

g_133_0371-2

. B. No.

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "to extend tax filing and payment deadlines and specify the municipal income tax status of employees' alternative workplaces, and to declare an emergency"

After line _____, insert:

"Section 1. (A) Notwithstanding section 5703.35 of the Revised Code, the Tax Commissioner may do any of the following during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020:

(1) Extend to any company, firm, corporation, person, association, partnership, or public utility affected by the emergency a further specified time within which to file any report required by law to be filed with the Commissioner, in which event the attaching of any penalty for failure to file such report or pay any tax or fee shall be extended accordingly, without regard to the forty-five-day limitation of section 5703.35 of the Revised Code;

(2) Extend to any company, firm, corporation, person, association, partnership, or public utility affected by the emergency a further specified time within which to make any estimated or accelerated payment that would otherwise be due pursuant to Chapter 718., 3734., 3769., 4303., or 4305., or Title LVII of the Revised Code, in which event the attaching of

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any penalty for failure to file such report or pay any tax or 23
fee shall be extended accordingly; 24

(3) Waive the payment of interest that is calculated at 25
the rate per annum prescribed by section 5703.47 of the Revised 26
Code and that would otherwise be due pursuant to Chapter 718., 27
3734., 3769., 4303., or 4305., or Title LVII of the Revised Code 28
for any payment extended under division (A) (1) or (2) of this 29
section. 30

(B) If the Tax Commissioner extends for all taxpayers the 31
date for filing state income tax returns under division (A) of 32
this section or division (G) of section 5747.08 of the Revised 33
Code during the period of the emergency declared by Executive 34
Order 2020-01D, issued on March 9, 2020, a taxpayer shall 35
automatically receive an extension for the filing of a municipal 36
net profit tax return under section 718.85 of the Revised Code 37
during that period. The extended due date of the municipal net 38
profit tax return shall be the same as the extended due date of 39
the state income tax return." 40

After line _____, insert: 41

"**Section 2.** Notwithstanding section 718.011 of the Revised 42
Code, and for the purposes of Chapter 718. of the Revised Code, 43
during the period of the emergency declared by Executive Order 44
2020-01D, issued on March 9, 2020, and for thirty days after the 45
conclusion of that period, any day on which an employee performs 46
personal services at a location, including the employee's home, 47
to which the employee is required to report for employment 48
duties because of the declaration shall be deemed to be a day 49
performing personal services at the employee's principal place 50
of work." 51

After line _____, insert: 52

"Section 3. This act is hereby declared to be an emergency 53
measure necessary for the immediate preservation of the public 54
peace, health, and safety. The reason for such necessity is to 55
minimize the disruption to tax compliance efforts during the 56
COVID-19 disease outbreak. Therefore, this act shall go into 57
immediate effect." 58

The motion was _____ agreed to.

SYNOPSIS 59

Tax compliance mitigation 60

Sections 1, 2, and 3 61

Expressly authorizes the Tax Commissioner to extend state 62
tax filing and payment deadlines for the duration of the 63
Governor's COVID-19 emergency declaration and to waive 64
associated interest and penalties for taxpayers affected by the 65
emergency. Also applies to school district income taxes, 66
municipal income taxes administered by the state, and certain 67
fees administered by the Department of Taxation. 68

Specifies that, for municipal income tax purposes, 69
employees who must report to a temporary worksite (including 70
their home) during the emergency period, or within 30 days 71
thereafter, are considered to be working at their otherwise 72
principal place of work (which, by law, is where the employee 73
reports for work on "a regular and ordinary basis"). This 74
affects which municipal corporation the employer must withhold 75
income taxes for, which municipal corporation may tax the 76
employee's pay, and whether and how much of the employer's own 77

income is subject to a municipality's income tax. (Under current 78
law, an employee may work in a municipality for up to 20 days 79
per year without the employee becoming subject to that 80
municipality's income tax and the employer becoming subject to 81
that municipality's tax withholding requirements. And, if an 82
employee does not exceed the 20-day threshold, that employee's 83
pay is not counted toward the business's payroll factor, one of 84
three factors--along with property and sales--that determines 85
whether, and the extent to which, an employer's own income is 86
subject to the municipality's tax on net profits. See R.C. 87
718.011, 718.02, and 718.82.) 88

Declares an emergency. 89