

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 18

Senators Roegner, Schaffer

A BILL

To amend section 5701.11 of the Revised Code to
expressly incorporate changes in the Internal
Revenue Code since March 27, 2020, into Ohio law
and to declare an emergency. 1
2
3
4

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

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

Sec. 5701.11. The effective date to which this section
refers is the effective date of this section as amended by ~~H.B.~~
~~197-__B__~~ of the ~~133rd~~ 134th general assembly. 7
8
9

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

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

laws of the United States as of a date certain specifying the 20
day, month, and year. 21

(B) (1) For purposes of applying section 5733.04, 5745.01, 22
or 5747.01 of the Revised Code to a taxpayer's taxable year 23
ending after ~~March 30, 2018~~March 27, 2020, and before the 24
effective date, a taxpayer may irrevocably elect to incorporate 25
the 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 30
year of a report or return that incorporates the provisions of 31
the Internal Revenue Code or other laws of the United States 32
applicable for federal income tax purposes for that taxable 33
year, and that does not include any adjustments to reverse the 34
effects of any differences between those provisions and the 35
provisions that would otherwise apply, constitutes the making of 36
an irrevocable election under this division for that taxable 37
year. 38

(2) Elections under prior versions of division (B) (1) of 39
this section remain in effect for the taxable years to which 40
they apply. 41

Section 2. That existing section 5701.11 of the Revised 42
Code is hereby repealed. 43

Section 3. This act is hereby declared to be an emergency 44
measure necessary for the immediate preservation of the public 45
peace, health, and safety. The reason for such necessity is to 46
enable taxpayers to avoid making miscellaneous adjustments on 47
their 2020 tax returns that increase costs of compliance. 48
Therefore, this act shall go into immediate effect. 49