

As Introduced

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Representatives Weinstein, McNally

Cosponsors: Representatives Baker, Brewer, Brennan, Brown, Dell'Aquila, Galonski, Grim, Isaacsohn, Lightbody, Liston, Miller, A., Miller, J., Miranda, Mohamed, Russo, Skindell, Somani, Thomas, C., Upchurch

A BILL

To amend sections 5747.01, 5747.08, and 5747.98 and 1
to enact section 5747.36 of the Revised Code to 2
authorize the refundable thriving families tax 3
credit for certain income taxpayers with 4
dependents who are minor children. 5

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

Section 1. That sections 5747.01, 5747.08, and 5747.98 be 6
amended and section 5747.36 of the Revised Code be enacted to 7
read as follows: 8

Sec. 5747.01. Except as otherwise expressly provided or 9
clearly appearing from the context, any term used in this 10
chapter that is not otherwise defined in this section has the 11
same meaning as when used in a comparable context in the laws of 12
the United States relating to federal income taxes or if not 13
used in a comparable context in those laws, has the same meaning 14
as in section 5733.40 of the Revised Code. Any reference in this 15
chapter to the Internal Revenue Code includes other laws of the 16
United States relating to federal income taxes. 17

As used in this chapter:	18
(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:	19 20 21 22
(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.	23 24 25 26
(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.	27 28 29 30 31
(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.	32 33 34 35 36 37
(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.	38 39
(5) Deduct the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income:	40 41 42
(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement;	43 44
(b) Railroad retirement benefits, other than tier 1	45

railroad retirement benefits, to the extent such amounts are 46
exempt from state taxation under federal law. 47

(6) Deduct the amount of wages and salaries, if any, not 48
otherwise allowable as a deduction but that would have been 49
allowable as a deduction in computing federal adjusted gross 50
income for the taxable year, had the work opportunity tax credit 51
allowed and determined under sections 38, 51, and 52 of the 52
Internal Revenue Code not been in effect. 53

(7) Deduct any interest or interest equivalent on public 54
obligations and purchase obligations to the extent that the 55
interest or interest equivalent is included in federal adjusted 56
gross income. 57

(8) Add any loss or deduct any gain resulting from the 58
sale, exchange, or other disposition of public obligations to 59
the extent that the loss has been deducted or the gain has been 60
included in computing federal adjusted gross income. 61

(9) Deduct or add amounts, as provided under section 62
5747.70 of the Revised Code, related to contributions made to or 63
tuition units purchased under a qualified tuition program 64
established pursuant to section 529 of the Internal Revenue 65
Code. 66

(10) (a) Deduct, to the extent not otherwise allowable as a 67
deduction or exclusion in computing federal or Ohio adjusted 68
gross income for the taxable year, the amount the taxpayer paid 69
during the taxable year for medical care insurance and qualified 70
long-term care insurance for the taxpayer, the taxpayer's 71
spouse, and dependents. No deduction for medical care insurance 72
under division (A) (10) (a) of this section shall be allowed 73
either to any taxpayer who is eligible to participate in any 74

subsidized health plan maintained by any employer of the 75
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 76
entitled to, or on application would be entitled to, benefits 77
under part A of Title XVIII of the "Social Security Act," 49 78
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 79
division (A)(10)(a) of this section, "subsidized health plan" 80
means a health plan for which the employer pays any portion of 81
the plan's cost. The deduction allowed under division (A)(10)(a) 82
of this section shall be the net of any related premium refunds, 83
related premium reimbursements, or related insurance premium 84
dividends received during the taxable year. 85

(b) Deduct, to the extent not otherwise deducted or 86
excluded in computing federal or Ohio adjusted gross income 87
during the taxable year, the amount the taxpayer paid during the 88
taxable year, not compensated for by any insurance or otherwise, 89
for medical care of the taxpayer, the taxpayer's spouse, and 90
dependents, to the extent the expenses exceed seven and one-half 91
per cent of the taxpayer's federal adjusted gross income. 92

(c) For purposes of division (A)(10) of this section, 93
"medical care" has the meaning given in section 213 of the 94
Internal Revenue Code, subject to the special rules, 95
limitations, and exclusions set forth therein, and "qualified 96
long-term care" has the same meaning given in section 7702B(c) 97
of the Internal Revenue Code. Solely for purposes of division 98
(A)(10)(a) of this section, "dependent" includes a person who 99
otherwise would be a "qualifying relative" and thus a 100
"dependent" under section 152 of the Internal Revenue Code but 101
for the fact that the person fails to meet the income and 102
support limitations under section 152(d)(1)(B) and (C) of the 103
Internal Revenue Code. 104

(11) (a) Deduct any amount included in federal adjusted 105
gross income solely because the amount represents a 106
reimbursement or refund of expenses that in any year the 107
taxpayer had deducted as an itemized deduction pursuant to 108
section 63 of the Internal Revenue Code and applicable United 109
States department of the treasury regulations. The deduction 110
otherwise allowed under division (A) (11) (a) of this section 111
shall be reduced to the extent the reimbursement is attributable 112
to an amount the taxpayer deducted under this section in any 113
taxable year. 114

(b) Add any amount not otherwise included in Ohio adjusted 115
gross income for any taxable year to the extent that the amount 116
is attributable to the recovery during the taxable year of any 117
amount deducted or excluded in computing federal or Ohio 118
adjusted gross income in any taxable year. 119

(12) Deduct any portion of the deduction described in 120
section 1341(a) (2) of the Internal Revenue Code, for repaying 121
previously reported income received under a claim of right, that 122
meets both of the following requirements: 123

(a) It is allowable for repayment of an item that was 124
included in the taxpayer's adjusted gross income for a prior 125
taxable year and did not qualify for a credit under division (A) 126
or (B) of section 5747.05 of the Revised Code for that year; 127

(b) It does not otherwise reduce the taxpayer's adjusted 128
gross income for the current or any other taxable year. 129

(13) Deduct an amount equal to the deposits made to, and 130
net investment earnings of, a medical savings account during the 131
taxable year, in accordance with section 3924.66 of the Revised 132
Code. The deduction allowed by division (A) (13) of this section 133

does not apply to medical savings account deposits and earnings 134
otherwise deducted or excluded for the current or any other 135
taxable year from the taxpayer's federal adjusted gross income. 136

(14) (a) Add an amount equal to the funds withdrawn from a 137
medical savings account during the taxable year, and the net 138
investment earnings on those funds, when the funds withdrawn 139
were used for any purpose other than to reimburse an account 140
holder for, or to pay, eligible medical expenses, in accordance 141
with section 3924.66 of the Revised Code; 142

(b) Add the amounts distributed from a medical savings 143
account under division (A) (2) of section 3924.68 of the Revised 144
Code during the taxable year. 145

(15) Add any amount claimed as a credit under section 146
5747.059 of the Revised Code to the extent that such amount 147
satisfies either of the following: 148

(a) The amount was deducted or excluded from the 149
computation of the taxpayer's federal adjusted gross income as 150
required to be reported for the taxpayer's taxable year under 151
the Internal Revenue Code; 152

(b) The amount resulted in a reduction of the taxpayer's 153
federal adjusted gross income as required to be reported for any 154
of the taxpayer's taxable years under the Internal Revenue Code. 155

(16) Deduct the amount contributed by the taxpayer to an 156
individual development account program established by a county 157
department of job and family services pursuant to sections 158
329.11 to 329.14 of the Revised Code for the purpose of matching 159
funds deposited by program participants. On request of the tax 160
commissioner, the taxpayer shall provide any information that, 161
in the tax commissioner's opinion, is necessary to establish the 162

amount deducted under division (A) (16) of this section. 163

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 164
(v) of this section, add five-sixths of the amount of 165
depreciation expense allowed by subsection (k) of section 168 of 166
the Internal Revenue Code, including the taxpayer's 167
proportionate or distributive share of the amount of 168
depreciation expense allowed by that subsection to a pass- 169
through entity in which the taxpayer has a direct or indirect 170
ownership interest. 171

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 172
of this section, add five-sixths of the amount of qualifying 173
section 179 depreciation expense, including the taxpayer's 174
proportionate or distributive share of the amount of qualifying 175
section 179 depreciation expense allowed to any pass-through 176
entity in which the taxpayer has a direct or indirect ownership 177
interest. 178

(iii) Subject to division (A) (17) (a) (v) of this section, 179
for taxable years beginning in 2012 or thereafter, if the 180
increase in income taxes withheld by the taxpayer is equal to or 181
greater than ten per cent of income taxes withheld by the 182
taxpayer during the taxpayer's immediately preceding taxable 183
year, "two-thirds" shall be substituted for "five-sixths" for 184
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 185

(iv) Subject to division (A) (17) (a) (v) of this section, 186
for taxable years beginning in 2012 or thereafter, a taxpayer is 187
not required to add an amount under division (A) (17) of this 188
section if the increase in income taxes withheld by the taxpayer 189
and by any pass-through entity in which the taxpayer has a 190
direct or indirect ownership interest is equal to or greater 191
than the sum of (I) the amount of qualifying section 179 192

depreciation expense and (II) the amount of depreciation expense 193
allowed to the taxpayer by subsection (k) of section 168 of the 194
Internal Revenue Code, and including the taxpayer's 195
proportionate or distributive shares of such amounts allowed to 196
any such pass-through entities. 197

(v) If a taxpayer directly or indirectly incurs a net 198
operating loss for the taxable year for federal income tax 199
purposes, to the extent such loss resulted from depreciation 200
expense allowed by subsection (k) of section 168 of the Internal 201
Revenue Code and by qualifying section 179 depreciation expense, 202
"the entire" shall be substituted for "five-sixths of the" for 203
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 204

The tax commissioner, under procedures established by the 205
commissioner, may waive the add-backs related to a pass-through 206
entity if the taxpayer owns, directly or indirectly, less than 207
five per cent of the pass-through entity. 208

(b) Nothing in division (A) (17) of this section shall be 209
construed to adjust or modify the adjusted basis of any asset. 210

(c) To the extent the add-back required under division (A) 211
(17) (a) of this section is attributable to property generating 212
nonbusiness income or loss allocated under section 5747.20 of 213
the Revised Code, the add-back shall be situated to the same 214
location as the nonbusiness income or loss generated by the 215
property for the purpose of determining the credit under 216
division (A) of section 5747.05 of the Revised Code. Otherwise, 217
the add-back shall be apportioned, subject to one or more of the 218
four alternative methods of apportionment enumerated in section 219
5747.21 of the Revised Code. 220

(d) For the purposes of division (A) (17) (a) (v) of this 221

section, net operating loss carryback and carryforward shall not 222
include the allowance of any net operating loss deduction 223
carryback or carryforward to the taxable year to the extent such 224
loss resulted from depreciation allowed by section 168(k) of the 225
Internal Revenue Code and by the qualifying section 179 226
depreciation expense amount. 227

(e) For the purposes of divisions (A) (17) and (18) of this 228
section: 229

(i) "Income taxes withheld" means the total amount 230
withheld and remitted under sections 5747.06 and 5747.07 of the 231
Revised Code by an employer during the employer's taxable year. 232

(ii) "Increase in income taxes withheld" means the amount 233
by which the amount of income taxes withheld by an employer 234
during the employer's current taxable year exceeds the amount of 235
income taxes withheld by that employer during the employer's 236
immediately preceding taxable year. 237

(iii) "Qualifying section 179 depreciation expense" means 238
the difference between (I) the amount of depreciation expense 239
directly or indirectly allowed to a taxpayer under section 179 240
of the Internal Revised Code, and (II) the amount of 241
depreciation expense directly or indirectly allowed to the 242
taxpayer under section 179 of the Internal Revenue Code as that 243
section existed on December 31, 2002. 244

(18) (a) If the taxpayer was required to add an amount 245
under division (A) (17) (a) of this section for a taxable year, 246
deduct one of the following: 247

(i) One-fifth of the amount so added for each of the five 248
succeeding taxable years if the amount so added was five-sixths 249
of qualifying section 179 depreciation expense or depreciation 250

expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 251
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(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 253
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 256
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(b) If the amount deducted under division (A) (18) (a) of this section is attributable to an add-back allocated under division (A) (17) (c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 259
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(c) No deduction is available under division (A) (18) (a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A) (18) (a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A) (17) (a) of this section has been deducted. 267
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(19) Deduct, to the extent not otherwise deducted or 280
excluded in computing federal or Ohio adjusted gross income for 281
the taxable year, the amount the taxpayer received during the 282
taxable year as reimbursement for life insurance premiums under 283
section 5919.31 of the Revised Code. 284

(20) Deduct, to the extent not otherwise deducted or 285
excluded in computing federal or Ohio adjusted gross income for 286
the taxable year, the amount the taxpayer received during the 287
taxable year as a death benefit paid by the adjutant general 288
under section 5919.33 of the Revised Code. 289

(21) Deduct, to the extent included in federal adjusted 290
gross income and not otherwise allowable as a deduction or 291
exclusion in computing federal or Ohio adjusted gross income for 292
the taxable year, military pay and allowances received by the 293
taxpayer during the taxable year for active duty service in the 294
United States army, air force, navy, marine corps, or coast 295
guard or reserve components thereof or the national guard. The 296
deduction may not be claimed for military pay and allowances 297
received by the taxpayer while the taxpayer is stationed in this 298
state. 299

(22) Deduct, to the extent not otherwise allowable as a 300
deduction or exclusion in computing federal or Ohio adjusted 301
gross income for the taxable year and not otherwise compensated 302
for by any other source, the amount of qualified organ donation 303
expenses incurred by the taxpayer during the taxable year, not 304
to exceed ten thousand dollars. A taxpayer may deduct qualified 305
organ donation expenses only once for all taxable years 306
beginning with taxable years beginning in 2007. 307

For the purposes of division (A) (22) of this section: 308

(a) "Human organ" means all or any portion of a human 309
liver, pancreas, kidney, intestine, or lung, and any portion of 310
human bone marrow. 311

(b) "Qualified organ donation expenses" means travel 312
expenses, lodging expenses, and wages and salary forgone by a 313
taxpayer in connection with the taxpayer's donation, while 314
living, of one or more of the taxpayer's human organs to another 315
human being. 316

(23) Deduct, to the extent not otherwise deducted or 317
excluded in computing federal or Ohio adjusted gross income for 318
the taxable year, amounts received by the taxpayer as retired 319
personnel pay for service in the uniformed services or reserve 320
components thereof, or the national guard, or received by the 321
surviving spouse or former spouse of such a taxpayer under the 322
survivor benefit plan on account of such a taxpayer's death. If 323
the taxpayer receives income on account of retirement paid under 324
the federal civil service retirement system or federal employees 325
retirement system, or under any successor retirement program 326
enacted by the congress of the United States that is established 327
and maintained for retired employees of the United States 328
government, and such retirement income is based, in whole or in 329
part, on credit for the taxpayer's uniformed service, the 330
deduction allowed under this division shall include only that 331
portion of such retirement income that is attributable to the 332
taxpayer's uniformed service, to the extent that portion of such 333
retirement income is otherwise included in federal adjusted 334
gross income and is not otherwise deducted under this section. 335
Any amount deducted under division (A) (23) of this section is 336
not included in a taxpayer's adjusted gross income for the 337
purposes of section 5747.055 of the Revised Code. No amount may 338
be deducted under division (A) (23) of this section on the basis 339

of which a credit was claimed under section 5747.055 of the Revised Code. 340
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(24) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code. 342
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(25) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution. 347
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(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code. 353
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(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution. 358
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(28) Deduct from the portion of an individual's federal	370
adjusted gross income that is business income, to the extent not	371
otherwise deducted or excluded in computing federal adjusted	372
gross income for the taxable year, one hundred twenty-five	373
thousand dollars for each spouse if spouses file separate	374
returns under section 5747.08 of the Revised Code or two hundred	375
fifty thousand dollars for all other individuals.	376
(29) Deduct, as provided under section 5747.78 of the	377
Revised Code, contributions to ABLE savings accounts made in	378
accordance with sections 113.50 to 113.56 of the Revised Code.	379
(30) (a) Deduct, to the extent not otherwise deducted or	380
excluded in computing federal or Ohio adjusted gross income	381
during the taxable year, all of the following:	382
(i) Compensation paid to a qualifying employee described	383
in division (A) (14) (a) of section 5703.94 of the Revised Code to	384
the extent such compensation is for disaster work conducted in	385
this state during a disaster response period pursuant to a	386
qualifying solicitation received by the employee's employer;	387
(ii) Compensation paid to a qualifying employee described	388
in division (A) (14) (b) of section 5703.94 of the Revised Code to	389
the extent such compensation is for disaster work conducted in	390
this state by the employee during the disaster response period	391
on critical infrastructure owned or used by the employee's	392
employer;	393
(iii) Income received by an out-of-state disaster business	394
for disaster work conducted in this state during a disaster	395
response period, or, if the out-of-state disaster business is a	396
pass-through entity, a taxpayer's distributive share of the	397
pass-through entity's income from the business conducting	398

disaster work in this state during a disaster response period, 399
if, in either case, the disaster work is conducted pursuant to a 400
qualifying solicitation received by the business. 401

(b) All terms used in division (A) (30) of this section 402
have the same meanings as in section 5703.94 of the Revised 403
Code. 404

(31) For a taxpayer who is a qualifying Ohio educator, 405
deduct, to the extent not otherwise deducted or excluded in 406
computing federal or Ohio adjusted gross income for the taxable 407
year, the lesser of two hundred fifty dollars or the amount of 408
expenses described in subsections (a) (2) (D) (i) and (ii) of 409
section 62 of the Internal Revenue Code paid or incurred by the 410
taxpayer during the taxpayer's taxable year in excess of the 411
amount the taxpayer is authorized to deduct for that taxable 412
year under subsection (a) (2) (D) of that section. 413

(32) Deduct, to the extent not otherwise deducted or 414
excluded in computing federal or Ohio adjusted gross income for 415
the taxable year, amounts received by the taxpayer as a 416
disability severance payment, computed under 10 U.S.C. 1212, 417
following discharge or release under honorable conditions from 418
the armed forces, as defined by 10 U.S.C. 101. 419

(33) Deduct, to the extent not otherwise deducted or 420
excluded in computing federal adjusted gross income or Ohio 421
adjusted gross income, amounts not subject to tax due to an 422
agreement entered into under division (A) (2) of section 5747.05 423
of the Revised Code. 424

(34) Deduct amounts as provided under section 5747.79 of 425
the Revised Code related to the taxpayer's qualifying capital 426
gains and deductible payroll. 427

To the extent a qualifying capital gain described under 428
division (A) (34) of this section is business income, the 429
taxpayer shall deduct those gains under this division before 430
deducting any such gains under division (A) (28) of this section. 431

(35) (a) For taxable years beginning in or after 2026, 432
deduct, to the extent not otherwise deducted or excluded in 433
computing federal or Ohio adjusted gross income for the taxable 434
year: 435

(i) One hundred per cent of the capital gain received by 436
the taxpayer in the taxable year from a qualifying interest in 437
an Ohio venture capital operating company attributable to the 438
company's investments in Ohio businesses during the period for 439
which the company was an Ohio venture operating company; and 440

(ii) Fifty per cent of the capital gain received by the 441
taxpayer in the taxable year from a qualifying interest in an 442
Ohio venture capital operating company attributable to the 443
company's investments in all other businesses during the period 444
for which the company was an Ohio venture operating company. 445

(b) Add amounts previously deducted by the taxpayer under 446
division (A) (35) (a) of this section if the director of 447
development certifies to the tax commissioner that the 448
requirements for the deduction were not met. 449

(c) All terms used in division (A) (35) of this section 450
have the same meanings as in section 122.851 of the Revised 451
Code. 452

(d) To the extent a capital gain described in division (A) 453
(35) (a) of this section is business income, the taxpayer shall 454
apply that division before applying division (A) (28) of this 455
section. 456

(36) Add, to the extent not otherwise included in 457
computing federal or Ohio adjusted gross income for any taxable 458
year, the taxpayer's proportionate share of the amount of the 459
tax levied under section 5747.38 of the Revised Code and paid by 460
an electing pass-through entity for the taxable year. 461

(37) Deduct, to the extent not otherwise deducted or 462
excluded in computing federal or Ohio adjusted gross income for 463
the taxable year, amounts delivered to a qualifying institution 464
pursuant to section 3333.128 of the Revised Code for the benefit 465
of the taxpayer or the taxpayer's spouse or dependent. 466

(38) Deduct, to the extent not otherwise deducted or 467
excluded in computing federal or Ohio adjusted gross income for 468
the taxable year, amounts received under the Ohio adoption grant 469
program pursuant to section 5101.191 of the Revised Code. 470

(39) Deduct, to the extent included in federal adjusted 471
gross income, income attributable to loan repayments on behalf 472
of the taxpayer under the rural practice incentive program under 473
section 3333.135 of the Revised Code. 474

(40) Deduct, to the extent not otherwise deducted or 475
excluded in computing federal adjusted gross income or Ohio 476
adjusted gross income, refund amounts received from the thriving 477
families tax credit authorized under section 5747.36 of the 478
Revised Code. 479

(B) "Business income" means income, including gain or 480
loss, arising from transactions, activities, and sources in the 481
regular course of a trade or business and includes income, gain, 482
or loss from real property, tangible property, and intangible 483
property if the acquisition, rental, management, and disposition 484
of the property constitute integral parts of the regular course 485

of a trade or business operation. "Business income" includes 486
income, including gain or loss, from a partial or complete 487
liquidation of a business, including, but not limited to, gain 488
or loss from the sale or other disposition of goodwill or the 489
sale of an equity or ownership interest in a business. 490

As used in this division, the "sale of an equity or 491
ownership interest in a business" means sales to which either or 492
both of the following apply: 493

(1) The sale is treated for federal income tax purposes as 494
the sale of assets. 495

(2) The seller materially participated, as described in 26 496
C.F.R. 1.469-5T, in the activities of the business during the 497
taxable year in which the sale occurs or during any of the five 498
preceding taxable years. 499

(C) "Nonbusiness income" means all income other than 500
business income and may include, but is not limited to, 501
compensation, rents and royalties from real or tangible personal 502
property, capital gains, interest, dividends and distributions, 503
patent or copyright royalties, or lottery winnings, prizes, and 504
awards. 505

(D) "Compensation" means any form of remuneration paid to 506
an employee for personal services. 507

(E) "Fiduciary" means a guardian, trustee, executor, 508
administrator, receiver, conservator, or any other person acting 509
in any fiduciary capacity for any individual, trust, or estate. 510

(F) "Fiscal year" means an accounting period of twelve 511
months ending on the last day of any month other than December. 512

(G) "Individual" means any natural person. 513

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	514 515
(I) "Resident" means any of the following:	516
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	517 518
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I) (2) of this section.	519 520 521 522
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	523 524 525
For the purposes of division (I) (3) of this section:	526
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I) (3) (d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	527 528 529 530 531 532
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I) (3) (e) (i) or (ii) of this section;	533 534 535 536
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some	537 538 539 540 541

portion of the trust's current taxable year; 542

(iii) A person who was domiciled in this state for the 543
purposes of this chapter when the trust document or instrument 544
or part of the trust document or instrument became irrevocable, 545
but only if at least one of the trust's qualifying beneficiaries 546
is a resident domiciled in this state for the purposes of this 547
chapter during all or some portion of the trust's current 548
taxable year. If a trust document or instrument became 549
irrevocable upon the death of a person who at the time of death 550
was domiciled in this state for purposes of this chapter, that 551
person is a person described in division (I) (3) (a) (iii) of this 552
section. 553

(b) A trust is irrevocable to the extent that the 554
transferor is not considered to be the owner of the net assets 555
of the trust under sections 671 to 678 of the Internal Revenue 556
Code. 557

(c) With respect to a trust other than a charitable lead 558
trust, "qualifying beneficiary" has the same meaning as 559
"potential current beneficiary" as defined in section 1361(e) (2) 560
of the Internal Revenue Code, and with respect to a charitable 561
lead trust "qualifying beneficiary" is any current, future, or 562
contingent beneficiary, but with respect to any trust 563
"qualifying beneficiary" excludes a person or a governmental 564
entity or instrumentality to any of which a contribution would 565
qualify for the charitable deduction under section 170 of the 566
Internal Revenue Code. 567

(d) For the purposes of division (I) (3) (a) of this 568
section, the extent to which a trust consists directly or 569
indirectly, in whole or in part, of assets, net of any related 570
liabilities, that were transferred directly or indirectly, in 571

whole or part, to the trust by any of the sources enumerated in 572
that division shall be ascertained by multiplying the fair 573
market value of the trust's assets, net of related liabilities, 574
by the qualifying ratio, which shall be computed as follows: 575

(i) The first time the trust receives assets, the 576
numerator of the qualifying ratio is the fair market value of 577
those assets at that time, net of any related liabilities, from 578
sources enumerated in division (I) (3) (a) of this section. The 579
denominator of the qualifying ratio is the fair market value of 580
all the trust's assets at that time, net of any related 581
liabilities. 582

(ii) Each subsequent time the trust receives assets, a 583
revised qualifying ratio shall be computed. The numerator of the 584
revised qualifying ratio is the sum of (1) the fair market value 585
of the trust's assets immediately prior to the subsequent 586
transfer, net of any related liabilities, multiplied by the 587
qualifying ratio last computed without regard to the subsequent 588
transfer, and (2) the fair market value of the subsequently 589
transferred assets at the time transferred, net of any related 590
liabilities, from sources enumerated in division (I) (3) (a) of 591
this section. The denominator of the revised qualifying ratio is 592
the fair market value of all the trust's assets immediately 593
after the subsequent transfer, net of any related liabilities. 594

(iii) Whether a transfer to the trust is by or from any of 595
the sources enumerated in division (I) (3) (a) of this section 596
shall be ascertained without regard to the domicile of the 597
trust's beneficiaries. 598

(e) For the purposes of division (I) (3) (a) (i) of this 599
section: 600

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

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

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

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

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

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

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

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

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

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

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

(K) "Pass-through entity" has the same meaning as in

section 5733.04 of the Revised Code. 659

(L) "Return" means the notifications and reports required 660
to be filed pursuant to this chapter for the purpose of 661
reporting the tax due and includes declarations of estimated tax 662
when so required. 663

(M) "Taxable year" means the calendar year or the 664
taxpayer's fiscal year ending during the calendar year, or 665
fractional part thereof, upon which the adjusted gross income is 666
calculated pursuant to this chapter. 667

(N) "Taxpayer" means any person subject to the tax imposed 668
by section 5747.02 of the Revised Code or any pass-through 669
entity that makes the election under division (D) of section 670
5747.08 of the Revised Code. 671

(O) "Dependents" means one of the following: 672

(1) For taxable years beginning on or after January 1, 673
2018, and before January 1, 2026, dependents as defined in the 674
Internal Revenue Code; 675

(2) For all other taxable years, dependents as defined in 676
the Internal Revenue Code and as claimed in the taxpayer's 677
federal income tax return for the taxable year or which the 678
taxpayer would have been permitted to claim had the taxpayer 679
filed a federal income tax return. 680

(P) "Principal county of employment" means, in the case of 681
a nonresident, the county within the state in which a taxpayer 682
performs services for an employer or, if those services are 683
performed in more than one county, the county in which the major 684
portion of the services are performed. 685

(Q) As used in sections 5747.50 to 5747.55 of the Revised 686

Code:	687
(1) "Subdivision" means any county, municipal corporation, park district, or township.	688 689
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.	690 691 692 693
(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.	694 695 696
(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:	697 698 699 700
(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S) (1) (a) or (b) of this section:	701 702 703 704 705 706 707 708
(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;	709 710 711
(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year.	712 713
(2) Add interest or dividends, net of ordinary, necessary,	714

and reasonable expenses not deducted in computing federal 715
taxable income, on obligations of any authority, commission, 716
instrumentality, territory, or possession of the United States 717
to the extent that the interest or dividends are exempt from 718
federal income taxes but not from state income taxes, but only 719
to the extent that such net amount is not otherwise includible 720
in Ohio taxable income and is described in either division (S) 721
(1) (a) or (b) of this section; 722

(3) Add the amount of personal exemption allowed to the 723
estate pursuant to section 642(b) of the Internal Revenue Code; 724

(4) Deduct interest or dividends, net of related expenses 725
deducted in computing federal taxable income, on obligations of 726
the United States and its territories and possessions or of any 727
authority, commission, or instrumentality of the United States 728
to the extent that the interest or dividends are exempt from 729
state taxes under the laws of the United States, but only to the 730
extent that such amount is included in federal taxable income 731
and is described in either division (S) (1) (a) or (b) of this 732
section; 733

(5) Deduct the amount of wages and salaries, if any, not 734
otherwise allowable as a deduction but that would have been 735
allowable as a deduction in computing federal taxable income for 736
the taxable year, had the work opportunity tax credit allowed 737
under sections 38, 51, and 52 of the Internal Revenue Code not 738
been in effect, but only to the extent such amount relates 739
either to income included in federal taxable income for the 740
taxable year or to income of the S portion of an electing small 741
business trust for the taxable year; 742

(6) Deduct any interest or interest equivalent, net of 743
related expenses deducted in computing federal taxable income, 744

on public obligations and purchase obligations, but only to the 745
extent that such net amount relates either to income included in 746
federal taxable income for the taxable year or to income of the 747
S portion of an electing small business trust for the taxable 748
year; 749

(7) Add any loss or deduct any gain resulting from sale, 750
exchange, or other disposition of public obligations to the 751
extent that such loss has been deducted or such gain has been 752
included in computing either federal taxable income or income of 753
the S portion of an electing small business trust for the 754
taxable year; 755

(8) Except in the case of the final return of an estate, 756
add any amount deducted by the taxpayer on both its Ohio estate 757
tax return pursuant to section 5731.14 of the Revised Code, and 758
on its federal income tax return in determining federal taxable 759
income; 760

(9) (a) Deduct any amount included in federal taxable 761
income solely because the amount represents a reimbursement or 762
refund of expenses that in a previous year the decedent had 763
deducted as an itemized deduction pursuant to section 63 of the 764
Internal Revenue Code and applicable treasury regulations. The 765
deduction otherwise allowed under division (S) (9) (a) of this 766
section shall be reduced to the extent the reimbursement is 767
attributable to an amount the taxpayer or decedent deducted 768
under this section in any taxable year. 769

(b) Add any amount not otherwise included in Ohio taxable 770
income for any taxable year to the extent that the amount is 771
attributable to the recovery during the taxable year of any 772
amount deducted or excluded in computing federal or Ohio taxable 773
income in any taxable year, but only to the extent such amount 774

has not been distributed to beneficiaries for the taxable year. 775

(10) Deduct any portion of the deduction described in 776
section 1341(a)(2) of the Internal Revenue Code, for repaying 777
previously reported income received under a claim of right, that 778
meets both of the following requirements: 779

(a) It is allowable for repayment of an item that was 780
included in the taxpayer's taxable income or the decedent's 781
adjusted gross income for a prior taxable year and did not 782
qualify for a credit under division (A) or (B) of section 783
5747.05 of the Revised Code for that year. 784

(b) It does not otherwise reduce the taxpayer's taxable 785
income or the decedent's adjusted gross income for the current 786
or any other taxable year. 787

(11) Add any amount claimed as a credit under section 788
5747.059 of the Revised Code to the extent that the amount 789
satisfies either of the following: 790

(a) The amount was deducted or excluded from the 791
computation of the taxpayer's federal taxable income as required 792
to be reported for the taxpayer's taxable year under the 793
Internal Revenue Code; 794

(b) The amount resulted in a reduction in the taxpayer's 795
federal taxable income as required to be reported for any of the 796
taxpayer's taxable years under the Internal Revenue Code. 797

(12) Deduct any amount, net of related expenses deducted 798
in computing federal taxable income, that a trust is required to 799
report as farm income on its federal income tax return, but only 800
if the assets of the trust include at least ten acres of land 801
satisfying the definition of "land devoted exclusively to 802
agricultural use" under section 5713.30 of the Revised Code, 803

regardless of whether the land is valued for tax purposes as 804
such land under sections 5713.30 to 5713.38 of the Revised Code. 805
If the trust is a pass-through entity investor, section 5747.231 806
of the Revised Code applies in ascertaining if the trust is 807
eligible to claim the deduction provided by division (S) (12) of 808
this section in connection with the pass-through entity's farm 809
income. 810

Except for farm income attributable to the S portion of an 811
electing small business trust, the deduction provided by 812
division (S) (12) of this section is allowed only to the extent 813
that the trust has not distributed such farm income. 814

(13) Add the net amount of income described in section 815
641(c) of the Internal Revenue Code to the extent that amount is 816
not included in federal taxable income. 817

(14) Add or deduct the amount the taxpayer would be 818
required to add or deduct under division (A) (17) or (18) of this 819
section if the taxpayer's Ohio taxable income were computed in 820
the same manner as an individual's Ohio adjusted gross income is 821
computed under this section. 822

(15) Add, to the extent not otherwise included in 823
computing taxable income or Ohio taxable income for any taxable 824
year, the taxpayer's proportionate share of the amount of the 825
tax levied under section 5747.38 of the Revised Code and paid by 826
an electing pass-through entity for the taxable year. 827

(T) "School district income" and "school district income 828
tax" have the same meanings as in section 5748.01 of the Revised 829
Code. 830

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 831
(7) of this section, "public obligations," "purchase 832

obligations," and "interest or interest equivalent" have the 833
same meanings as in section 5709.76 of the Revised Code. 834

(V) "Limited liability company" means any limited 835
liability company formed under former Chapter 1705. ~~or of the~~ 836
Revised Code as that chapter existed prior to February 11, 2022, 837
Chapter 1706. of the Revised Code, ~~or under~~ the laws of any 838
other state. 839

(W) "Pass-through entity investor" means any person who, 840
during any portion of a taxable year of a pass-through entity, 841
is a partner, member, shareholder, or equity investor in that 842
pass-through entity. 843

(X) "Banking day" has the same meaning as in section 844
1304.01 of the Revised Code. 845

(Y) "Month" means a calendar month. 846

(Z) "Quarter" means the first three months, the second 847
three months, the third three months, or the last three months 848
of the taxpayer's taxable year. 849

(AA) (1) "Modified business income" means the business 850
income included in a trust's Ohio taxable income after such 851
taxable income is first reduced by the qualifying trust amount, 852
if any. 853

(2) "Qualifying trust amount" of a trust means capital 854
gains and losses from the sale, exchange, or other disposition 855
of equity or ownership interests in, or debt obligations of, a 856
qualifying investee to the extent included in the trust's Ohio 857
taxable income, but only if the following requirements are 858
satisfied: 859

(a) The book value of the qualifying investee's physical 860

assets in this state and everywhere, as of the last day of the 861
qualifying investee's fiscal or calendar year ending immediately 862
prior to the date on which the trust recognizes the gain or 863
loss, is available to the trust. 864

(b) The requirements of section 5747.011 of the Revised 865
Code are satisfied for the trust's taxable year in which the 866
trust recognizes the gain or loss. 867

Any gain or loss that is not a qualifying trust amount is 868
modified business income, qualifying investment income, or 869
modified nonbusiness income, as the case may be. 870

(3) "Modified nonbusiness income" means a trust's Ohio 871
taxable income other than modified business income, other than 872
the qualifying trust amount, and other than qualifying 873
investment income, as defined in section 5747.012 of the Revised 874
Code, to the extent such qualifying investment income is not 875
otherwise part of modified business income. 876

(4) "Modified Ohio taxable income" applies only to trusts, 877
and means the sum of the amounts described in divisions (AA) (4) 878
(a) to (c) of this section: 879

(a) The fraction, calculated under section 5747.013, and 880
applying section 5747.231 of the Revised Code, multiplied by the 881
sum of the following amounts: 882

(i) The trust's modified business income; 883

(ii) The trust's qualifying investment income, as defined 884
in section 5747.012 of the Revised Code, but only to the extent 885
the qualifying investment income does not otherwise constitute 886
modified business income and does not otherwise constitute a 887
qualifying trust amount. 888

(b) The qualifying trust amount multiplied by a fraction, 889
the numerator of which is the sum of the book value of the 890
qualifying investee's physical assets in this state on the last 891
day of the qualifying investee's fiscal or calendar year ending 892
immediately prior to the day on which the trust recognizes the 893
qualifying trust amount, and the denominator of which is the sum 894
of the book value of the qualifying investee's total physical 895
assets everywhere on the last day of the qualifying investee's 896
fiscal or calendar year ending immediately prior to the day on 897
which the trust recognizes the qualifying trust amount. If, for 898
a taxable year, the trust recognizes a qualifying trust amount 899
with respect to more than one qualifying investee, the amount 900
described in division (AA) (4) (b) of this section shall equal the 901
sum of the products so computed for each such qualifying 902
investee. 903

(c) (i) With respect to a trust or portion of a trust that 904
is a resident as ascertained in accordance with division (I) (3) 905
(d) of this section, its modified nonbusiness income. 906

(ii) With respect to a trust or portion of a trust that is 907
not a resident as ascertained in accordance with division (I) (3) 908
(d) of this section, the amount of its modified nonbusiness 909
income satisfying the descriptions in divisions (B) (2) to (5) of 910
section 5747.20 of the Revised Code, except as otherwise 911
provided in division (AA) (4) (c) (ii) of this section. With 912
respect to a trust or portion of a trust that is not a resident 913
as ascertained in accordance with division (I) (3) (d) of this 914
section, the trust's portion of modified nonbusiness income 915
recognized from the sale, exchange, or other disposition of a 916
debt interest in or equity interest in a section 5747.212 917
entity, as defined in section 5747.212 of the Revised Code, 918
without regard to division (A) of that section, shall not be 919

allocated to this state in accordance with section 5747.20 of 920
the Revised Code but shall be apportioned to this state in 921
accordance with division (B) of section 5747.212 of the Revised 922
Code without regard to division (A) of that section. 923

If the allocation and apportionment of a trust's income 924
under divisions (AA) (4) (a) and (c) of this section do not fairly 925
represent the modified Ohio taxable income of the trust in this 926
state, the alternative methods described in division (C) of 927
section 5747.21 of the Revised Code may be applied in the manner 928
and to the same extent provided in that section. 929

(5) (a) Except as set forth in division (AA) (5) (b) of this 930
section, "qualifying investee" means a person in which a trust 931
has an equity or ownership interest, or a person or unit of 932
government the debt obligations of either of which are owned by 933
a trust. For the purposes of division (AA) (2) (a) of this section 934
and for the purpose of computing the fraction described in 935
division (AA) (4) (b) of this section, all of the following apply: 936

(i) If the qualifying investee is a member of a qualifying 937
controlled group on the last day of the qualifying investee's 938
fiscal or calendar year ending immediately prior to the date on 939
which the trust recognizes the gain or loss, then "qualifying 940
investee" includes all persons in the qualifying controlled 941
group on such last day. 942

(ii) If the qualifying investee, or if the qualifying 943
investee and any members of the qualifying controlled group of 944
which the qualifying investee is a member on the last day of the 945
qualifying investee's fiscal or calendar year ending immediately 946
prior to the date on which the trust recognizes the gain or 947
loss, separately or cumulatively own, directly or indirectly, on 948
the last day of the qualifying investee's fiscal or calendar 949

year ending immediately prior to the date on which the trust 950
recognizes the qualifying trust amount, more than fifty per cent 951
of the equity of a pass-through entity, then the qualifying 952
investee and the other members are deemed to own the 953
proportionate share of the pass-through entity's physical assets 954
which the pass-through entity directly or indirectly owns on the 955
last day of the pass-through entity's calendar or fiscal year 956
ending within or with the last day of the qualifying investee's 957
fiscal or calendar year ending immediately prior to the date on 958
which the trust recognizes the qualifying trust amount. 959

(iii) For the purposes of division (AA) (5) (a) (iii) of this 960
section, "upper level pass-through entity" means a pass-through 961
entity directly or indirectly owning any equity of another pass- 962
through entity, and "lower level pass-through entity" means that 963
other pass-through entity. 964

An upper level pass-through entity, whether or not it is 965
also a qualifying investee, is deemed to own, on the last day of 966
the upper level pass-through entity's calendar or fiscal year, 967
the proportionate share of the lower level pass-through entity's 968
physical assets that the lower level pass-through entity 969
directly or indirectly owns on the last day of the lower level 970
pass-through entity's calendar or fiscal year ending within or 971
with the last day of the upper level pass-through entity's 972
fiscal or calendar year. If the upper level pass-through entity 973
directly and indirectly owns less than fifty per cent of the 974
equity of the lower level pass-through entity on each day of the 975
upper level pass-through entity's calendar or fiscal year in 976
which or with which ends the calendar or fiscal year of the 977
lower level pass-through entity and if, based upon clear and 978
convincing evidence, complete information about the location and 979
cost of the physical assets of the lower pass-through entity is 980

not available to the upper level pass-through entity, then 981
solely for purposes of ascertaining if a gain or loss 982
constitutes a qualifying trust amount, the upper level pass- 983
through entity shall be deemed as owning no equity of the lower 984
level pass-through entity for each day during the upper level 985
pass-through entity's calendar or fiscal year in which or with 986
which ends the lower level pass-through entity's calendar or 987
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 988
shall be construed to provide for any deduction or exclusion in 989
computing any trust's Ohio taxable income. 990

(b) With respect to a trust that is not a resident for the 991
taxable year and with respect to a part of a trust that is not a 992
resident for the taxable year, "qualifying investee" for that 993
taxable year does not include a C corporation if both of the 994
following apply: 995

(i) During the taxable year the trust or part of the trust 996
recognizes a gain or loss from the sale, exchange, or other 997
disposition of equity or ownership interests in, or debt 998
obligations of, the C corporation. 999

(ii) Such gain or loss constitutes nonbusiness income. 1000

(6) "Available" means information is such that a person is 1001
able to learn of the information by the due date plus 1002
extensions, if any, for filing the return for the taxable year 1003
in which the trust recognizes the gain or loss. 1004

(BB) "Qualifying controlled group" has the same meaning as 1005
in section 5733.04 of the Revised Code. 1006

(CC) "Related member" has the same meaning as in section 1007
5733.042 of the Revised Code. 1008

(DD) (1) For the purposes of division (DD) of this section: 1009

(a) "Qualifying person" means any person other than a qualifying corporation.	1010 1011
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	1012 1013 1014
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	1015 1016 1017 1018
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	1019 1020 1021 1022 1023
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	1024 1025 1026
(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:	1027 1028
(1) "Trust" does not include a qualified pre-income tax trust.	1029 1030
(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE) (3) of this section.	1031 1032 1033
(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or	1034 1035 1036 1037

controls, directly, indirectly, or constructively through 1038
related interests, five per cent or more of the ownership or 1039
equity interests. The trustee shall notify the tax commissioner 1040
in writing of the election on or before April 15, 2006. The 1041
election, if timely made, shall be effective on and after 1042
January 1, 2006, and shall apply for all tax periods and tax 1043
years until revoked by the trustee of the trust. 1044

(4) A "pre-income tax trust" is a trust that satisfies all 1045
of the following requirements: 1046

(a) The document or instrument creating the trust was 1047
executed by the grantor before January 1, 1972; 1048

(b) The trust became irrevocable upon the creation of the 1049
trust; and 1050

(c) The grantor was domiciled in this state at the time 1051
the trust was created. 1052

(FF) "Uniformed services" has the same meaning as in 10
U.S.C. 101. 1053
1054

(GG) "Taxable business income" means the amount by which 1055
an individual's business income that is included in federal 1056
adjusted gross income exceeds the amount of business income the 1057
individual is authorized to deduct under division (A) (28) of 1058
this section for the taxable year. 1059

(HH) "Employer" does not include a franchisor with respect 1060
to the franchisor's relationship with a franchisee or an 1061
employee of a franchisee, unless the franchisor agrees to assume 1062
that role in writing or a court of competent jurisdiction 1063
determines that the franchisor exercises a type or degree of 1064
control over the franchisee or the franchisee's employees that 1065
is not customarily exercised by a franchisor for the purpose of 1066

protecting the franchisor's trademark, brand, or both. For 1067
purposes of this division, "franchisor" and "franchisee" have 1068
the same meanings as in 16 C.F.R. 436.1. 1069

(II) "Modified adjusted gross income" means Ohio adjusted 1070
gross income plus any amount deducted under divisions (A) (28) 1071
and (34) of this section for the taxable year. 1072

(JJ) "Qualifying Ohio educator" means an individual who, 1073
for a taxable year, qualifies as an eligible educator, as that 1074
term is defined in section 62 of the Internal Revenue Code, and 1075
who holds a certificate, license, or permit described in Chapter 1076
3319. or section 3301.071 of the Revised Code. 1077

Sec. 5747.08. An annual return with respect to the tax 1078
imposed by section 5747.02 of the Revised Code and each tax 1079
imposed under Chapter 5748. of the Revised Code shall be made by 1080
every taxpayer for any taxable year for which the taxpayer is 1081
liable for the tax imposed by that section or under that 1082
chapter, unless the total credits allowed under division (E) of 1083
section 5747.05 and divisions (F) and (G) of section 5747.055 of 1084
the Revised Code for the year are equal to or exceed the tax 1085
imposed by section 5747.02 of the Revised Code, in which case no 1086
return shall be required unless the taxpayer is liable for a tax 1087
imposed pursuant to Chapter 5748. of the Revised Code. 1088

(A) If an individual is deceased, any return or notice 1089
required of that individual under this chapter shall be made and 1090
filed by that decedent's executor, administrator, or other 1091
person charged with the property of that decedent. 1092

(B) If an individual is unable to make a return or notice 1093
required by this chapter, the return or notice required of that 1094
individual shall be made and filed by the individual's duly 1095

authorized agent, guardian, conservator, fiduciary, or other 1096
person charged with the care of the person or property of that 1097
individual. 1098

(C) Returns or notices required of an estate or a trust 1099
shall be made and filed by the fiduciary of the estate or trust. 1100

(D) (1) (a) Except as otherwise provided in division (D) (1) 1101
(b) of this section, any pass-through entity may file a single 1102
return on behalf of one or more of the entity's investors other 1103
than an investor that is a person subject to the tax imposed 1104
under section 5733.06 of the Revised Code. The single return 1105
shall set forth the name, address, and social security number or 1106
other identifying number of each of those pass-through entity 1107
investors and shall indicate the distributive share of each of 1108
those pass-through entity investor's income taxable in this 1109
state in accordance with sections 5747.20 to 5747.231 of the 1110
Revised Code. Such pass-through entity investors for whom the 1111
pass-through entity elects to file a single return are not 1112
entitled to the exemption or credit provided for by sections 1113
5747.02 and 5747.022 of the Revised Code; shall calculate the 1114
tax before business credits at the highest rate of tax set forth 1115
in section 5747.02 of the Revised Code for the taxable year for 1116
which the return is filed; and are entitled to only their 1117
distributive share of the business credits as defined in 1118
division (D) (2) of this section. A single check drawn by the 1119
pass-through entity shall accompany the return in full payment 1120
of the tax due, as shown on the single return, for such 1121
investors, other than investors who are persons subject to the 1122
tax imposed under section 5733.06 of the Revised Code. 1123

(b) (i) A pass-through entity shall not include in such a 1124
single return any investor that is a trust to the extent that 1125

any direct or indirect current, future, or contingent 1126
beneficiary of the trust is a person subject to the tax imposed 1127
under section 5733.06 of the Revised Code. 1128

(ii) A pass-through entity shall not include in such a 1129
single return any investor that is itself a pass-through entity 1130
to the extent that any direct or indirect investor in the second 1131
pass-through entity is a person subject to the tax imposed under 1132
section 5733.06 of the Revised Code. 1133

(c) Except as provided by division (L) of this section, 1134
nothing in division (D) of this section precludes the tax 1135
commissioner from requiring such investors to file the return 1136
and make the payment of taxes and related interest, penalty, and 1137
interest penalty required by this section or section 5747.02, 1138
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 1139
of this section precludes such an investor from filing the 1140
annual return under this section, utilizing the refundable 1141
credit equal to the investor's proportionate share of the tax 1142
paid by the pass-through entity on behalf of the investor under 1143
division (I) of this section, and making the payment of taxes 1144
imposed under section 5747.02 of the Revised Code. Nothing in 1145
division (D) of this section shall be construed to provide to 1146
such an investor or pass-through entity any additional deduction 1147
or credit, other than the credit provided by division (I) of 1148
this section, solely on account of the entity's filing a return 1149
in accordance with this section. Such a pass-through entity also 1150
shall make the filing and payment of estimated taxes on behalf 1151
of the pass-through entity investors other than an investor that 1152
is a person subject to the tax imposed under section 5733.06 of 1153
the Revised Code. 1154

(2) For the purposes of this section, "business credits" 1155

means the credits listed in section 5747.98 of the Revised Code	1156
excluding the following credits:	1157
(a) The retirement income credit under division (B) of	1158
section 5747.055 of the Revised Code;	1159
(b) The senior citizen credit under division (F) of	1160
section 5747.055 of the Revised Code;	1161
(c) The lump sum distribution credit under division (G) of	1162
section 5747.055 of the Revised Code;	1163
(d) The dependent care credit under section 5747.054 of	1164
the Revised Code;	1165
(e) The lump sum retirement income credit under division	1166
(C) of section 5747.055 of the Revised Code;	1167
(f) The lump sum retirement income credit under division	1168
(D) of section 5747.055 of the Revised Code;	1169
(g) The lump sum retirement income credit under division	1170
(E) of section 5747.055 of the Revised Code;	1171
(h) The credit for displaced workers who pay for job	1172
training under section 5747.27 of the Revised Code;	1173
(i) The twenty-dollar personal exemption credit under	1174
section 5747.022 of the Revised Code;	1175
(j) The joint filing credit under division (E) of section	1176
5747.05 of the Revised Code;	1177
(k) The nonresident credit under division (A) of section	1178
5747.05 of the Revised Code;	1179
(l) The credit for a resident's out-of-state income under	1180
division (B) of section 5747.05 of the Revised Code;	1181

(m) The earned income tax credit under section 5747.71 of the Revised Code;	1182 1183
(n) The lead abatement credit under section 5747.26 of the Revised Code;	1184 1185
(o) The credit for education expenses under section 5747.72 of the Revised Code;	1186 1187
(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	1188 1189
<u>(q) The thriving families tax credit under section 5747.36 of the Revised Code.</u>	1190 1191
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	1192 1193 1194 1195 1196 1197 1198 1199
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of	1200 1201 1202 1203 1204 1205 1206 1207 1208 1209 1210

this section. For the purposes of division (D) of this section, 1211
"correct tax due" means the tax that would have been paid by the 1212
pass-through entity had the single return been filed in a manner 1213
reflecting the commissioner's findings. Nothing in division (D) 1214
of this section shall be construed to make or hold a pass- 1215
through entity liable for tax attributable to a pass-through 1216
entity investor's income from a source other than the pass- 1217
through entity electing to file the single return. 1218

(E) If a husband and wife file a joint federal income tax 1219
return for a taxable year, they shall file a joint return under 1220
this section for that taxable year, and their liabilities are 1221
joint and several, but, if the federal income tax liability of 1222
either spouse is determined on a separate federal income tax 1223
return, they shall file separate returns under this section. 1224

If either spouse is not required to file a federal income 1225
tax return and either or both are required to file a return 1226
pursuant to this chapter, they may elect to file separate or 1227
joint returns, and, pursuant to that election, their liabilities 1228
are separate or joint and several. If a husband and wife file 1229
separate returns pursuant to this chapter, each must claim the 1230
taxpayer's own exemption, but not both, as authorized under 1231
section 5747.02 of the Revised Code on the taxpayer's own 1232
return. 1233

(F) Each return or notice required to be filed under this 1234
section shall contain the signature of the taxpayer or the 1235
taxpayer's duly authorized agent and of the person who prepared 1236
the return for the taxpayer, and shall include the taxpayer's 1237
social security number. Each return shall be verified by a 1238
declaration under the penalties of perjury. The tax commissioner 1239
shall prescribe the form that the signature and declaration 1240

shall take. 1241

(G) Each return or notice required to be filed under this 1242
section shall be made and filed as required by section 5747.04 1243
of the Revised Code, on or before the fifteenth day of April of 1244
each year, on forms that the tax commissioner shall prescribe, 1245
together with remittance made payable to the treasurer of state 1246
in the combined amount of the state and all school district 1247
income taxes shown to be due on the form. 1248

Upon good cause shown, the commissioner may extend the 1249
period for filing any notice or return required to be filed 1250
under this section and may adopt rules relating to extensions. 1251
If the extension results in an extension of time for the payment 1252
of any state or school district income tax liability with 1253
respect to which the return is filed, the taxpayer shall pay at 1254
the time the tax liability is paid an amount of interest 1255
computed at the rate per annum prescribed by section 5703.47 of 1256
the Revised Code on that liability from the time that payment is 1257
due without extension to the time of actual payment. Except as 1258
provided in section 5747.132 of the Revised Code, in addition to 1259
all other interest charges and penalties, all taxes imposed 1260
under this chapter or Chapter 5748. of the Revised Code and 1261
remaining unpaid after they become due, except combined amounts 1262
due of one dollar or less, bear interest at the rate per annum 1263
prescribed by section 5703.47 of the Revised Code until paid or 1264
until the day an assessment is issued under section 5747.13 of 1265
the Revised Code, whichever occurs first. 1266

If the commissioner considers it necessary in order to 1267
ensure the payment of the tax imposed by section 5747.02 of the 1268
Revised Code or any tax imposed under Chapter 5748. of the 1269
Revised Code, the commissioner may require returns and payments 1270

to be made otherwise than as provided in this section. 1271

To the extent that any provision in this division 1272
conflicts with any provision in section 5747.026 of the Revised 1273
Code, the provision in that section prevails. 1274

(H) The amounts withheld pursuant to section 5747.06, 1275
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 1276
Revised Code shall be allowed to the ultimate recipient of the 1277
income as credits against payment of the appropriate taxes 1278
imposed on the ultimate recipient by section 5747.02 and under 1279
Chapter 5748. of the Revised Code. As used in this division, 1280
"ultimate recipient" means the person who is required to report 1281
income from which amounts are withheld pursuant to section 1282
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 1283
the Revised Code on the annual return required to be filed under 1284
this section. 1285

(I) If a pass-through entity elects to file a single 1286
return under division (D) of this section and if any investor is 1287
required to file the annual return and make the payment of taxes 1288
required by this chapter on account of the investor's other 1289
income that is not included in a single return filed by a pass- 1290
through entity or any other investor elects to file the annual 1291
return, the investor is entitled to a refundable credit equal to 1292
the investor's proportionate share of the tax paid by the pass- 1293
through entity on behalf of the investor. The investor shall 1294
claim the credit for the investor's taxable year in which or 1295
with which ends the taxable year of the pass-through entity. 1296
Nothing in this chapter shall be construed to allow any credit 1297
provided in this chapter to be claimed more than once. For the 1298
purpose of computing any interest, penalty, or interest penalty, 1299
the investor shall be deemed to have paid the refundable credit 1300

provided by this division on the day that the pass-through 1301
entity paid the estimated tax or the tax giving rise to the 1302
credit. 1303

(J) The tax commissioner shall ensure that each return 1304
required to be filed under this section includes a box that the 1305
taxpayer may check to authorize a paid tax preparer who prepared 1306
the return to communicate with the department of taxation about 1307
matters pertaining to the return. The return or instructions 1308
accompanying the return shall indicate that by checking the box 1309
the taxpayer authorizes the department of taxation to contact 1310
the preparer concerning questions that arise during the 1311
processing of the return and authorizes the preparer only to 1312
provide the department with information that is missing from the 1313
return, to contact the department for information about the 1314
processing of the return or the status of the taxpayer's refund 1315
or payments, and to respond to notices about mathematical 1316
errors, offsets, or return preparation that the taxpayer has 1317
received from the department and has shown to the preparer. 1318

(K) The tax commissioner shall permit individual taxpayers 1319
to instruct the department of taxation to cause any refund of 1320
overpaid taxes to be deposited directly into a checking account, 1321
savings account, or an individual retirement account or 1322
individual retirement annuity, or preexisting college savings 1323
plan or program account offered by the Ohio tuition trust 1324
authority under Chapter 3334. of the Revised Code, as designated 1325
by the taxpayer, when the taxpayer files the annual return 1326
required by this section electronically. 1327

(L) If, for the taxable year, a nonresident or trust that 1328
is the owner of an electing pass-through entity, as defined in 1329
section 5747.38 of the Revised Code, does not have Ohio adjusted 1330

gross income or, in the case of a trust, modified Ohio taxable 1331
income other than from one or more electing pass-through 1332
entities, the nonresident or trust shall not be required to file 1333
an annual return under this section. Nothing in this division 1334
precludes such an owner from filing the annual return under this 1335
section, utilizing the refundable credit under section 5747.39 1336
of the Revised Code equal to the owner's proportionate share of 1337
the tax levied under section 5747.38 of the Revised Code and 1338
paid by the electing pass-through entity, and making the payment 1339
of taxes imposed under section 5747.02 of the Revised Code. 1340

(M) The tax commissioner may adopt rules to administer 1341
this section. 1342

Sec. 5747.36. (A) As used in this section: 1343

(1) "Qualifying child" means an individual who is a 1344
dependent of the taxpayer and who is less than eighteen years of 1345
age on the last day of the taxpayer's taxable year. 1346

(2) "Household" means any dwelling unit, including a unit 1347
in a multiple unit dwelling, a manufactured home, or a mobile 1348
home. 1349

(3) "Household income" means the sum of the federal 1350
adjusted gross income of a taxpayer and all other occupants of 1351
the taxpayer's household other than qualifying children or any 1352
other individuals eligible to be claimed as a dependent for 1353
federal income tax purposes for the taxable year. 1354

(B) (1) There is hereby granted a refundable credit, to be 1355
known as the thriving families tax credit, against the aggregate 1356
tax liability, under section 5747.02 of the Revised Code, of a 1357
taxpayer who is an individual with one or more qualifying 1358
children and who has a household income for the taxable year 1359

that does not exceed eighty-five thousand dollars. Except as 1360
provided in division (B) (2) of this section, the amount of the 1361
credit shall equal one thousand dollars for each of the 1362
taxpayer's qualifying children who is less than six years of age 1363
on the last day of the taxpayer's taxable year or five hundred 1364
dollars for each other qualifying child. 1365

(2) The credit amounts described in division (B) (1) of 1366
this section shall be reduced by one-twentieth of that amount 1367
for each one thousand dollars of a taxpayer's annual household 1368
income in excess of sixty-five thousand dollars. 1369

(3) The tax commissioner may request that a taxpayer 1370
claiming a credit under this section furnish information as is 1371
necessary to support the claim for the credit under this 1372
section, and no credit shall be allowed unless the requested 1373
information is provided. 1374

(C) The taxpayer shall claim the credit in the order 1375
required under section 5747.98 of the Revised Code. If the 1376
credit allowed for any taxable year exceeds the aggregate amount 1377
of tax otherwise due under section 5747.02 of the Revised Code, 1378
after allowing for any other credits preceding the credit in 1379
that order, the excess shall be refunded to the taxpayer in 1380
twelve equal payments to be paid on or before the last day of 1381
each calendar month beginning after the filing date. 1382

Sec. 5747.98. (A) To provide a uniform procedure for 1383
calculating a taxpayer's aggregate tax liability under section 1384
5747.02 of the Revised Code, a taxpayer shall claim any credits 1385
to which the taxpayer is entitled in the following order: 1386

Either the retirement income credit under division (B) of 1387
section 5747.055 of the Revised Code or the lump sum retirement 1388

income credits under divisions (C), (D), and (E) of that section;	1389 1390
Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;	1391 1392 1393
The dependent care credit under section 5747.054 of the Revised Code;	1394 1395
The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	1396 1397
The campaign contribution credit under section 5747.29 of the Revised Code;	1398 1399
The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	1400 1401
The joint filing credit under division (G) of section 5747.05 of the Revised Code;	1402 1403
The earned income credit under section 5747.71 of the Revised Code;	1404 1405
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	1406 1407
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	1408 1409 1410
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	1411 1412 1413
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	1414 1415

The nonrefundable job retention credit under division (B)	1416
of section 5747.058 of the Revised Code;	1417
The enterprise zone credit under section 5709.66 of the	1418
Revised Code;	1419
The credit for beginning farmers who participate in a	1420
financial management program under division (B) of section	1421
5747.77 of the Revised Code;	1422
The credit for commercial vehicle operator training	1423
expenses under section 5747.82 of the Revised Code;	1424
The credit for selling or renting agricultural assets to	1425
beginning farmers under division (A) of section 5747.77 of the	1426
Revised Code;	1427
The credit for purchases of qualifying grape production	1428
property under section 5747.28 of the Revised Code;	1429
The small business investment credit under section 5747.81	1430
of the Revised Code;	1431
The nonrefundable lead abatement credit under section	1432
5747.26 of the Revised Code;	1433
The opportunity zone investment credit under section	1434
122.84 of the Revised Code;	1435
The enterprise zone credits under section 5709.65 of the	1436
Revised Code;	1437
The research and development credit under section 5747.331	1438
of the Revised Code;	1439
The credit for rehabilitating a historic building under	1440
section 5747.76 of the Revised Code;	1441
The nonresident credit under division (A) of section	1442

5747.05 of the Revised Code;	1443
The credit for a resident's out-of-state income under	1444
division (B) of section 5747.05 of the Revised Code;	1445
The refundable motion picture and Broadway theatrical	1446
production credit under section 5747.66 of the Revised Code;	1447
The refundable jobs creation credit or job retention	1448
credit under division (A) of section 5747.058 of the Revised	1449
Code;	1450
The refundable credit for taxes paid by a qualifying	1451
entity granted under section 5747.059 of the Revised Code;	1452
The refundable credits for taxes paid by a qualifying	1453
pass-through entity granted under division (I) of section	1454
5747.08 of the Revised Code;	1455
The refundable credit under section 5747.80 of the Revised	1456
Code for losses on loans made to the Ohio venture capital	1457
program under sections 150.01 to 150.10 of the Revised Code;	1458
The refundable credit for rehabilitating a historic	1459
building under section 5747.76 of the Revised Code;	1460
The refundable credit under section 5747.39 of the Revised	1461
Code for taxes levied under section 5747.38 of the Revised Code	1462
paid by an electing pass-through entity;	1463
<u>The refundable thriving families tax credit under section</u>	1464
<u>5747.36 of the Revised Code.</u>	1465
(B) For any credit, except the refundable credits	1466
enumerated in this section and the credit granted under division	1467
(H) of section 5747.08 of the Revised Code, the amount of the	1468
credit for a taxable year shall not exceed the taxpayer's	1469

aggregate amount of tax due under section 5747.02 of the Revised Code, 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.

Section 2. That existing sections 5747.01, 5747.08, and 5747.98 of the Revised Code are hereby repealed.

Section 3. The amendment or enactment by this act of sections 5747.01 and 5747.36 of the Revised Code applies to taxable years ending on or after the effective date of this section.

Section 4. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 5747.01 of the Revised Code as amended by H.B. 45, H.B. 110, H.B. 150, H.B. 515, S.B. 33, and S.B. 246 all of the 134th General Assembly.

Section 5747.98 of the Revised Code as amended by H.B. 45, H.B. 66, H.B. 95, S.B. 166, and S.B. 246, all of the 134th General Assembly.