

4086.

APPROVAL, BONDS OF PARMA CITY SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, \$9,000.00.

COLUMBUS, OHIO, MARCH 23, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4087.

APPROVAL, BONDS OF CLAY TOWNSHIP RURAL SCHOOL DISTRICT, SCIOTO COUNTY, OHIO, \$2500.00.

COLUMBUS, OHIO, MARCH 23, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4088.

APPROVAL, BONDS OF TROY TOWNSHIP RURAL SCHOOL DISTRICT, WOOD COUNTY, OHIO, \$2,087.40.

COLUMBUS, OHIO, MARCH 23, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4089.

APPROVAL, BONDS OF PERRY TOWNSHIP RURAL SCHOOL DISTRICT, ASHLAND COUNTY, OHIO, \$2,056.32.

COLUMBUS, OHIO, MARCH 23, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4090.

PUBLIC UTILITIES—EXCISE TAX ON GROSS RECEIPTS IMPOSED BY H. B. NO. 43, SECOND SPECIAL SESSION OF 90TH GENERAL ASSEMBLY—HOW COMPUTED—UNION DEPOT COMPANIES.

SYLLABUS:

1. *By the terms of House Bill No. 43, second special session of the 90th General Assembly (effective December 13, 1934), the excise taxes imposed on the gross receipts of public utilities enumerated therein, payable in the year 1935, shall be computed at the rate specified in the sections repealed by said act, on the gross receipts and gross earnings prior to December 13, 1934, and at the rate specified in the sections amended by said Act, in their present form on gross receipts and gross earnings subsequent to December 13, 1934.*

2. *The base upon which to compute such taxes for the period up to December 13, 1934 is the entire gross receipts of the company, including all sums earned or charged, whether actually received or not for business done within this state, excluding therefrom as to each of such utilities all receipts derived wholly from interstate business, or business done for the federal government. The base upon which to compute such taxes on and after December 13, 1934, is the entire gross receipts of such utilities, actually received from whatever source derived, from business done within this state, excluding therefrom as to each of such utilities all receipts derived wholly from interstate business, or business done for the federal government.*

3. *In the case of union depot companies, in computing such excise taxes for the period on and after December 13, 1934, all money paid or advanced to such companies, by the railroad company or companies owning them, is to be excluded from the gross receipts actually received, in determining the base.*

COLUMBUS, OHIO, MARCH 23, 1935.

Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your recent communication, which reads as follows:

“May we have your immediate formal opinion relative to the manner of computing the excise taxes upon the gross receipts or earnings of public utilities in so far as the method of determining the tax is changed by the provisions of House Bill No. 43 enacted at the Second Special Session of the 90th General Assembly and effective December 13, 1934.

It would appear that the tax is to be computed at the old rate until December 13, 1934 and at the new rate thereafter. The question now arises whether the taxes shall be computed at the old rate upon the base established by the statute as it read prior to December 13, 1934 and computed thereafter upon the base established by the statute as effective December 13, 1934. May we, therefore have your formal opinion regarding both the rate to be employed and the base upon which the tax is to be computed.

We are forwarding herewith a memorandum submitted in support of the conclusion that the base for the computation of the entire year tax liability shall be as provided by section 5474 of the General Code and other pertinent sections as effective December 13, 1934.”