

As Introduced

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Regular Session

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H. B. No. 297

Representative Hill

**Cosponsors: Representatives Burkley, Hambley, Hayes, Derickson, LaTourette,
Rezabek**

A BILL

To amend section 5747.98 and to enact section
5747.052 of the Revised Code to authorize a
refundable income tax credit for current
livestock owners who invest in a manure storage
or treatment facility or acquire manure
application equipment or manure handling and
transportation equipment.

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

Section 1. That section 5747.98 be amended and section
5747.052 of the Revised Code be enacted to read as follows:

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Sec. 5747.052. (A) As used in this section:

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(1) "Livestock" has the same meaning as in section 904.01
of the Revised Code.

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(2) "Manure" and "manure storage or treatment facility"
have the same meanings as in section 903.01 of the Revised Code.

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(3) "Manure application equipment" means any machinery,
device, equipment, motor vehicle, or system used to apply or
inject manure onto or into soil for agricultural purposes.

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(4) "Manure handling and transportation equipment" means 18
any machinery, device, equipment, tool, motor vehicle, system, 19
or infrastructure improvement used primarily to move manure to 20
or from a manure storage or treatment facility or some other 21
location, or to clean or decontaminate land or surfaces on or in 22
which manure is deposited or stored. 23

(B) There is allowed a refundable credit against the tax 24
imposed by section 5747.02 of the Revised Code for taxpayers 25
owning livestock in this state that make eligible investments on 26
or after January 1, 2005, and before January 1, 2020. For the 27
purposes of this section, an "eligible investment" is any cost 28
incurred by the taxpayer to plan, design, excavate, construct, 29
or install a manure storage or treatment facility or to acquire 30
manure application equipment or manure handling and 31
transportation equipment to the extent such facility or 32
equipment assists or will assist the taxpayer in complying with 33
either or both of section 1511.10 of the Revised Code or the 34
procedures established in the United States department of 35
agriculture natural resources conservation service practice 36
standard code 590 prepared for this state with respect to 37
managing the amount, source, placement, form, and timing of the 38
application of manure. The manure storage or treatment facility, 39
manure application equipment, or manure handling and 40
transportation equipment need not be constructed or utilized in 41
the western basin, as defined in section 905.326 of the Revised 42
Code, to qualify as an eligible investment under this section. 43
No taxpayer may claim a credit under this section unless the 44
taxpayer owned livestock in this state on the effective date of 45
the enactment of this section and for the entire taxable year 46
for which the credit is claimed. 47

(C) The amount of the credit equals fifty per cent of the 48

eligible investment. Except as provided in this division, the 49
taxpayer shall claim one-fifth of the credit amount for the 50
taxable year in which the investment was made and an additional 51
one-fifth of the credit amount in each of the four ensuing 52
taxable years. For eligible investments made after December 31, 53
2004, and before the start of the taxpayer's taxable year ending 54
in 2015, the taxpayer shall claim one-fifth of the credit amount 55
for the taxable year ending in 2015 and an additional one-fifth 56
of the credit amount in each of the four ensuing taxable years. 57

The credit shall be claimed in the order required under 58
section 5747.98 of the Revised Code. If the amount of the credit 59
for a taxable year exceeds the amount of tax otherwise due under 60
section 5747.02 of the Revised Code after deduction of all other 61
credits in that order, the taxpayer is entitled to a refund of 62
the excess. 63

(D) The tax commissioner shall adopt rules for the 64
administration of this section under Chapter 119. of the Revised 65
Code. The rules may require taxpayers to submit information 66
substantiating the amount of the eligible investment, divulging 67
the primary location at which the taxpayer's livestock are cared 68
for and raised, and describing how the eligible investment will 69
assist the taxpayer in complying with state law and federal 70
guidelines concerning manure storage and application. 71

Sec. 5747.98. (A) To provide a uniform procedure for 72
calculating the amount of tax due under section 5747.02 of the 73
Revised Code, a taxpayer shall claim any credits to which the 74
taxpayer is entitled in the following order: 75

(1) The retirement income credit under division (B) of 76
section 5747.055 of the Revised Code; 77

(2) The senior citizen credit under division (C) of	78
section 5747.05 of the Revised Code;	79
(3) The lump sum distribution credit under division (D) of	80
section 5747.05 of the Revised Code;	81
(4) The dependent care credit under section 5747.054 of	82
the Revised Code;	83
(5) The lump sum retirement income credit under division	84
(C) of section 5747.055 of the Revised Code;	85
(6) The lump sum retirement income credit under division	86
(D) of section 5747.055 of the Revised Code;	87
(7) The lump sum retirement income credit under division	88
(E) of section 5747.055 of the Revised Code;	89
(8) The low-income credit under section 5747.056 of the	90
Revised Code;	91
(9) The credit for displaced workers who pay for job	92
training under section 5747.27 of the Revised Code;	93
(10) The campaign contribution credit under section	94
5747.29 of the Revised Code;	95
(11) The twenty-dollarpersonal exemption credit under	96
section 5747.022 of the Revised Code;	97
(12) The joint filing credit under division (G) of section	98
5747.05 of the Revised Code;	99
(13) The nonresident credit under division (A) of section	100
5747.05 of the Revised Code;	101
(14) The credit for a resident's out-of-state income under	102
division (B) of section 5747.05 of the Revised Code;	103

(15) The earned income credit under section 5747.71 of the Revised Code;	104 105
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	106 107
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	108 109
(18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	110 111
(19) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	112 113
(20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	114 115 116
(21) The job training credit under section 5747.39 of the Revised Code;	117 118
(22) The enterprise zone credit under section 5709.66 of the Revised Code;	119 120
(23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	121 122
(24) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	123 124
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	125 126
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	127 128
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	129 130

(28) The small business investment credit under section 5747.81 of the Revised Code;	131 132
(29) The enterprise zone credits under section 5709.65 of the Revised Code;	133 134
(30) The research and development credit under section 5747.331 of the Revised Code;	135 136
(31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	137 138
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	139 140
(33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	141 142 143
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	144 145
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	146 147 148
(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	149 150 151 152
(37) The refundable motion picture production credit under section 5747.66 of the Revised Code;	153 154
(38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code;	155 156 157

(39) The refundable credit for investments in a manure 158
storage or treatment facility or manure application equipment 159
under section 5747.052 of the Revised Code. 160

(B) For any credit, except the refundable credits 161
enumerated in this section and the credit granted under division 162
(H) of section 5747.08 of the Revised Code, the amount of the 163
credit for a taxable year shall not exceed the tax due after 164
allowing for any other credit that precedes it in the order 165
required under this section. Any excess amount of a particular 166
credit may be carried forward if authorized under the section 167
creating that credit. Nothing in this chapter shall be construed 168
to allow a taxpayer to claim, directly or indirectly, a credit 169
more than once for a taxable year. 170

Section 2. That existing section 5747.98 of the Revised 171
Code is hereby repealed. 172