



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 160

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(S. Judiciary Civil Justice)

The committee amended the As Passed by the House version of the bill to do the following:

(1) Specify that a limited liability company may be formed for any profit or nonprofit purpose.

(2) Set forth specified circumstances when, for the purposes of Ohio Taxation Law and in order to determine a limited liability company's nonprofit status, an entity is considered to be operating with a nonprofit purpose.

(3) Provide that a single member limited liability company that operates with a nonprofit purpose must be treated as part of the same legal entity as its nonprofit member and that all assets and liabilities of that single member limited liability company must be considered to be that of the nonprofit member.

(4) Provide that the provisions described in 2 and 3 above apply to limited liability companies that existed prior to the bill's effective date and that assert to be nonprofit limited liability companies.

(5) Prohibit property from being struck from the exempt property list solely because the property has been conveyed to a single member limited liability company with a nonprofit purpose from its nonprofit member or because the property has been conveyed by a single member limited liability company with a nonprofit purpose to its nonprofit member.

(6) Remove the requirement that an application for exemption of property from taxation include in the certificate executed by the county treasurer that is attached to the application all assessments levied or charged against the property that is the subject of the application.

* This synopsis does not address amendments that may have been adopted on the Senate floor.

(7) Provide that if the treasurer's certificate indicating full payment of all taxes or a valid delinquent tax contract with the county treasurer is not included with the application for exemption from all taxes or if that certificate reflects unpaid taxes, penalties, and interest that may not be remitted the Tax Commissioner must notify the property owner of that fact, that the applicant must be given 60 days from the date that notification was mailed in which to provide the Tax Commissioner with a corrected treasurer's certificate, and that if a corrected treasurer's certificate is not received within the time permitted the Tax Commissioner does not have the authority to consider the tax exemption application.

(8) Provide that a vendee in possession under a purchase agreement or a land contract, the beneficiary of a trust, or a lessee for an initial term of not less than 30 years of any property may file an application with the Tax Commissioner requesting that such property be exempted from taxation and that taxes, interest, and penalties be remitted and that when an owner of property files such an application under existing law the owner may request that all interest on taxes also be remitted.

(9) Provide that when the board of education of any school district requests the Tax Commissioner to provide it with notification of applications for exemption from taxation for property located within that district the Tax Commissioner must send to the board, on a monthly basis, reports that contain sufficient information to enable the board to, among other things, identify each property that is the subject of an exemption application and require the Tax Commissioner to mail the reports by the 15th day of the month following the end of the month in which the application is received.

(10) Provide that the provisions of the bill discussed in 5 through 9 above are remedial in nature and apply to the tax years at issue in any application for exemption from taxation pending before the Tax Commissioner, the Board of Tax Appeals, the Court of Appeals, or the Supreme Court on the effective date of the bill and to that property that is the subject of any application.