code;	619
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	620 621
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	622 623
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	624 625
(19) The <u>nonrefundable</u> job retention credit under division (B) of section 5747.058 of the Revised Code;	626 627
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	628 629
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	630 631 632
(22) The job training credit under section 5747.39 of the Revised Code;	633 634
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	635 636
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	637 638
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	639 640
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	641 642
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	643 644
(28) The export sales credit under section 5747.057 of the Revised Code;	645 646
(29) The credit for research and development and technology	647

transfer investors under section 5747.33 of the Revised Code;	648
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	649
(31) The research and development credit under section 5747.331 of the Revised Code;	651
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	653
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	655
(34) The refundable jobs creation credit <u>or job retention credit</u> under division (A) of section 5747.058 of the Revised Code;	657
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	659
(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	661
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	664
(38) The refundable credit for tax withheld under section 5747.063 of the Revised Code;	666
(39) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	668
(40) The refundable motion picture production credit under section 5747.66 of the Revised Code.	671
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any	673

other credit that precedes it in the order required under this 677
section. Any excess amount of a particular credit may be carried 678
forward if authorized under the section creating that credit. 679
Nothing in this chapter shall be construed to allow a taxpayer to 680
claim, directly or indirectly, a credit more than once for a 681
taxable year. 682

Sec. 5751.50. (A) For tax periods beginning on or after 683
January 1, 2008, a refundable credit granted by the tax credit 684
authority under section 122.17 or division (B)(2) of section 685
122.171 of the Revised Code may be claimed under this chapter in 686
the order required under section 5751.98 of the Revised Code. For 687
purposes of making tax payments under this chapter, taxes equal to 688
the amount of the refundable credit shall be considered to be paid 689
to this state on the first day of the tax period. A credit claimed 690
in calendar year 2008 may not be applied against the tax otherwise 691
due for a tax period beginning before July 1, 2008. The refundable 692
credit shall not be claimed against the tax otherwise due for any 693
tax period beginning after the date on which a relocation of 694
employment positions occurs in violation of an agreement entered 695
into under ~~sections~~ section 122.17 or 122.171 of the Revised Code. 696

(B) For tax periods beginning on or after January 1, 2008, a 697
nonrefundable credit granted by the tax credit authority under 698
division (B)(1) of section 122.171 of the Revised Code may be 699
claimed under this chapter in the order required under section 700
5751.98 of the Revised Code. A credit claimed in calendar year 701
2008 may not be applied against the tax otherwise due under this 702
chapter for a tax period beginning before July 1, 2008. The credit 703
shall not be claimed against the tax otherwise due for any tax 704
period beginning after the date on which a relocation of 705
employment positions occurs in violation of an agreement entered 706
into under ~~sections~~ section 122.17 or 122.171 of the Revised Code. 707
No credit shall be allowed under this chapter if the credit was 708

available against the tax imposed by section 5733.06 or 5747.02 of 709
the Revised Code, except to the extent the credit was not applied 710
against such tax. 711

Sec. 5751.98. (A) To provide a uniform procedure for 712
calculating the amount of tax due under this chapter, a taxpayer 713
shall claim any credits to which it is entitled in the following 714
order: 715

(1) The nonrefundable jobs retention credit under division 716
(B) of section 5751.50 of the Revised Code; 717

(2) The nonrefundable credit for qualified research expenses 718
under division (B) of section 5751.51 of the Revised Code; 719

(3) The nonrefundable credit for a borrower's qualified 720
research and development loan payments under division (B) of 721
section 5751.52 of the Revised Code; 722

(4) The nonrefundable credit for calendar years 2010 to 2029 723
for unused net operating losses under division (B) of section 724
5751.53 of the Revised Code; 725

(5) The refundable credit for calendar year 2030 for unused 726
net operating losses under division (C) of section 5751.53 of the 727
Revised Code; 728

(6) The refundable jobs creation credit or job retention 729
credit under division (A) of section 5751.50 of the Revised Code. 730

(B) For any credit except the ~~credit~~ refundable credits 731
enumerated in ~~division (A)(4)~~ of this section, the amount of the 732
credit for a tax period shall not exceed the tax due after 733
allowing for any other credit that precedes it in the order 734
required under this section. Any excess amount of a particular 735
credit may be carried forward if authorized under the section 736
creating the credit. 737

Section 2. That existing sections 122.171, 718.151, 5701.11, 738
5725.98, 5729.98, 5733.0610, 5733.98, 5747.058, 5747.98, 5751.50, 739
and 5751.98 of the Revised Code are hereby repealed. 740

Section 3. Notwithstanding any provision of section 4141.301 741
of the Revised Code to the contrary, with respect to compensation 742
for weeks of unemployment beginning after December 17, 2010, and 743
ending on or before December 31, 2011, the word "two" as used in 744
divisions (A)(3)(a)(ii) and (A)(5) of section 4141.301 of the 745
Revised Code shall be changed to "three." 746

Section 4. This act is hereby declared to be an emergency 747
measure necessary for the immediate preservation of the public 748
peace, health, and safety. The reason for such necessity lies in 749
the need to enable taxpayers to avoid making miscellaneous 750
adjustments on their 2010 tax returns that increase tax 751
liabilities and in the need, in these times of high unemployment, 752
to provide continued assistance to those who have been struggling 753
to find work in this difficult economic climate, while at the same 754
time protecting the health and safety of the public. Therefore, 755
this act shall go into immediate effect. 756