



# Ohio Legislative Service Commission

## Synopsis of Senate Committee Amendments\*

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### **Sub. H.B. 472**

129th General Assembly  
(S. Ways & Means & Economic Development)

#### **CAT exemption for suppliers of unrefined precious metals**

Exempts from the commercial activity tax base gross receipts derived from the sale of certain unrefined precious metals to refining facilities in the Appalachian region to the extent the refined products are shipped outside Ohio.

#### **Municipal property tax abatement**

Authorizes the abatement of unpaid property taxes, penalties, and interest owed on property that is owned by a municipal corporation and that would have qualified for property tax exemption if not for a failure to comply with certain tax exemption procedures.

#### **9-1-1 service law changes**

##### **Wireless 9-1-1 charges**

Requires continuous imposition of the monthly wireless 9-1-1 charge on prepaid subscribers, at 25¢, and collection by wireless service providers and resellers until the new prepaid charge, which is 0.5% of the sale price of a prepaid service, collected by sellers, takes effect in 2014.

Prohibits the wireless 9-1-1 charges from being imposed on a subscriber of lifeline service or a provider of that service.

Delays until 2014 the Tax Commissioner's duty to notify known wireless service providers, resellers, and prepaid sellers of a change in the amount of the prepaid or nonprepaid wireless 9-1-1 charge.

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

## **Duties and authority of the Public Utilities Commission**

Requires duties and authority of the Public Utilities Commission (PUCO) to be maintained as under current law until 2014, rather than transferring those to the Tax Commissioner or the Department of Public Safety immediately, including collecting charges, auditing and assessments, spending authority, and disbursement of funds.

Terminates the 9-1-1 Service Program and the position of the Ohio 9-1-1 Coordinator, effective January 1, 2014.

Removes provisions that would have required the Director of Public Safety to appoint and oversee an Ohio 9-1-1 Coordinator.

Restores current law requiring PUCO to determine the rates for the wireline telephone network portion of a 9-1-1 system, to be charged to wireline telephone customers.

Modifies the membership of the Ohio 9-1-1 Council by requiring the Ohio 9-1-1 Coordinator (within the PUCO) to serve on the Council until January 1, 2014, and requiring the Director of Public Safety (or designee) to serve on and after that date.

## **Remittance of wireless 9-1-1 charges**

Alters provisions governing remittance of the prepaid and nonprepaid charges to the Tax Commissioner, including requiring remittance to the Tax Commissioner beginning in 2014, homogenizing requirements for the two charges, permitting 30-day extensions, and removing a provision regarding reconciliation returns.

## **Audits and assessments**

Specifies that prepaid sellers are liable to the state for amounts not collected or remitted, and specifies that providers, resellers, and prepaid sellers are liable to the state for failure to remit money to the Tax Commissioner regardless of whether the money was collected.

Vests the audit and assessment duties with the Tax Commissioner beginning in 2014, but also modifies provisions governing those audits and assessments, including applying them to prepaid sellers, replacing procedural provisions, and permitting the Tax Commissioner to assess a person for an erroneously refunded charge.

## **Disbursements**

Requires that the Department of Public Safety, rather than the Tax Commissioner, receive certifications that a subdivision or regional council of

governments has paid the basic costs for which disbursements from the wireless 9-1-1 charges may be used for.

Requires the Tax Commissioner to take over disbursement duties in 2014 from the Ohio 9-1-1 Coordinator, rather than immediately.

Requires both the Coordinator and the Commissioner to make the disbursements in the same manner as the 2012 disbursements, in accordance with the formula and determination provisions in current law, rather than requiring the disbursements to "remain at the level disbursed in 2012."

Requires the Tax Commissioner, beginning January 1, 2014, to make disbursements from the Next Generation 9-1-1 Fund in accordance with guidelines established by the Statewide Emergency Services Internet Protocol Network Steering Committee.

Prescribes the wireless enhanced 9-1-1 purposes that disbursements from the Next Generation 9-1-1 Fund may be used for, and permits a subdivision or regional council of governments that certifies that it has paid these costs to use those disbursements to pay personnel costs of public safety answering points.

Limits the number of public safety answering points that may use disbursements from the Next Generation 9-1-1 Fund.

### **Compliance with technical and operational standards**

Requires the Department of Public Safety to monitor compliance with technical and operation standards for public safety answering points set by rule of the Statewide Emergency Services Internet Protocol Network Steering Committee.

### **Administrative funding**

Makes effective in 2014, rather than immediately, the funding for the Department of Public Safety (1% of the remitted wireless 9-1-1 charges) to be used for defraying administrative costs.

Makes effective in 2014, rather than immediately, the funding for the Tax Commissioner (1% of the remitted wireless 9-1-1 charges) to be used for defraying administrative costs.

Requires the Tax Commissioner and the Director of Public Safety to annually transfer any excess from their administrative allotments to the Next Generation 9-1-1 Fund, rather than the Wireless 9-1-1 Government Assistance Fund (the main fund for the deposit of the wireless 9-1-1 charges).



Appropriates \$1,174,000 from the General Revenue Fund to the Department of Taxation for operating expenses, effective immediately.

### **Rulemaking and administration of the 9-1-1 law**

Permits, rather than requires, the Tax Commissioner to adopt rules to carry out the 9-1-1 law, and relieves the Commissioner of the duty to consult with the Director of Public Safety in adopting these rules.

Removes a requirement that the Director of Public Safety, after consultation with the Tax Commissioner, adopt rules under the Administrative Procedure Act to carry out certain provisions of the 9-1-1 law.

Removes a requirement that the Wireless 9-1-1 Advisory Board make recommendations to and consult with the Director of Public Safety regarding any rules adopted to carry out the 9-1-1 law.

Permits the Director of Public Safety to adopt rules under Chapter 111. of the Revised Code, which does not require public hearings, to approve, adopt, and prescribe such forms and processes as are necessary to carry out the duties required of the Director under the 9-1-1 law.

Permits the Director of Public Safety, at the Director's discretion, to assign Department employees to provide assistance in carrying out the Director's duties under the 9-1-1 law.

### **Definitions**

Defines "consumer," for purposes of the 9-1-1 law, in a way that accords with the sales-tax law.

Defines "reseller," for purposes of the 9-1-1 law, as a nonfacilities-based provider of wireless service that provides that service under its own name to one or more end users in Ohio using the network of a wireless service provider.