

As Introduced

135th General Assembly
Regular Session
2023-2024

H. B. No. 576

Representatives White, Abrams

A BILL

To amend sections 5725.98, 5726.98, 5729.98, 1
5747.98, and 5751.98 and to enact sections 2
5725.38, 5726.61, 5727.242, 5727.301, 5729.21, 3
5736.51, 5747.86, and 5751.56 of the Revised 4
Code to authorize nonrefundable tax credits for 5
certain employer-provided child care 6
expenditures. 7

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

Section 1. That sections 5725.98, 5726.98, 5729.98, 8
5747.98, and 5751.98 be amended and sections 5725.38, 5726.61, 9
5727.242, 5727.301, 5729.21, 5736.51, 5747.86, and 5751.56 of 10
the Revised Code be enacted to read as follows: 11

Sec. 5725.38. (A) As used in this section, "tax credit 12
certificate" has the same meaning as in section 5751.56 of the 13
Revised Code. 14

(B) A domestic insurance company issued a tax credit 15
certificate authorizing the company to claim a credit against 16
the tax levied under section 5725.18 of the Revised Code may 17
claim a credit against that tax equal to the amount stated in 18
the certificate. The credit shall be claimed for the calendar 19

year preceding the year the certificate was issued and in the 20
order required by section 5725.98 of the Revised Code. Any 21
credit amount in excess of the company's tax liability, after 22
allowing for any other credits preceding the credit in that 23
order, may be carried forward for not more than five ensuing 24
years, but the amount of the excess credit claimed against the 25
tax for any year shall be deducted from the balance carried 26
forward to the next year. 27

Sec. 5725.98. (A) To provide a uniform procedure for 28
calculating the amount of tax imposed by section 5725.18 of the 29
Revised Code that is due under this chapter, a taxpayer shall 30
claim any credits and offsets against tax liability to which it 31
is entitled in the following order: 32

The credit for an insurance company or insurance company 33
group under section 5729.031 of the Revised Code; 34

The credit for eligible employee training costs under 35
section 5725.31 of the Revised Code; 36

The credit for purchasers of qualified low-income 37
community investments under section 5725.33 of the Revised Code; 38

The nonrefundable job retention credit under division (B) 39
of section 122.171 of the Revised Code; 40

The nonrefundable credit for investments in rural business 41
growth funds under section 122.152 of the Revised Code; 42

The nonrefundable Ohio low-income housing tax credit under 43
section 5725.36 of the Revised Code; 44

The nonrefundable affordable single-family home credit 45
under section 5725.37 of the Revised Code; 46

The nonrefundable credit for contributing capital to a 47

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| transformational mixed use development project under section | 48 |
| 5725.35 of the Revised Code; | 49 |
| <u>The nonrefundable credit for employer-provided child care</u> | 50 |
| <u>expenses under section 5725.38 of the Revised Code;</u> | 51 |
| The offset of assessments by the Ohio life and health | 52 |
| insurance guaranty association permitted by section 3956.20 of | 53 |
| the Revised Code; | 54 |
| The refundable credit for rehabilitating a historic | 55 |
| building under section 5725.34 of the Revised Code; | 56 |
| The refundable credit for Ohio job retention under former | 57 |
| division (B) (2) or (3) of section 122.171 of the Revised Code as | 58 |
| those divisions existed before September 29, 2015, the effective | 59 |
| date of the amendment of this section by H.B. 64 of the 131st | 60 |
| general assembly; | 61 |
| The refundable credit for Ohio job creation under section | 62 |
| 5725.32 of the Revised Code; | 63 |
| The refundable credit under section 5725.19 of the Revised | 64 |
| Code for losses on loans made under the Ohio venture capital | 65 |
| program under sections 150.01 to 150.10 of the Revised Code. | 66 |
| (B) For any credit except the refundable credits | 67 |
| enumerated in this section, the amount of the credit for a | 68 |
| taxable year shall not exceed the tax due after allowing for any | 69 |
| other credit that precedes it in the order required under this | 70 |
| section. Any excess amount of a particular credit may be carried | 71 |
| forward if authorized under the section creating that credit. | 72 |
| Nothing in this chapter shall be construed to allow a taxpayer | 73 |
| to claim, directly or indirectly, a credit more than once for a | 74 |
| taxable year. | 75 |

Sec. 5726.61. (A) As used in this section, "tax credit certificate" has the same meaning as in section 5751.56 of the Revised Code. 76
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(B) A taxpayer issued a tax credit certificate authorizing the taxpayer to claim a credit against the tax levied under section 5726.02 of the Revised Code may claim a credit against that tax equal to the amount stated in the certificate. The credit shall be claimed for the taxable year preceding the year in which the certificate is issued and in the order required by section 5726.98 of the Revised Code. Any credit amount in excess of the taxpayer's tax liability, after allowing for any other credits preceding the credit in that order, may be carried forward for not more than five ensuing years, but the amount of the excess credit claimed against the tax for any year shall be deducted from the balance carried forward to the next year. 79
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Sec. 5726.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5726.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled under this chapter in the following order: 91
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The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code; 95
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The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code; 97
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The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code; 100
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The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code; 102
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The nonrefundable Ohio low-income housing tax credit under 104

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| section 5726.58 of the Revised Code; | 105 |
| The nonrefundable affordable single-family home credit | 106 |
| under section 5726.60 of the Revised Code; | 107 |
| The nonrefundable welcome home Ohio (WHO) program credit | 108 |
| under section 122.633 of the Revised Code; | 109 |
| <u>The nonrefundable credit for employer-provided child care</u> | 110 |
| <u>expenses under section 5726.61 of the Revised Code;</u> | 111 |
| The refundable credit for rehabilitating an historic | 112 |
| building under section 5726.52 of the Revised Code; | 113 |
| The refundable job retention or job creation credit under | 114 |
| division (A) of section 5726.50 of the Revised Code; | 115 |
| The refundable credit under section 5726.53 of the Revised | 116 |
| Code for losses on loans made under the Ohio venture capital | 117 |
| program under sections 150.01 to 150.10 of the Revised Code; | 118 |
| The refundable motion picture and Broadway theatrical | 119 |
| production credit under section 5726.55 of the Revised Code; | 120 |
| The refundable credit for film and theater capital | 121 |
| improvement projects under section 5726.59 of the Revised Code. | 122 |
| (B) For any credit except the refundable credits | 123 |
| enumerated in this section, the amount of the credit for a | 124 |
| taxable year shall not exceed the tax due after allowing for any | 125 |
| other credit that precedes it in the order required under this | 126 |
| section. Any excess amount of a particular credit may be carried | 127 |
| forward if authorized under the section creating that credit. | 128 |
| Nothing in this chapter shall be construed to allow a taxpayer | 129 |
| to claim, directly or indirectly, a credit more than once for a | 130 |
| taxable year. | 131 |

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| <u>Sec. 5727.242. (A) As used in this section:</u> | 132 |
| <u>(1) "Tax credit certificate" has the same meaning as in section 5751.56 of the Revised Code.</u> | 133 134 |
| <u>(2) "Taxpayer" means any person subject to the tax levied under section 5727.24 of the Revised Code.</u> | 135 136 |
| <u>(B) A taxpayer issued a tax credit certificate authorizing the taxpayer to claim a credit against the tax levied under section 5727.24 of the Revised Code may claim a credit against that tax equal to the amount stated in the certificate. The credit shall be claimed on the first return due under section 5727.25 of the Revised Code after the certificate is issued and after the credits authorized in sections 5727.241 and 5727.29 of the Revised Code. Any credit amount in excess of the taxpayer's tax liability, after allowing for any other credits preceding the credit in that order, may be carried forward for not more than five ensuing years, but the amount of the excess credit claimed against the tax for any year shall be deducted from the balance carried forward to the next year.</u> | 137 138 139 140 141 142 143 144 145 146 147 148 149 |
| <u>Sec. 5727.301. (A) As used in this section:</u> | 150 |
| <u>(1) "Tax credit certificate" has the same meaning as in section 5751.56 of the Revised Code.</u> | 151 152 |
| <u>(2) "Taxpayer" means any person subject to the tax levied under section 5727.30 of the Revised Code.</u> | 153 154 |
| <u>(B) A taxpayer issued a tax credit certificate authorizing the taxpayer to claim a credit against the tax levied under section 5727.30 of the Revised Code may claim a credit against that tax equal to the amount stated in the certificate. The credit shall be claimed on the first report due under section 5727.31 of the Revised Code after the certificate is issued and</u> | 155 156 157 158 159 160 |

after the credit authorized in section 5727.29 of the Revised 161
Code. Any credit amount in excess of the taxpayer's tax 162
liability, after allowing for the preceding credit, may be 163
carried forward for not more than five ensuing years, but the 164
amount of the excess credit claimed against the tax for any year 165
shall be deducted from the balance carried forward to the next 166
year. 167

Sec. 5729.21. (A) As used in this section, "tax credit 168
certificate" has the same meaning as in section 5751.56 of the 169
Revised Code. 170

(B) A foreign insurance company issued a tax credit 171
certificate authorizing the company to claim a credit against 172
the tax levied under section 5729.03 of the Revised Code may 173
claim a credit against that tax equal to the amount stated in 174
the certificate. The credit shall be claimed for the calendar 175
year preceding the year in which the certificate is issued and 176
in the order required by section 5729.98 of the Revised Code. 177
Any credit amount in excess of the company's tax liability, 178
after allowing for any other credits preceding the credit in 179
that order, may be carried forward for not more than five 180
ensuing years, but the amount of the excess credit claimed 181
against the tax for any year shall be deducted from the balance 182
carried forward to the next year. 183

(C) A foreign insurance company shall not be required to 184
pay any additional tax levied under section 5729.06 of the 185
Revised Code as a result of claiming the tax credit authorized 186
under this section. 187

Sec. 5729.98. (A) To provide a uniform procedure for 188
calculating the amount of tax due under this chapter, a taxpayer 189
shall claim any credits and offsets against tax liability to 190

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| which it is entitled in the following order: | 191 |
| The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code; | 192 193 |
| The credit for eligible employee training costs under section 5729.07 of the Revised Code; | 194 195 |
| The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code; | 196 197 |
| The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code; | 198 199 |
| The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code; | 200 201 |
| The nonrefundable Ohio low-income housing tax credit under section 5729.19 of the Revised Code; | 202 203 |
| The nonrefundable affordable single-family home credit under section 5729.20 of the Revised Code; | 204 205 |
| The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5729.18 of the Revised Code; | 206 207 208 |
| <u>The nonrefundable credit for employer-provided child care expenses under section 5729.21 of the Revised Code;</u> | 209 210 |
| The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code; | 211 212 213 |
| The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code; | 214 215 |
| The refundable credit for Ohio job retention under former division (B) (2) or (3) of section 122.171 of the Revised Code as | 216 217 |

those divisions existed before September 29, 2015, the effective 218
date of the amendment of this section by H.B. 64 of the 131st 219
general assembly; 220

The refundable credit for Ohio job creation under section 221
5729.032 of the Revised Code; 222

The refundable credit under section 5729.08 of the Revised 223
Code for losses on loans made under the Ohio venture capital 224
program under sections 150.01 to 150.10 of the Revised Code. 225

(B) For any credit except the refundable credits 226
enumerated in this section, the amount of the credit for a 227
taxable year shall not exceed the tax due after allowing for any 228
other credit that precedes it in the order required under this 229
section. Any excess amount of a particular credit may be carried 230
forward if authorized under the section creating that credit. 231
Nothing in this chapter shall be construed to allow a taxpayer 232
to claim, directly or indirectly, a credit more than once for a 233
taxable year. 234

Sec. 5736.51. (A) As used in this section, "tax credit 235
certificate" has the same meaning as in section 5751.56 of the 236
Revised Code. 237

(B) A taxpayer issued a tax credit certificate authorizing 238
the taxpayer to claim a credit against the tax levied under 239
section 5736.02 of the Revised Code may claim a credit against 240
that tax equal to the amount stated in the certificate. The 241
credit shall be claimed for the tax period preceding the tax 242
period in which the certificate is issued and after any credit 243
authorized in section 5736.50 of the Revised Code. Any credit 244
amount in excess of the taxpayer's tax liability may be carried 245
forward for not more than five ensuing years, but the amount of 246

the excess credit claimed against the tax for any year shall be 247
deducted from the balance carried forward to the next year. 248

Sec. 5747.86. (A) As used in this section, "tax credit 249
certificate" has the same meaning as in section 5751.56 of the 250
Revised Code. 251

(B) There is allowed a refundable credit against a 252
taxpayer's aggregate tax liability under section 5747.02 of the 253
Revised Code equal to the amount stated in a tax credit 254
certificate, to the extent the certificate authorizes the credit 255
to be claimed against that tax liability. The credit shall be 256
claimed for the taxable year preceding the taxable year in which 257
the certificate is issued and in the order required by section 258
5747.98 of the Revised Code. Any credit amount in excess of the 259
taxpayer's tax liability, after allowing for any other credits 260
preceding the credit in that order, may be carried forward for 261
not more than five ensuing years, but the amount of the excess 262
credit claimed against the tax for any year shall be deducted 263
from the balance carried forward to the next year. 264

Nothing in this section limits or disallows pass-through 265
treatment of the credit if the person to which the certificate 266
is issued is a pass-through entity. 267

Sec. 5747.98. (A) To provide a uniform procedure for 268
calculating a taxpayer's aggregate tax liability under section 269
5747.02 of the Revised Code, a taxpayer shall claim any credits 270
to which the taxpayer is entitled in the following order: 271

Either the retirement income credit under division (B) of 272
section 5747.055 of the Revised Code or the lump sum retirement 273
income credits under divisions (C), (D), and (E) of that 274
section; 275

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| Either the senior citizen credit under division (F) of | 276 |
| section 5747.055 of the Revised Code or the lump sum | 277 |
| distribution credit under division (G) of that section; | 278 |
| The dependent care credit under section 5747.054 of the | 279 |
| Revised Code; | 280 |
| The credit for displaced workers who pay for job training | 281 |
| under section 5747.27 of the Revised Code; | 282 |
| The campaign contribution credit under section 5747.29 of | 283 |
| the Revised Code; | 284 |
| The twenty-dollar personal exemption credit under section | 285 |
| 5747.022 of the Revised Code; | 286 |
| The joint filing credit under division (G) <u>(E)</u> of section | 287 |
| 5747.05 of the Revised Code; | 288 |
| The earned income credit under section 5747.71 of the | 289 |
| Revised Code; | 290 |
| The nonrefundable credit for education expenses under | 291 |
| section 5747.72 of the Revised Code; | 292 |
| The nonrefundable credit for donations to scholarship | 293 |
| granting organizations under section 5747.73 of the Revised | 294 |
| Code; | 295 |
| The nonrefundable credit for tuition paid to a | 296 |
| nonchartered nonpublic school under section 5747.75 of the | 297 |
| Revised Code; | 298 |
| The nonrefundable vocational job credit under section | 299 |
| 5747.057 of the Revised Code; | 300 |
| The nonrefundable job retention credit under division (B) | 301 |
| of section 5747.058 of the Revised Code; | 302 |

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| The enterprise zone credit under section 5709.66 of the Revised Code; | 303 304 |
| The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code; | 305 306 307 |
| The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code; | 308 309 |
| The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code; | 310 311 |
| <u>The nonrefundable credit for employer-provided child care expenses under section 5747.86 of the Revised Code;</u> | 312 313 |
| The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code; | 314 315 316 |
| The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code; | 317 318 |
| The small business investment credit under section 5747.81 of the Revised Code; | 319 320 |
| The nonrefundable lead abatement credit under section 5747.26 of the Revised Code; | 321 322 |
| The opportunity zone investment credit under section 122.84 of the Revised Code; | 323 324 |
| The enterprise zone credits under section 5709.65 of the Revised Code; | 325 326 |
| The research and development credit under section 5747.331 of the Revised Code; | 327 328 |
| The credit for rehabilitating a historic building under | 329 |

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| section 5747.76 of the Revised Code; | 330 |
| The nonrefundable Ohio low-income housing tax credit under | 331 |
| section 5747.83 of the Revised Code; | 332 |
| The nonrefundable affordable single-family home credit | 333 |
| under section 5747.84 of the Revised Code; | 334 |
| The nonresident credit under division (A) of section | 335 |
| 5747.05 of the Revised Code; | 336 |
| The credit for a resident's out-of-state income under | 337 |
| division (B) of section 5747.05 of the Revised Code; | 338 |
| The refundable motion picture and Broadway theatrical | 339 |
| production credit under section 5747.66 of the Revised Code; | 340 |
| The refundable credit for film and theater capital | 341 |
| improvement projects under section 5747.67 of the Revised Code; | 342 |
| The refundable jobs creation credit or job retention | 343 |
| credit under division (A) of section 5747.058 of the Revised | 344 |
| Code; | 345 |
| The refundable credit for taxes paid by a qualifying | 346 |
| entity granted under section 5747.059 of the Revised Code; | 347 |
| The refundable credits for taxes paid by a qualifying | 348 |
| pass-through entity granted under division (I) of section | 349 |
| 5747.08 of the Revised Code; | 350 |
| The refundable credit under section 5747.80 of the Revised | 351 |
| Code for losses on loans made to the Ohio venture capital | 352 |
| program under sections 150.01 to 150.10 of the Revised Code; | 353 |
| The refundable credit for rehabilitating a historic | 354 |
| building under section 5747.76 of the Revised Code; | 355 |
| The refundable credit under section 5747.39 of the Revised | 356 |

Code for taxes levied under section 5747.38 of the Revised Code 357
paid by an electing pass-through entity. 358

(B) For any credit, except the refundable credits 359
enumerated in this section and the credit granted under division 360
(H) of section 5747.08 of the Revised Code, the amount of the 361
credit for a taxable year shall not exceed the taxpayer's 362
aggregate amount of tax due under section 5747.02 of the Revised 363
Code, after allowing for any other credit that precedes it in 364
the order required under this section. Any excess amount of a 365
particular credit may be carried forward if authorized under the 366
section creating that credit. Nothing in this chapter shall be 367
construed to allow a taxpayer to claim, directly or indirectly, 368
a credit more than once for a taxable year. 369

Sec. 5751.56. (A) As used in this section: 370

(1) "Eligible expenses" means both of the following: 371

(a) Any amount that would qualify as a qualified child 372
care expenditure under section 45F of the Internal Revenue Code, 373
without regard to any limitation under that section on the 374
amount of expenses allowable; 375

(b) Any amount paid by an employer to an employee for the 376
provision of child care at a licensed child care program, as 377
that term is defined in section 5104.01 of the Revised Code, for 378
children of the employee. 379

(2) "Tax credit certificate" means a certificate issued by 380
the tax commissioner under division (B) of this section. 381

(B) An employer that incurs eligible expenses during the 382
preceding calendar year may submit an application to the tax 383
commissioner for a credit authorized by this section. The 384
application shall be made on a form and in a manner that the 385

commissioner shall prescribe. The application shall state the 386
amount of such eligible expenses, the tax against which the 387
credit will be claimed, and any other information the 388
commissioner may require. An employer shall submit the 389
application on or before the fifteenth day of January. 390

The commissioner shall evaluate applications in the order 391
in which they are received and issue a determination. If the 392
commissioner denies an application, the determination shall 393
state the reason for the denial. If the commissioner approves an 394
application, the determination shall include a certificate 395
listing the amount of credit that the applicant may claim and 396
the tax against which it may be claimed. The amount of a credit 397
authorized by this section shall equal the lesser of five 398
hundred thousand dollars or the amount of eligible expenses the 399
employer incurred in the preceding calendar year. 400

(C) An employer may claim a nonrefundable credit against 401
the tax imposed under section 5725.18, 5726.02, 5727.24, 402
5727.30, 5729.03, 5736.02, 5747.02, or 5751.02 of the Revised 403
Code, as authorized by the tax credit certificate, equal to the 404
amount listed on that certificate. The credit shall be claimed 405
in the manner prescribed by division (D) of this section or by 406
section 5725.38, 5726.61, 5727.242, 5727.301, 5729.21, 5736.51, 407
or 5747.86 of the Revised Code, as applicable. 408

(D) A taxpayer issued a tax credit certificate authorizing 409
the taxpayer to claim a credit against the tax levied under 410
section 5751.02 of the Revised Code may claim a credit against 411
that tax equal to the amount stated in the certificate. The 412
credit shall be claimed for the tax period preceding the tax 413
period in which the certificate is issued and in the order 414
required by section 5751.98 of the Revised Code. Any credit 415

amount in excess of the taxpayer's tax liability, after allowing 416
for any other credits preceding the credit in that order, may be 417
carried forward for not more than the nineteen ensuing tax 418
periods, but the amount of the excess credit claimed against the 419
tax for any tax period shall be deducted from the balance 420
carried forward to the next tax period. 421

Sec. 5751.98. (A) To provide a uniform procedure for 422
calculating the amount of tax due under this chapter, a taxpayer 423
shall claim any credits to which it is entitled in the following 424
order: 425

The nonrefundable jobs retention credit under division (B) 426
of section 5751.50 of the Revised Code; 427

The nonrefundable credit for employer-provided child care 428
expenses under section 5751.56 of the Revised Code; 429

The nonrefundable credit for qualified research expenses 430
under division (B) of section 5751.51 of the Revised Code; 431

The nonrefundable credit for a borrower's qualified 432
research and development loan payments under division (B) of 433
section 5751.52 of the Revised Code; 434

The nonrefundable credit for calendar years 2010 to 2029 435
for unused net operating losses under division (B) of section 436
5751.53 of the Revised Code; 437

The refundable motion picture and Broadway theatrical 438
production credit under section 5751.54 of the Revised Code; 439

The refundable credit for film and theater capital 440
improvement projects under section 5751.55 of the Revised Code; 441

The refundable jobs creation credit or job retention 442
credit under division (A) of section 5751.50 of the Revised 443

Code; 444

The refundable credit for calendar year 2030 for unused 445
net operating losses under division (C) of section 5751.53 of 446
the Revised Code. 447

(B) For any credit except the refundable credits 448
enumerated in this section, the amount of the credit for a tax 449
period shall not exceed the tax due after allowing for any other 450
credit that precedes it in the order required under this 451
section. Any excess amount of a particular credit may be carried 452
forward if authorized under the section creating the credit. 453

Section 2. That existing sections 5725.98, 5726.98, 454
5729.98, 5747.98, and 5751.98 of the Revised Code are hereby 455
repealed. 456

Section 3. The enactment by this act of sections 5725.38, 457
5726.61, 5727.242, 5727.301, 5729.21, 5736.51, 5747.86, and 458
5751.56 of the Revised Code applies to applications submitted as 459
described in section 5751.56 of the Revised Code on or after the 460
first day of the first January following the effective date of 461
this section. 462