

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 135

Representatives Pelanda, Cera

**Cosponsors: Representatives Gonzales, Adams, J., Boose, Hackett, Fedor,
Sprague, Burkley**

—

A B I L L

To amend sections 5725.98, 5726.98, 5729.98, 5747.98, 1
5749.11, and 5751.98 and to enact sections 2
122.177, 5725.35, 5726.58, 5729.18, 5747.78, 3
5749.18, 5749.98, and 5751.55 of the Revised Code 4
to authorize a nonrefundable credit against the 5
income tax and certain business taxes for the 6
rehabilitation of a vacant industrial site. 7

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

Section 1. That sections 5725.98, 5726.98, 5729.98, 5747.98, 8
5749.11, and 5751.98 be amended and sections 122.177, 5725.35, 9
5726.58, 5729.18, 5747.78, 5749.18, 5749.98, and 5751.55 of the 10
Revised Code be enacted to read as follows: 11

Sec. 122.177. (A) As used in this section: 12

(1) "Vacant facility" means a building, a complex of 13
buildings, or the structural remains of a former building or 14
complex of buildings that meet all of the following criteria: 15

(a) The building or buildings were used, or designed and 16
constructed for use, in production, manufacturing, fabrication, 17
assembly, processing, refining, finishing, or warehousing of 18

tangible personal property, including tangible personal property 19
that is or was used for sale to third parties or for use by the 20
owner in the owner's business. 21

(b) The building or buildings were placed into service at 22
least fifteen years before the date of an application submitted 23
under division (B) of this section with respect to the building or 24
buildings. 25

(c) At least seventy-five per cent of the square footage of 26
the building or building complex has not been used to carry on 27
production, manufacturing, assembly, processing, refining, 28
finishing, or warehousing of tangible personal property during the 29
five years immediately preceding the date an application is 30
submitted under division (B) of this section with respect to the 31
building or building complex. 32

For the purposes of this section, a building or vacant 33
facility is considered to have been "placed into service" when at 34
least fifty per cent of the combined square footage of the 35
building or vacant facility has been occupied. 36

(2) "Vacant industrial site" means a vacant facility and the 37
parcel or parcels of real property upon which the vacant facility 38
is located. "Vacant industrial site" shall not include any parcel 39
that is subject to an administrative, civil, or criminal 40
environmental enforcement action or against which delinquent 41
taxes, interest, assessments, and penalties remain unpaid. 42

(3) "Qualified investment" means expenditures for the 43
rehabilitation of a vacant industrial site that has been 44
designated as an industrial recovery site by the development 45
services agency under division (C) of this section. "Qualified 46
investment" shall not include legal expenses, including any 47
expenses incurred by reason of an administrative, civil, or 48
criminal environmental enforcement action brought with respect to 49

the vacant industrial site. 50

(4) "Rehabilitation" means the remodeling, repair, alteration, demolition, or redevelopment of a vacant industrial site for the purpose of putting the site to a better or more efficient use. 51
52
53
54

(B) Upon application by a county or municipal corporation, the director of development services may designate a vacant industrial site located within the municipal corporation or county as an industrial recovery site. A municipal corporation may request such a designation for a site located within the municipal corporation, and a county may request such a designation for a site located within the unincorporated territory of the county. 55
56
57
58
59
60
61

The application shall be in the form prescribed by the director. In addition to any other information required by the director, the application shall include both of the following: 62
63
64

(1) A detailed plan for the development and use of the vacant industrial site; 65
66

(2) A copy of a resolution adopted by the legislative authority of the municipal corporation or the board of county commissioners recommending designation of the site as an industrial recovery site. 67
68
69
70

(C) The director of development services shall review each application submitted under this section. The director shall determine whether, on the date the application was filed, the site described in an application qualifies as a vacant industrial site. If the site so qualifies, the director shall determine whether designation of the site as an industrial recovery site is in the best interests of the state. In making that determination, the director shall consider the following factors: 71
72
73
74
75
76
77
78

(1) The level of distress caused by job losses in the community surrounding the vacant industrial site; 79
80

(2) The desirability of the intended use of the vacant industrial site, as described in the plan submitted by the municipal corporation or county, and the likelihood that implementation of the plan will improve economic and employment conditions in the surrounding community; 81
82
83
84
85

(3) Evidence that the residents, businesses, and other private organizations in the surrounding community support designation of the site as an industrial recovery site; 86
87
88

(4) Whether the vacant industrial site is located in an enterprise zone created under sections 5709.61 to 5709.69, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code; 89
90
91
92
93

(5) Whether the vacant industrial site is exempt from property taxation pursuant to a resolution or ordinance adopted under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code; 94
95
96
97

(6) Evidence of a commitment by private or public entities to provide financial assistance in implementing the plan submitted by the municipal corporation or county; 98
99
100

(7) Evidence of efforts by the municipal corporation or county to implement the proposed plan without additional financial assistance from the state; 101
102
103

(8) Any other factor the director considers relevant to the determination. 104
105

Upon consideration of the factors described in this division, the director shall approve or deny the application for designation. The director shall certify the decision to the municipal corporation or county that requested the designation. 106
107
108
109

When the director designates a site as an industrial recovery 110

site, the director shall list the industrial recovery site on the 111
development services agency's web site. 112

(D) The designation of a site as an industrial recovery site 113
is contingent upon the development and use of the site in 114
accordance with the plan submitted by the municipal corporation or 115
county under division (B) of this section. If the director 116
determines that the development of a site has resulted in a 117
violation of this condition, the director shall revoke the 118
industrial recovery site designation. 119

(E)(1) An owner or developer of an industrial recovery site 120
that makes a qualified investment in the site may apply to the 121
director of development services for a tax credit certificate. The 122
director may require owners or developers to include with the 123
application a uniform fee of not more than two thousand five 124
hundred dollars. In addition to any other information required by 125
the director, the application shall state the amount of the 126
qualified investment. 127

The director shall review the application and determine 128
whether all of the following criteria are met: 129

(a) The qualified investment was made for the rehabilitation 130
of property located on an industrial recovery site designated as 131
such by the director pursuant to division (C) of this section. 132

(b) The applicant is the owner or developer of the industrial 133
recovery site. 134

(c) The qualified investment was made in accordance with the 135
development plan submitted by the municipal corporation or county 136
in which the industrial recovery site is located. 137

(d) The applicant made all or part of the qualified 138
investment at least six months before submitting the application. 139

(e) The municipal corporation or county in which the 140

industrial recovery site is located has certified that the 141
rehabilitation of the industrial recovery site is substantially 142
complete. 143

(2) If the director determines that an application meets the 144
criteria in divisions (E)(1)(a) to (d) of this section, the 145
director shall issue a tax credit certificate. The amount of the 146
tax credit certificate shall equal the product obtained by 147
multiplying the applicant's qualified investment by one of the 148
following percentages: 149

(a) Fifteen per cent if the vacant facility that is located 150
on the industrial recovery site was placed into service at least 151
fifteen, but less than thirty, years before the date of the tax 152
credit certificate application; 153

(b) Twenty per cent if the vacant facility that is located on 154
the industrial recovery site was placed into service at least 155
thirty, but less than forty, years before the date of the tax 156
credit certificate application; 157

(c) Twenty-five per cent if the vacant facility that is 158
located on the industrial recovery site was placed into service 159
forty or more years before the date of the tax credit certificate 160
application. 161

(3) The director shall not issue any tax credit certificate 162
under this section after the last day of the sixtieth month after 163
the effective date of the enactment of this section. 164

(F) The owner of a tax credit certificate issued under this 165
section may assign the certificate to any other person. The 166
assignee shall provide written notice of the assignment to the tax 167
commissioner and the director of development services, in such 168
form as the tax commissioner prescribes, before the certificate 169
that was assigned is applied against a tax. The assignor may not 170
use the certificate to claim a credit to the extent that the 171

certificate was assigned to the assignee. The assignee may use the 172
certificate to claim a credit only to the extent that the assignor 173
has not claimed a credit on the basis of that certificate. 174

(G) On or before the first day of April each year, the 175
director shall submit to the governor, the president of the 176
senate, and the speaker of the house of representatives a report 177
on the tax credit program established under this section. The 178
report shall include information on the status of the 179
rehabilitation of each industrial recovery site designated under 180
this section. The director shall not be required to submit an 181
annual report after the sixth year after the year in which this 182
section becomes effective. 183

(H) The director shall adopt any rules necessary to 184
administer this section. Such rules shall include criteria for 185
when a municipal corporation or county may certify that the 186
rehabilitation of an industrial recovery site is substantially 187
complete under division (E)(1) of this section. 188

Sec. 5725.35. A nonrefundable credit is allowed against the 189
tax imposed under section 5725.18 of the Revised Code for an 190
insurance company that holds a tax credit certificate issued under 191
section 122.177 of the Revised Code. The credit shall equal the 192
dollar amount indicated on the certificate. The credit shall be 193
claimed in the calendar year specified on the certificate and in 194
the order required under section 5725.98 of the Revised Code. If 195
the amount of the credit exceeds the amount of tax otherwise due 196
under section 5725.18 of the Revised Code for the calendar year, 197
after allowing for any credits preceding the credit in the order 198
prescribed by section 5725.98 of the Revised Code, the insurance 199
company may carry forward the excess amount to subsequent calendar 200
years. The insurance company shall deduct the amount of the excess 201
credit allowed in any such year from the balance carried forward 202

<u>to the next calendar year.</u>	203
<u>The insurance company shall make the tax credit certificate</u>	204
<u>available for inspection by the tax commissioner upon the request</u>	205
<u>of the tax commissioner.</u>	206
Sec. 5725.98. (A) To provide a uniform procedure for	207
calculating the amount of tax imposed by section 5725.18 of the	208
Revised Code that is due under this chapter, a taxpayer shall	209
claim any credits and offsets against tax liability to which it is	210
entitled in the following order:	211
(1) The credit for an insurance company or insurance company	212
group under section 5729.031 of the Revised Code;	213
(2) The credit for eligible employee training costs under	214
section 5725.31 of the Revised Code;	215
(3) The credit for purchasers of qualified low-income	216
community investments under section 5725.33 of the Revised Code;	217
(4) The nonrefundable job retention credit under division	218
(B)(1) of section 122.171 of the Revised Code;	219
(5) <u>The nonrefundable credit for rehabilitating a vacant</u>	220
<u>industrial site under section 5725.35 of the Revised Code;</u>	221
<u>(6)</u> The offset of assessments by the Ohio life and health	222
insurance guaranty association permitted by section 3956.20 of the	223
Revised Code;	224
(6) <u>(7)</u> The refundable credit for rehabilitating a historic	225
building under section 5725.34 of the Revised Code.	226
(7) <u>(8)</u> The refundable credit for Ohio job retention under	227
division (B)(2) or (3) of section 122.171 of the Revised Code;	228
(8) <u>(9)</u> The refundable credit for Ohio job creation under	229
section 5725.32 of the Revised Code;	230

~~(9)~~(10) 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.

(B) For any credit except the refundable credits enumerated in 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.

Sec. 5726.58. A nonrefundable credit is allowed against the tax imposed under section 5726.02 of the Revised Code for a financial institution that holds a tax credit certificate issued under section 122.177 of the Revised Code. The credit shall equal the dollar amount indicated on the certificate. The credit shall be claimed in the tax year specified on the certificate and in the order required by section 5726.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due under section 5726.02 of the Revised Code for the tax year, after allowing for any credits preceding the credit in the order prescribed by section 5726.98 of the Revised Code, the financial institution may carry forward the excess amount to subsequent tax years. The financial institution shall deduct the amount of the excess credit allowed in any such year from the balance carried forward to the next tax year.

The financial institution shall make the tax credit certificate available for inspection by the tax commissioner upon the request of the tax commissioner.

Sec. 5726.98. (A) To provide a uniform procedure for	261
calculating the amount of tax due under section 5726.02 of the	262
Revised Code, a taxpayer shall claim any credits to which the	263
taxpayer is entitled under this chapter in the following order:	264
(1) The bank organization assessment credit under section	265
5726.51 of the Revised Code;	266
(2) The nonrefundable job retention credit under division (B)	267
of section 5726.50 of the Revised Code;	268
(3) The nonrefundable credit for purchases of qualified	269
low-income community investments under section 5726.54 of the	270
Revised Code;	271
(4) The nonrefundable credit for qualified research expenses	272
under section 5726.56 of the Revised Code;	273
(5) The nonrefundable credit for qualifying dealer in	274
intangibles taxes under section 5726.57 of the Revised Code;	275
(6) <u>The nonrefundable credit for rehabilitating a vacant</u>	276
<u>industrial site under section 5726.58 of the Revised Code;</u>	277
<u>(7)</u> The refundable credit for rehabilitating an historic	278
building under section 5726.52 of the Revised Code;	279
(7) <u>(8)</u> The refundable job retention or job creation credit	280
under division (A) of section 5726.50 of the Revised Code;	281
(8) <u>(9)</u> The refundable credit under section 5726.53 of the	282
Revised Code for losses on loans made under the Ohio venture	283
capital program under sections 150.01 to 150.10 of the Revised	284
Code;	285
(9) <u>(10)</u> The refundable motion picture production credit under	286
section 5726.55 of the Revised Code.	287
(B) For any credit except the refundable credits enumerated	288
in this section, the amount of the credit for a taxable year shall	289

not exceed the tax due after allowing for any other credit that 290
precedes it in the order required under this section. Any excess 291
amount of a particular credit may be carried forward if authorized 292
under the section creating that credit. Nothing in this chapter 293
shall be construed to allow a taxpayer to claim, directly or 294
indirectly, a credit more than once for a taxable year. 295

Sec. 5729.18. A nonrefundable credit is allowed against the 296
tax imposed under section 5729.03 of the Revised Code for an 297
insurance company that holds a tax credit certificate issued under 298
section 122.177 of the Revised Code. The credit shall equal the 299
dollar amount indicated on the certificate. The credit shall be 300
claimed in the calendar year specified on the certificate and in 301
the order required by section 5729.98 of the Revised Code. If the 302
amount of the credit exceeds the amount of tax otherwise due under 303
section 5729.03 of the Revised Code for the calendar year, after 304
allowing for any credits preceding the credit in the order 305
prescribed by section 5729.98 of the Revised Code, the insurance 306
company may carry forward the excess amount to subsequent calendar 307
years. The insurance company shall deduct the amount of the excess 308
credit allowed in any such year from the balance carried forward 309
to the next calendar year. 310

The insurance company shall make the tax credit certificate 311
available for inspection by the tax commissioner upon the request 312
of the tax commissioner. 313

Sec. 5729.98. (A) To provide a uniform procedure for 314
calculating the amount of tax due under this chapter, a taxpayer 315
shall claim any credits and offsets against tax liability to which 316
it is entitled in the following order: 317

(1) The credit for an insurance company or insurance company 318
group under section 5729.031 of the Revised Code; 319

(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code;	320 321
(3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;	322 323
(4) The nonrefundable job retention credit under division (B)(1) of section 122.171 of the Revised Code;	324 325
(5) <u>The nonrefundable credit for rehabilitating a vacant industrial site under section 5729.18 of the Revised Code;</u>	326 327
<u>(6)</u> The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	328 329 330
(6) <u>(7)</u> The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.	331 332
(7) <u>(8)</u> The refundable credit for Ohio job retention under division (B)(2) or (3) of section 122.171 of the Revised Code;	333 334
(8) <u>(9)</u> The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	335 336
(9) <u>(10)</u> The refundable credit under section 5729.08 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.	337 338 339 340
(B) For any credit except the refundable credits enumerated in 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.	341 342 343 344 345 346 347 348

Sec. 5747.78. (A) A nonrefundable credit is allowed against 349
the tax imposed by section 5747.02 of the Revised Code for a 350
taxpayer that holds a tax credit certificate issued under section 351
122.177 of the Revised Code. The credit shall equal the dollar 352
amount indicated on the certificate. The credit shall be claimed 353
in the taxable year specified on the certificate and in the order 354
required under section 5747.98 of the Revised Code. If the amount 355
of the credit exceeds the amount of tax otherwise due under 356
section 5747.02 of the Revised Code for the taxable year, after 357
allowing for any credits preceding the credit in the order 358
prescribed by section 5747.98 of the Revised Code, the taxpayer 359
may carry forward the excess amount to subsequent taxable years. 360
The taxpayer shall deduct the amount of the excess credit allowed 361
in any such year from the balance carried forward to the next 362
taxable year. 363

(B) Nothing in this section limits or disallows pass-through 364
treatment of the credit if the person issued the tax credit 365
certificate under section 122.177 of the Revised Code is a 366
pass-through entity. If the certificate is issued to a 367
pass-through entity, the credit may be allocated among the 368
entity's equity owners in proportion to their ownership interests 369
or in such proportions or amounts as the equity owners mutually 370
agree. 371

(C) A credit may not be claimed under this section if a 372
credit is or was claimed under any other section of the Revised 373
Code on the basis of the same tax certificate issued under section 374
122.177 of the Revised Code. 375

(D) The taxpayer shall make the tax credit certificate 376
available for inspection by the tax commissioner upon the request 377
of the tax commissioner. 378

Sec. 5747.98. (A) To provide a uniform procedure for	379
calculating the amount of tax due under section 5747.02 of the	380
Revised Code, a taxpayer shall claim any credits to which the	381
taxpayer is entitled in the following order:	382
(1) The retirement income credit under division (B) of	383
section 5747.055 of the Revised Code;	384
(2) The senior citizen credit under division (C) of section	385
5747.05 of the Revised Code;	386
(3) The lump sum distribution credit under division (D) of	387
section 5747.05 of the Revised Code;	388
(4) The dependent care credit under section 5747.054 of the	389
Revised Code;	390
(5) The lump sum retirement income credit under division (C)	391
of section 5747.055 of the Revised Code;	392
(6) The lump sum retirement income credit under division (D)	393
of section 5747.055 of the Revised Code;	394
(7) The lump sum retirement income credit under division (E)	395
of section 5747.055 of the Revised Code;	396
(8) The low-income credit under section 5747.056 of the	397
Revised Code;	398
(9) The credit for displaced workers who pay for job training	399
under section 5747.27 of the Revised Code;	400
(10) The campaign contribution credit under section 5747.29	401
of the Revised Code;	402
(11) The twenty-dollar personal exemption credit under	403
section 5747.022 of the Revised Code;	404
(12) The joint filing credit under division (G) of section	405
5747.05 of the Revised Code;	406

(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	407 408
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	409 410
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	411 412
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	413 414
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	415 416
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	417 418
(19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	419 420
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	421 422
(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;	423 424 425
(22) The job training credit under section 5747.39 of the Revised Code;	426 427
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	428 429
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	430 431
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	432 433
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	434 435

(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	436 437
(28) The small business investment credit under section 5747.81 of the Revised Code;	438 439
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	440 441
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	442 443
(31) The research and development credit under section 5747.331 of the Revised Code;	444 445
(32) <u>The credit for rehabilitating a vacant industrial site under section 5747.78 of the Revised Code;</u>	446 447
<u>(33)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	448 449
(33) <u>(34)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	450 451
(34) <u>(35)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	452 453
(35) <u>(36)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	454 455
(36) <u>(37)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	456 457 458
(37) <u>(38)</u> 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;	459 460 461
(38) <u>(39)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code; <u>i</u>	462 463
(39) <u>(40)</u> The refundable credit for financial institution	464

taxes paid by a pass-through entity granted under section 5747.65 465
of the Revised Code. 466

(B) For any credit, except the refundable credits enumerated 467
in this section and the credit granted under division (I) of 468
section 5747.08 of the Revised Code, the amount of the credit for 469
a taxable year shall not exceed the tax due after allowing for any 470
other credit that precedes it in the order required under this 471
section. Any excess amount of a particular credit may be carried 472
forward if authorized under the section creating that credit. 473
Nothing in this chapter shall be construed to allow a taxpayer to 474
claim, directly or indirectly, a credit more than once for a 475
taxable year. 476

Sec. 5749.11. (A) There is hereby allowed a nonrefundable 477
credit against the taxes imposed under division (A)(8) of section 478
5749.02 of the Revised Code for any severer to which a reclamation 479
tax credit certificate is issued under section 1513.171 of the 480
Revised Code. The credit shall be claimed in the amount shown on 481
the certificate. The credit shall be claimed by deducting the 482
amount of the credit from the amount of the first tax payment due 483
under section 5749.06 of the Revised Code after the certificate is 484
issued. 485

If the amount of the credit shown on a certificate exceeds 486
the amount of the tax otherwise due with that first payment, the 487
excess shall be claimed against the amount of tax otherwise due on 488
succeeding payment dates until the entire credit amount has been 489
deducted. The total amount of credit claimed against payments 490
shall not exceed the total amount of credit shown on the 491
certificate. 492

The severer shall claim the credit in the order required by 493
section 5749.98 of the Revised Code. 494

(B) A severer claiming a credit under this section shall 495

retain a reclamation tax credit certificate for not less than four 496
years following the date of the last tax payment against which the 497
credit allowed under that certificate was applied. Severers shall 498
make tax credit certificates available for inspection by the tax 499
commissioner upon the tax commissioner's request. 500

Sec. 5749.18. A nonrefundable credit is allowed against the 501
tax imposed under section 5749.02 of the Revised Code for a 502
severer that holds a tax credit certificate issued under section 503
122.177 of the Revised Code. The credit shall equal the dollar 504
amount indicated on the certificate. The credit shall be claimed 505
by deducting the amount of the credit from the amount of the first 506
tax payment due under section 5749.06 of the Revised Code after 507
the certificate is issued. If the amount of the credit shown on a 508
certificate exceeds the amount of the tax otherwise due with that 509
first payment, the excess shall be claimed against the amount of 510
tax otherwise due on succeeding payment dates until the entire 511
credit amount has been deducted. The total amount of credit 512
claimed against payments shall not exceed the total amount of 513
credit shown on the certificate. 514

The severer shall claim the credit in the order required by 515
section 5749.98 of the Revised Code. 516

The severer shall make the tax credit certificate available 517
for inspection by the tax commissioner upon the request of the tax 518
commissioner. 519

Sec. 5749.98. (A) To provide a uniform procedure for 520
calculating the amount of tax imposed by section 5749.02 of the 521
Revised Code that is due under this chapter, a taxpayer shall 522
claim any credits to which it is entitled in the following order: 523

(1) The nonrefundable credit for the reclamation of land or 524
water resources under section 5749.11 of the Revised Code; 525

(2) The nonrefundable credit for rehabilitating a vacant industrial site under section 5749.18 of the Revised Code. 526
527

(B) For any credit, the amount of the credit for a tax period 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 single tax period. 528
529
530
531
532
533
534

Sec. 5751.55. A nonrefundable credit may be claimed under this chapter by a taxpayer that holds a tax credit certificate issued under section 122.177 of the Revised Code. The credit shall equal the dollar amount indicated on the certificate. The credit shall be claimed for the first tax period beginning on or after the date the certificate is issued. If the amount of the credit shown on a certificate exceeds the amount of the tax otherwise due for that tax period, after allowing for any credits preceding the credit in the order prescribed by section 5751.98 of the Revised Code, the taxpayer may carry forward the excess amount to subsequent tax periods. The taxpayer shall deduct the amount of the excess credit allowed in any such tax period from the balance carried forward to the next tax period. 535
536
537
538
539
540
541
542
543
544
545
546
547

The taxpayer shall claim the credit in the order required by section 5751.98 of the Revised Code. 548
549

A credit may not be claimed under this section if a credit is or was claimed under any other section of the Revised Code on the basis of the same tax credit certificate issued under section 122.177 of the Revised Code. 550
551
552
553

The taxpayer shall make the tax credit certificate available for inspection by the tax commissioner upon the request of the tax commissioner. 554
555
556

Sec. 5751.98. (A) To provide a uniform procedure for	557
calculating the amount of tax due under this chapter, a taxpayer	558
shall claim any credits to which it is entitled in the following	559
order:	560
(1) The nonrefundable jobs retention credit under division	561
(B) of section 5751.50 of the Revised Code;	562
(2) The nonrefundable credit for qualified research expenses	563
under division (B) of section 5751.51 of the Revised Code;	564
(3) The nonrefundable credit for a borrower's qualified	565
research and development loan payments under division (B) of	566
section 5751.52 of the Revised Code;	567
(4) The nonrefundable credit for calendar years 2010 to 2029	568
for unused net operating losses under division (B) of section	569
5751.53 of the Revised Code;	570
(5) <u>The nonrefundable credit for rehabilitating a vacant</u>	571
<u>industrial site under section 5751.55 of the Revised Code;</u>	572
<u>(6)</u> The refundable motion picture production credit under	573
section 5751.54 of the Revised Code;	574
(6) <u>(7)</u> The refundable jobs creation credit or job retention	575
credit under division (A) of section 5751.50 of the Revised Code;	576
(7) <u>(8)</u> The refundable credit for calendar year 2030 for	577
unused net operating losses under division (C) of section 5751.53	578
of the Revised Code.	579
(B) For any credit except the refundable credits enumerated	580
in this section, the amount of the credit for a tax period shall	581
not exceed the tax due after allowing for any other credit that	582
precedes it in the order required under this section. Any excess	583
amount of a particular credit may be carried forward if authorized	584
under the section creating the credit.	585

Section 2. That existing sections 5725.98, 5726.98, 5729.98, 586
5747.98, 5749.11, and 5751.98 of the Revised Code are hereby 587
repealed. 588

Section 3. Section 5747.98 of the Revised Code is presented 589
in this act as a composite of the section as amended by both Am. 590
Sub. H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly. 591
The General Assembly, applying the principle stated in division 592
(B) of section 1.52 of the Revised Code that amendments are to be 593
harmonized if reasonably capable of simultaneous operation, finds 594
that the composite is the resulting version of the section in 595
effect prior to the effective date of the section as presented in 596
this act. 597