

As Reported by the House Ways and Means Committee

131st General Assembly

Regular Session

2015-2016

Am. H. B. No. 19

Representative Scherer

**Cosponsors: Representatives McClain, Cera, Baker, Boose, Burkley, Henne,
Rogers, Schaffer, Slaby**

A BILL

To amend section 5701.11 of the Revised Code to 1
expressly incorporate changes in the Internal 2
Revenue Code since March 22, 2013, into Ohio 3
law, 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 7
refers is the effective date of this section as amended by ~~S.B.~~ 8
~~28~~H.B. 19 of the ~~130th~~131st 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 13
of the United States, "as amended," means the Internal Revenue 14
Code or other laws of the United States as they exist on the 15
effective 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 certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B) (1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after ~~December 20, 2012~~March 22, 2013, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

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

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 That existing section 5701.11 of the Revised Code is hereby repealed.

Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to enable taxpayers to avoid making miscellaneous adjustments on

their 2014 tax returns that increase tax liabilities. Therefore, 48
this act shall go into immediate effect. 49