

As Passed by the House

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 472

Representative Beck

**Cosponsors: Representatives Letson, Antonio, Barnes, Boose, Combs,
Gardner, Garland, Hackett, Newbold, O'Brien, Sears, Sprague, Thompson,
Wachtmann, Winburn, Young Speaker Batchelder**

—

A B I L L

To amend section 5701.11 of the Revised Code to 1
expressly incorporate changes in the Internal 2
Revenue Code since March 7, 2011, into Ohio law 3
and to declare an emergency. 4

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

Section 1. That section 5701.11 of the Revised Code be 5
amended to read as follows: 6

Sec. 5701.11. The effective date to which this section refers 7
is the effective date of this section as amended by ~~H.B. 58~~ 8
~~...B....~~ of the 129th general assembly. 9

(A)(1) Except as provided under division (A)(2) or (B) of 10
this section, any reference in Title LVIII of the Revised Code to 11
the Internal Revenue Code, to the Internal Revenue Code "as 12
amended," to other laws of the United States, or to other laws of 13
the United States, "as amended," means the Internal Revenue Code 14
or other laws of the United States as they exist on the effective 15
date. 16

(2) This section does not apply to any reference in Title 17
LVII of the Revised Code to the Internal Revenue Code as of a date 18
certain specifying the day, month, and year, or to other laws of 19
the United States as of a date certain specifying the day, month, 20
and year. 21

(B)(1) For purposes of applying section 5733.04, 5745.01, or 22
5747.01 of the Revised Code to a taxpayer's taxable year ending 23
after ~~December 15, 2010~~ March 7, 2011, and before the effective 24
date, a taxpayer may irrevocably elect to incorporate the 25
provisions of the Internal Revenue Code or other laws of the 26
United States that are in effect for federal income tax purposes 27
for that taxable year if those provisions differ from the 28
provisions that, under division (A) of this section, would 29
otherwise apply. The filing by the taxpayer for that taxable year 30
of a report or return that incorporates the provisions of the 31
Internal Revenue Code or other laws of the United States 32
applicable for federal income tax purposes for that taxable year, 33
and that does not include any adjustments to reverse the effects 34
of any differences between those provisions and the provisions 35
that would otherwise apply, constitutes the making of an 36
irrevocable election under this division for that taxable year. 37

(2) Elections under prior versions of division (B)(1) of this 38
section remain in effect for the taxable years to which they 39
apply. 40

Section 2. That existing section 5701.11 of the Revised Code 41
is hereby repealed. 42

Section 3. This act is hereby declared to be an emergency 43
measure necessary for the immediate preservation of the public 44
peace, health, and safety. The reason for such necessity lies in 45
the need to update Ohio's tax law to enable taxpayers to rely on 46
recent rules, rulings, and interpretations of the Internal Revenue 47

Service for their 2011 tax returns. Therefore, this act shall go 48
into immediate effect. 49