

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5703-29-02

Rule Type: Amendment

Rule Title/Tagline: Application of common owners and joint ventures.

Agency Name: Department of Taxation

Division:

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I. Rule Summary

- 1. Is this a five year rule review? Yes**
 - A. What is the rule's five year review date? 11/6/2020**
- 2. Is this rule the result of recent legislation? No**
- 3. What statute is this rule being promulgated under? 119**
- 4. What statute(s) grant rule writing authority? 5703.05**
- 5. What statute(s) does the rule implement or amplify? 5751.011, 5751.012**
- 6. What are the reasons for proposing the rule?**

The rule is being reviewed as part of the five year rule review process.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidance and examples for determining common ownership for purposes of the commercial activity tax (CAT). R.C. 5751.011 and 5751.012 provide for group reporting and payment of the CAT for certain groups of entities that meet specified ownership criteria. The rule describes the general application of the ownership criteria and the application of the ownership criteria for different entity

types. Changes are proposed to clarify some of the language in the rule and to provide a standard to be used by the tax commissioner in evaluating whether a taxpayer is eligible for a retroactive consolidated election.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The rule requires the report of information as a condition of compliance.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 1

The word "shall" is removed from 5703-29-02(G)