

4582.46 Port authority real and personal property exempted from taxes assessments.

~~A port authority shall be exempt from and shall not be required to pay any taxes on property, both real and personal, or any combination thereof, belonging to any port authority that is used exclusively for any authorized purpose.~~

~~This exemption shall not apply to any property occupied and used during a tax year by a person who is a lessee of the property as of the tax lien date for that tax year under a written lease with a remaining term longer than one year.~~

~~The immediately preceding sentence shall not apply to real or personal property, or any combination thereof, leased to a lessee, which property would be exempt from taxes under Chapter 5709. of the Revised Code if such property belonged to that lessee.~~

~~Nothing in this section eliminates the lessor's or the lessee's obligation to comply with other provisions of the Revised Code to obtain an exemption for such property.~~

The following changes will have to be compared to ORC Chapter 5709, and if necessary changes to various 5709 sections will be required.

(A) The real and personal property of a port authority used for administration purposes shall be tax exempt.

(B) A port authority project involving leases of real properties or rights of way to for-profit lessees for non-profit access and uses shall be exempt from real property taxation assessments on the project's real properties or rights of way. A port authority project involving leases of real properties or rights of way to non-profit lessees for for-profit or non-profit access and uses shall be exempt from real property taxation assessments on the project's real properties or rights of way.

Example 1: A corporation leasing right of way and beautifying it at no cost. Example 2: A non-profit organization holding a fun run fundraiser on a trail.

A port authority project involving leases of real properties or rights of way to for-profit lessees for for-profit access and uses, and whose real properties or rights of way can efficiently, practically, or possibly host or support additional lessees equally, shall be exempt from real property taxation assessments on the project's real properties or rights of way.

Example 3: Right of way leased to a telecommunications company that installs a fiber optic line.

A port authority project involving leases of real properties or rights of way to for-profit lessees for for-profit access and uses, and whose real properties or rights of way cannot efficiently, practically, or possibly host or support additional lessees equally, shall net lease those real properties or rights of way, and the lessees shall be subject to real property taxation assessments assessed at industrial or corporate rates if a lessee is not a transportation, telecommunication, or teleportation provider, and at common carrier rates if a lessee is a transportation, telecommunication, or teleportation provider.

Example 4: Right of way leased to a railroad company that installs a rail line.

(C) A port authority project involving leases of infrastructures or facilities to for-profit lessees for non-profit access and uses shall be exempt from personal property taxation assessments on the project's infrastructures or facilities. A port authority project involving leases of infrastructures or facilities to non-profit lessees for for-profit or non-profit access and uses shall be exempt from personal property taxation assessments on the project's infrastructures or facilities.

Example 5: A corporation leasing a pavilion for a benefit for a non-profit organization. Example 6: A non-profit organization leasing a fiber line to help establish a private wide area network.

A port authority project involving leases of infrastructures or facilities to for-profit lessees for for-profit access and uses, and whose infrastructures or facilities can efficiently, practically, or possibly host or support additional lessees equally, shall be exempt from personal property taxation assessments on the project's infrastructures or facilities.

Example 7: Tower space leased to a wireless telecommunications provider.

A port authority project involving leases of infrastructures or facilities to for-profit lessees for for-profit access and uses, and whose infrastructures or facilities cannot efficiently, practically, or possibly host or support additional lessees equally, shall net lease those infrastructures or facilities, and the lessees shall be subject to personal property taxation assessments assessed at industrial or corporate rates if a lessee is not a transportation, telecommunication, or teleportation provider, and at common carrier rates if a lessee is a transportation, telecommunication, or teleportation provider.

Example 8: A rail line leased to a railroad company.

(D) A port authority project involving providing real properties, rights of way, infrastructures or facilities to for-profit lessees for non-profit access and uses shall exempt lessees' personal properties used to access and use the project from personal property taxation assessments. A port authority project involving providing real properties, rights of way, infrastructures or facilities to non-profit lessees for for-profit or non-profit access and uses shall exempt lessees' personal properties used to access and use the project from personal property taxation assessments.

Example 9: A railroad company's passenger car used to provide excursion passenger service for free. Example 10: A non-profit museum's railroad passenger car used to provide excursion passenger service.

A port authority project involving providing real properties, rights of way, infrastructures or facilities to for-profit lessees for for-profit access and uses, and whose real properties, rights of way, infrastructures or facilities

can efficiently, practically, or possibly host or support additional lessees' personal properties used to access and use the project equally, shall subject those lessees' personal properties used to access and use the project to personal property taxation assessments assessed at industrial or corporate rates for all lessees.

Example 11: Multiple telecommunication companies equally sharing a network operations center.

A port authority project involving providing real properties, rights of way, infrastructures or facilities to for-profit lessees for for-profit access and uses, and those real properties, rights of way, infrastructures or facilities cannot efficiently, practically, or possibly host or support additional lessees' personal properties used to access and use the project equally, shall subject those lessees' personal properties used to access and use the project to personal property taxation assessments assessed at common carrier rates for all lessees.

Example 12: A rail line leased to a railroad company.

(E) A port authority transportation, telecommunication, or teleportation project involving port authority provision of real properties, rights of way, infrastructures, or facilities, and where the port authority refrains from provision of service or services using the real properties, rights of way, infrastructures, or facilities, and provides equal open access of the real properties, rights of way, infrastructures, or facilities to all users shall be exempt from real and personal property taxation assessments.

Example 13: Users of the Ohio Turnpike Commission providing right of way and highway but refraining from competitive carriage service are not assessed real property taxes for accessing and using the Ohio Turnpike. Turnpike users are not assessed additional personal property taxes on their vehicles – those taxes are assessed under other ORC chapters and sections.

A port authority transportation, telecommunication, or teleportation project involving port authority provision of real properties, rights of way, infrastructures, or facilities, and where the port authority is the sole

provider of a for-profit service or services using the real properties, rights of way, infrastructures, or facilities shall be subject to real and personal property taxation assessments assessed at common carrier rates.

Example 14: A port authority project where it is an Internet service provider.

(F) Real and personal taxation assessments to the port authority or its projects' users may be suspended at any time for any period for homeland security, national defense, or other contingencies needs with approval of the department of taxation.