

**As Reported by the House Ways and Means Committee**

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

**H. B. No. 472**

**Representative Beck**

**Cosponsor: Representative Letson**

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**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 LVII 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