

## AN ACT

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since October 16, 2009, into Ohio law; to suspend the operation of sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code and Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly to postpone operation of the sunset review law until July 1, 2011; and to declare an emergency.

*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:

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by ~~H.B. 4~~ H.B. 495 of the 128th general assembly.

(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.

(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 ~~December 30, 2008~~ October 16, 2009, 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. During the period beginning on the effective date of this section and ending on July 1, 2011, the operation of sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code and Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly is suspended. Upon the ending of the period of suspension, sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code and Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly, in either their present form or as they are in the meantime amended or re-enacted, again become fully operational.

SECTION 4. It is the intent of Section 3 of this act to postpone, until July 1, 2011, the expiration of agencies and the repeal of the sunset review law that otherwise would occur on December 31, 2010, in the absence of the suspension provided for in that section.

SECTION 5. This act is an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The sunset review law is scheduled to operate on December 31, 2010, as a matter of law. But the General Assembly needs more time to consider and enact legislation specifying how that operation is to occur. In the absence of that specifying legislation, allowing the sunset review law to operate automatically could have unintended effects, and also could result in uncertainty and confusion. Furthermore, the law that generally will apply to Ohio taxpayers beginning on January 1, 2011, will not be clear without the incorporation of recent changes in the Internal Revenue Code into Ohio law. Therefore, this act goes into immediate effect.



Speaker \_\_\_\_\_ of the House of Representatives.



President \_\_\_\_\_ of the Senate.

Passed December 8, 2010

Approved December 15, 2010



Governor.

Sub. H. B. No. 495

128th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

*Mark Flanders*

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the 16<sup>th</sup> day of December, A. D. 2010.

*Janet B...*

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*Secretary of State.*

File No. 5-5

Effective Date 12-15-10

immediately  
emergency