

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 10

Senator Blessing

A BILL

To amend section 5701.11 of the Revised Code to 1
expressly incorporate changes in the Internal 2
Revenue Code since February 17, 2022, 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 ~~H.B. 8~~
~~51 of the 134th general assembly~~this act. 9

(A) (1) Except as provided under division (A) (2) or (B) of 10
this section, any reference in Title LVII or section 149.311, 11
3123.90, 3770.073, or 3772.37 of the Revised Code to the 12
Internal Revenue Code, to the Internal Revenue Code "as 13
amended," to other laws of the United States, or to other laws 14
of the United States, "as amended," means the Internal Revenue 15
Code or other laws of the United States as they exist on the 16
effective date. 17

(2) This section does not apply to any reference in Title 18
LVII of the Revised Code to the Internal Revenue Code as of a 19

date certain specifying the day, month, and year, or to other 20
laws of the United States as of a date certain specifying the 21
day, month, and year. 22

(B) (1) For purposes of applying section 5733.04, 5745.01, 23
or 5747.01 of the Revised Code to a taxpayer's taxable year 24
ending after ~~March 31, 2021~~February 17, 2022, and before the 25
effective date, a taxpayer may irrevocably elect to incorporate 26
the provisions of the Internal Revenue Code or other laws of the 27
United States that are in effect for federal income tax purposes 28
for that taxable year if those provisions differ from the 29
provisions that, under division (A) of this section, would 30
otherwise apply. The filing by the taxpayer for that taxable 31
year of a report or return that incorporates the provisions of 32
the Internal Revenue Code or other laws of the United States 33
applicable for federal income tax purposes for that taxable 34
year, and that does not include any adjustments to reverse the 35
effects of any differences between those provisions and the 36
provisions that would otherwise apply, constitutes the making of 37
an irrevocable election under this division for that taxable 38
year. 39

(2) Elections under prior versions of division (B) (1) of 40
this section remain in effect for the taxable years to which 41
they apply. 42

Section 2. That existing section 5701.11 of the Revised 43
Code is hereby repealed. 44

Section 3. Section 5701.11 of the Revised Code is 45
presented in this act as a composite of the section as amended 46
by both H.B. 51 and S.B. 225 of the 134th General Assembly. The 47
General Assembly, applying the principle stated in division (B) 48
of section 1.52 of the Revised Code that amendments are to be 49

harmonized if reasonably capable of simultaneous operation, 50
finds that the composite is the resulting version of the section 51
in effect prior to the effective date of the section as 52
presented in this act. 53

Section 4. This act is hereby declared to be an emergency 54
measure necessary for the immediate preservation of the public 55
peace, health, and safety. The reason for such necessity is to 56
enable taxpayers to avoid making miscellaneous adjustments on 57
their 2022 tax returns that increase costs of compliance. 58
Therefore, this act shall go into immediate effect. 59