

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. H. B. No. 11**

**Representative Scherer**

**Cosponsors: Representatives Schaffer, Rogers, Blessing, Hambley, Henne, Retherford, Anielski, Antonio, Ashford, Barnes, Boyd, Craig, Dever, Ginter, Green, Holmes, Householder, Johnson, T., McColley, Miller, O'Brien, Patterson, Patton, Reineke, Riedel, Ryan, Seitz, Smith, R., Sprague, Sweeney, Thompson, Wiggam, Young, Speaker Rosenberger**

**Senators Eklund, Williams, Terhar, Beagle, Peterson, Wilson, Balderson, Coley, Dolan, Hackett, Hite, Hoagland, Hottinger, Huffman, LaRose, Lehner, Manning, Obhof, Oelslager, Tavares, Thomas, Uecker**

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**A BILL**

To amend section 5701.11 of the Revised Code to  
expressly incorporate changes in the Internal  
Revenue Code since February 14, 2016, into Ohio  
law and to declare an emergency. 1  
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**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  
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**Sec. 5701.11.** The effective date to which this section  
refers is the effective date of this section as amended by ~~S.B.~~  
~~2-H.B. 11~~ of the ~~131st~~ 132nd general assembly. 7  
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(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 10  
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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.

(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  
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 ~~April 1, 2015~~ February 14, 2016, 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. 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 2016 tax returns that increase tax liabilities. Therefore, 48  
this act shall go into immediate effect. 49