Ohio Legislative Service Commission

Bill Analysis

Stephen Estelle

H.B. 104

129th General Assembly
(As Introduced)

Reps. Gardner, Beck, Foley, Garland, Fedor, McKenney, Buchy, Grossman, Derickson, Gonzales, Slesnick, Yuko, Martin, Balderson, Stebelton, Maag, Mecklenborg, Rosenberger, Hall, O'Brien, Okey, DeGeeter, R. Adams, Hayes, Patmon, Hackett, Antonio, Letson, Clyde, Carney, Baker, Hottinger, Boose, Blair, Huffman

BILL SUMMARY

- Creates an income tax refund "check-off" contribution for the benefit of the Ohio Historical Society.

CONTENT AND OPERATION

Income tax refund contribution for Ohio Historical Society

The bill authorizes taxpayers who are due a refund of overpaid Ohio income tax to specify that all or a part of the refund be paid to the Ohio Historical Society. Contributions are to be credited to the Ohio Historical Society Income Tax Contribution Fund, a fund created by the bill. The Society must use money in the fund in furtherance of its public functions as provided in R.C. 149.30 to 149.31 and other laws (summarized below). In addition to income tax refund contributions, the fund may accept direct contributions.[1]

Currently, there are three income tax refund contributions or "check-offs": one for the benefit of the Natural Areas and Preserves Fund; one for the benefit of the Nongame and Endangered Wildlife Fund; and one for the benefit of the Military Injury Relief Fund. The Natural Areas and Preserves Fund and the Nongame and Endangered Wildlife Fund are administered by the Department of Natural Resources. The Military Injury Relief Fund is administered by the Department of Job and Family Services for the

[1] R.C. 149.308 and 5747.113.

benefit of military personnel injured while serving under Operation Iraqi Freedom or Operating Enduring Freedom (Afghanistan).

As with the existing check-offs, the bill's Ohio Historical Society check-off would authorize taxpayers to direct that all or part of their refund be credited to the designated fund. The designation is made on the annual income tax return. The designation may not be revoked once the designation is made and the return is filed.

Report

The bill requires the Ohio Historical Society to submit a biennial report on the effectiveness of the check-off to the General Assembly in January of every odd-numbered year. The report must include information about how the Society spent money from the Ohio Historical Society Income Tax Contribution Fund and the amount of money contributed (including both the amount contributed through the refund check-off and the amount contributed directly). The report must provide this information for each of the five preceding years.

Administrative expenses

The Department of Taxation is entitled to reimbursement for its costs of administering the check-offs. Reimbursement currently is paid from the existing check-off funds in equal one-third shares. The reimbursement may not exceed 2-1/2% of the total amount contributed. Under the bill, the reimbursement would be divided in equal one-fourth shares among the two DNR funds, the Military Injury Relief Fund, and the Ohio Historical Society Income Tax Contribution Fund. The reimbursement would continue to be limited to 2-1/2% of contributions.

Application date

Income tax refunds may be contributed to the Ohio Historical Society beginning with taxable years that begin in or after 2011.[2]

Ohio Historical Society

The Ohio Historical Society is a state-chartered, nonprofit corporation having the purpose of promoting knowledge of history and archeology, and performing any other public functions prescribed by law. (R.C. 149.30.) Among its prescribed functions are the following:

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[2] Section 3.

- Holding and maintaining state memorials and certain state-owned properties and making them available for the public, and holding and maintaining other sites;
- Administering state archives and preserving various historical documents;
- Administering the state historical museum;
- Publishing materials and conducting research about history, archeology, and natural sciences;
- Assisting local historical societies;
- Establishing criteria for the designation of historic and archeological sites.

HISTORY

ACTION	DATE
Introduced	02-15-11

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