

As Introduced

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H. B. No. 405

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Hoops, Collier, Schaffer, Reinhard, Oelslager, Carano, Aslanides, Smith, S.,
Wagoner, Uecker, Skindell, Seitz, Perry, Buehrer**

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A BILL

To amend section 5747.98 and to enact section 5747.72 1
of the Revised Code to allow a nonrefundable 2
credit against the personal income tax for the 3
installation of energy-efficient devices in homes. 4

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

Section 1. That section 5747.98 be amended and section 5
5747.72 of the Revised Code be enacted to read as follows: 6

Sec. 5747.72. (A) As used in this section, "energy saving 7
device" means a residential washer, dryer, range, refrigerator, 8
freezer, water heater, dishwasher, trash compactor, air 9
conditioner, furnace, or other similar product used for regulating 10
air or water temperature, cooking, sanitary purposes, or other 11
household purposes, or a window or door on an outside wall of a 12
home, if the device carries the energy star label indicating that 13
it meets the efficiency criteria of the energy star program 14
established by the United States department of energy and the 15
United States environmental protection agency. "Energy saving 16

device" does not include any television or other appliance used primarily for entertainment.

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(B) A nonrefundable credit against the tax imposed by section 5747.02 of the Revised Code may be claimed by a taxpayer who, during the taxable year purchases and installs in the taxpayer's home one or more new energy saving devices. The amount of the credit shall be in accordance with the following table, but shall not exceed the actual cost to the taxpayer of purchase and installation:

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<u>Cost of Purchase and Installation of Devices</u>	<u>Maximum Amount of Credit</u>
<u>Under \$2,500</u>	<u>\$100</u>
<u>\$2,500-4,999.99</u>	<u>\$250</u>
<u>\$5,000-9,999.99</u>	<u>\$500</u>
<u>\$10,000 or more</u>	<u>\$1,000</u>

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The credit may not be claimed on more than one tax return, except that a husband and wife who file separate returns may elect to claim separate credits that do not together exceed the maximum allowable amount of the credit. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. The credit for a taxable year shall not exceed the taxpayer's tax liability for that year after allowing for any other credit that precedes the credit under this section in that order.

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

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

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(2) The senior citizen credit under division (C) of section

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5747.05 of the Revised Code;	47
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	48 49
(4) The dependent care credit under section 5747.054 of the Revised Code;	50 51
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	52 53
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	54 55
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	56 57
(8) The low-income credit under section 5747.056 of the Revised Code;	58 59
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	60 61
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	62 63
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	64 65
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	66 67
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	68 69
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	70 71
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	72 73
(16) The credit for employers that reimburse employee child	74

care expenses under section 5747.36 of the Revised Code;	75
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	76 77
(18) <u>The credit for purchasing and installing energy saving devices under section 5747.72 of the Revised Code;</u>	78 79
(19) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	80 81
(19) (20) The job retention credit under division (B) of section 5747.058 of the Revised Code;	82 83
(20) (21) The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	84 85 86 87
(21) (22) The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 of the Revised Code;	88 89 90
(22) (23) 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;	91 92 93
(23) (24) The job training credit under section 5747.39 of the Revised Code;	94 95
(24) (25) The enterprise zone credit under section 5709.66 of the Revised Code;	96 97
(25) (26) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	98 99
(26) (27) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	100 101
(27) (28) The ethanol plant investment credit under section 5747.75 of the Revised Code;	102 103

(28) <u>(29)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	104 105
(29) <u>(30)</u> The export sales credit under section 5747.057 of the Revised Code;	106 107
(30) <u>(31)</u> The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	108 109 110
(31) <u>(32)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	111 112
(32) <u>(33)</u> The research and development credit under section 5747.331 of the Revised Code;	113 114
(33) <u>(34)</u> The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	115 116
(34) <u>(35)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	117 118
(35) <u>(36)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	119 120 121
(36) <u>(37)</u> The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	122 123
(37) <u>(38)</u> The credit for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a refundable credit under section 150.07 of the Revised Code.	124 125 126 127
(B) For any credit, except the credits enumerated in divisions (A) (33) <u>(34)</u> to (37) <u>(38)</u> of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a	128 129 130 131 132 133

particular credit may be carried forward if authorized under the 134
section creating that credit. Nothing in this chapter shall be 135
construed to allow a taxpayer to claim, directly or indirectly, a 136
credit more than once for a taxable year. 137

Section 2. That existing section 5747.98 of the Revised Code 138
is hereby repealed. 139

Section 3. Sections 1 and 2 of this act apply to taxable 140
years beginning on or after January 1, 2005. 141